

Modesto City Council

January 2, 1960

The Council of the City of Modesto met in special session this date at 9:00 A.M., as provided by Section 2-1.102 of the Modesto Municipal Code in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding, for the following purpose:

To consider settlement of litigation to acquire property for widening of McHenry Avenue

The City Clerk called the roll and there were

Present: Councilmen: Knoles, Spaulding, VanderWall, Mayor Hammond
Absent: Councilmen: Adams, Arata, Martin

Terms of an offer of settlement of litigation received from Ciro Conetto Jr., through his attorneys, relating to the right of way for the widening of McHenry Avenue were outlined by City Manager Ross Miller, which would provide for the city to pay \$2500 for damages to compensate for loss of parking.

The offer was also made on the basis that the property would be relieved of any assessment for drainage as it relates to this McHenry Avenue frontage on the basis of the dedication of the land without payment by the city. The City Manager reported that he and the City Attorney recommended that the settlement be made on this basis.

The City Manager reported that Mr. Conetto had requested sewer service to his property on the regular basis that he will agree to annex to the city in the normal manner. This request can be cleared by the Manager if the settlement is approved by the Council.

MOTION

That the settlement of litigation to acquire the Ciro Conetto Jr. property on McHenry Avenue, as outlined by the City Manager, be and it is hereby approved and that the proper officials be authorized to execute all documents necessary to complete the settlement.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ATTEST:


CITY CLERK

Modesto City Council
January 6, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Councilman Adams arrived at 4:03 P.M.
Absent: Councilmen: None

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

Rev. Alfred M. Smoak gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of December 9, 1959, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM RALPH L. SISK RE: LOCATION OF STATE COLLEGE IN STANISLAUS COUNTY 1-37

A letter was read and ordered filed from Ralph Lee Sisk, 1316 N. Street, Sacramento, regarding the movement at Turlock to change the name of the Stanislaus County State College to Turlock State College.

LETTER FROM MR. & MRS. A. P. KOEN RE: IMPROVMENT DISTRICT NO. 8 1-70

A letter was read from Mr. & Mrs. A. P. Koen, 608 Hackberry Avenue, expressing disappointment on the abandonment of Improvement District No. 8 - Storm drainage in North Central area.

With the consent of the Council, Mayor Hammond agreed to write a letter explaining the city's position.

LETTER FROM FRANK ANDREWS RE: ESCALON FIRE 1-75

A letter from Frank Andrews, with attached picture from the Modesto Bee of the recent fire in Escalon, was noted. Mr. Andrews stated that this fire was a "shining example of what happens when the power goes off at the time most needed". He asked that one of the city's main projects for 1960 should be that such a thing would not happen in Modesto.

The City Manager pointed out that the city had two types of standby, 1) elevated towers which gives pressure and storage to the extent of 800,000 gallons, and 2) five supplementary gas engines which go on automatically as needed when the power goes off.

With the consent of the Council, the City Manager agreed to acknowledge receipt of the letter explaining the city's protection in this regard.

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INVITATION TO ATTEND CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES MEETING 1-90

An invitation from Ward Bull, President of the Central Valley Division of the League of California Cities, to attend the regular quarterly meeting being held in Turlock on January 28, was noted.

The City Manager suggested that an invitation be given at this League meeting to hold its next meeting in Modesto (April) at which time the new City Hall will be probably completed and occupied.

MOTION

That the City Manager be authorized to check out this matter and clear the completion date of the City Hall so that the invitation can be given at this meeting if possible.

Moved by VanderWall Seconded by Arata Unanimously carried

LETTER FROM DEPARTMENT OF JUSTICE 1-105

A letter was read and ordered filed from Stanley Mosk, Attorney General, relating to the attendance of Chiefs of Police to the peace officer's zone meetings called by the Attorney General.

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR PRINTING OF REVISED AND SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE 1-110

RESOLUTION NO. 60-1

A RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR THE PRINTING OF REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

The time set for opening of bids was January 18 at 2:00 P.M.

ACCEPT BIDS ON GASOLINE AND DIESEL FUEL 1-119

Copies of the tabulation of bids received for gasoline and diesel fuel for the year 1960 were distributed for Council consideration.

RESOLUTION NO. 60-2

A RESOLUTION ACCEPTING THE BID OF SUNLAND REFINING COMPANY FOR FURNISHING GASOLINE FOR THE YEAR 1960

Introduced by Spaulding Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

RESOLUTION NO. 60-3

A RESOLUTION ACCEPTING THE BID OF E. B. BLAKELEY & SON FOR FURNISHING OF DIESEL FUEL FOR THE YEAR 1960

Introduced by Arata Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

ACCEPT BID ON RUBBER TIRED TRACTOR 2-04

Director of Public Works Ray reported that the bid of \$2,771.95 submitted by Delta Tractor Company of Stockton on December 28, was the lowest bid submitted for the rubber-tired tractor (International 1-340).

The Council discussed the advantages to the city if the second lowest bid of \$2,787.27 submitted on a John Deere 440 Industrial Wheel Tractor by Valley Tractor Company, a local company, was accepted. Points brought out in this discussion were 1) sales tax could be collected by the City of Modesto if the bid was awarded locally which would more than make up the difference in price (\$15.); 2) local merchants should be given the advantage whenever possible as they supported the community, and 3) local service available to the city would be a direct advantage.

Tom Dillinger, representative of the Delta Tractor Company, and Harry Rix, representative of the Valley Tractor Company, spoke on the equipment their companies were offering the city.

RESOLUTION NO. 60-4

A RESOLUTION ACCEPTING THE BID OF THE VALLEY TRACTOR COMPANY FOR THE PURCHASE OF THE RUBBER TIRED TRACTOR

Introduced by Martin Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCES 2-96

ORDINANCE NO. 351-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 9-2.01, 9-2.05, 9-2.06, 9-2.07, 9-2.08, 9-2.09, 9-2.10, 9-2.11, 9-2.12, 9-2.17, 9-2.20 and 9-2.21 OF CHAPTER 2 OF TITLE IX AND REPEALING SECTION 9-2.04.1 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE"

introduced on December 23, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Adams Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE NO. 352-C.S. entitled

"AN ORDINANCE ESTABLISHING BUILDING LINE SETBACKS ALONG CERTAIN STREETS, PROHIBITING THE ERECTION OF BUILDINGS OR STRUCTURES OR THE INSTALLATION OF WELLS, EXCAVATIONS, AND OTHER SUBSURFACE STRUCTURES THEREIN, PROVIDING FOR THE ENFORCEMENT THEREOF AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF"

introduced on December 23, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Spaulding Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

ACCEPT CONSTRUCTION OF SUBTRUNK AND PERIMETER SEWER IN STRATHMORE
SUBDIVISION BY W. M. LYLES COMPANY 2-106

RESOLUTION NO. 60-5

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUBTRUNK AND PERIMETER SEWER IN STRATHMORE SUBDIVISION BY W. M. LYLES COMPANY; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

ACCEPT SUBTRUNK AND PERIMETER SEWER IN MONTGOMERY VILLAGE NO. 3 2-110

RESOLUTION NO. 60-6

A RESOLUTION ACCEPTING THE CONSTRUCTION OF MONTGOMERY VILLAGE NO. 3 SUBTRUNK AND PERIMETER SEWER BY W. M. LYLES COMPANY; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

FURTHER CONSIDERATION OF PROTEST FILED BY CHARLES ASPLIN ON
CONSTRUCTION OF DRIVEWAY APPROACH 2-118

Pursuant to Council direction, Director of Public Works Ray presented a sketch of the driveway approach constructed by the State contractor in front of the Charles Asplin property located at 211 McHenry Avenue, which had been protested by Dr. Asplin as not being aligned with his driveway. Mr. Ray pointed out that the driveway approach was located by the State contractor at a location designated by Dr. Asplin's brother in the absence of Dr. Asplin from the city. The staff feels that there is no problem in the use of the driveway; that there is no reason to relocate it or to widen it at this time; that the present driveway will not exist too long as this is commercial property and some other type of development will probably be made on this property, with or without a driveway. There is no real problem of access to the property. The State has fulfilled its obligation and if there is any change made it will have to be at the expense of the city or property owner. He recommended that no action be taken by the city.

MOTION

That the city make no change in the driveway approach as recommended by the Director of Public Works and that Dr. Asplin be so informed by the City Clerk.

Moved by VanderWall Seconded by Arata Unanimously carried

REPORT ON ANNEXATIONS 3-55

The City Manager stated that a report was being prepared which would show the number of annexations and the amount of area involved and number of persons involved for the year 1959. The report will also show the same information for the previous ten years. The increasing obligation being assumed by the city will be indicated in the report.

HEARING ON ANNEXATION OF EAST FLOYD ADDITION TO CITY 3-60

Mayor Hammond declared that the hour of 4:30 P.M. had arrived, the time set by the Council for the hearing on the proposed annexation of the East Floyd Addition to the City of Modesto.

The City Clerk certified that the notice of the hearing had been published in the manner prescribed by law, that the notices had been sent to all interested persons and that no written protests had been received at this time.

Mayor Hammond asked if anyone wished to file an oral protest or to make any comments. No oral protests or comments were made. He declared the hearing closed.

ORDINANCE NO. 353-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE EAST FLOYD ADDITION TO THE CITY OF MODESTO"

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

Moved by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

HEARING ON ANNEXATION OF O'SHEA ADDITION TO THE CITY 3-76

Mayor Hammond declared that the hour of 4:35 P.M. had arrived, the time set for the hearing on the proposed annexation of O'Shea Addition to the City of Modesto.

The City Clerk certified that the notice of hearing had been published in the manner prescribed by law; that notices had been sent to all interested parties and there were no written protests at this time.

Mayor Hammond asked if there were any oral protests or if anyone wished to make any comments. No protests were filed or comments made. Mayor Hammond closed the hearing.

ORDINANCE NO. 354-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE O'SHEA ADDITION TO THE CITY OF MODESTO"

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

Moved by Arata Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

APPROVE PAYMENT OF COSTS FOR IMPROVEMENT DISTRICT NO. 8 3-85

The City Manager reported that provisions of the agreement between Eugene Sturgis, bond counsel for Improvement District No. 8, and the City of Modesto provided for the payment of \$1500 at this time. Since it failed, there will be other charges which must be assumed by the City at this time and a report will be submitted later.

MOTION

That the payment of \$1500 to Eugene Sturgis be authorized as provided by the contract agreement.

Moved by Spaulding Seconded by Adams Unanimously carried

The City Attorney reported that Mr. Sturgis had advised that if the district carried thru in the future that this amount would be credited to the city. According to the tone of his letter, it is possible a credit could be worked out if only a portion of the district was approved.

APPROVE AGREEMENT WITH COUNTY OF STANISLAUS ON AIRPORT CONTROL TOWER
3-96

RESOLUTION NO. 60-7

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR CONSTRUCTION OF AIRPORT CONTROL TOWER

Introduced by Arata Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

HOLD OVER REQUEST OF LANCE ELLIS FOR RELEASE OF IMPROVEMENT BOND 3-103

Director of Public Works Ray asked that the request of Lance E. Ellis that all of the improvement in Gregory Gardens No. 3 be accepted, with the exception of the replacing of irrigation control box in the alley between Mt. Vernon and Schulenberg, and his bond released, be held over for further checking. This matter was ordered carried over until the next Council meeting.

CONSIDER METHOD OF PURCHASE OF RADIO EQUIPMENT FOR FIRE DEPARTMENT
3-110

The City Manager reported on alternatives available to the city to purchase new radio equipment needed in the Fire Department;

- 1- Go to bid in the normal manner;
- 2- That the city negotiate with all parties on an informal basis and come up with the best possible offer;
- 3- Determine on what basis Motorola equipment could be purchased. This would fit in with the city's existing equipment and permit interchange.

The City Manager pointed out that this equipment would be a replacement and no federal funds would be involved. He pointed out that it was not necessary to call for bids as far as the provisions of the Charter, but Council approval would be required.

MOTION

That informal quotations be obtained from all interested companies and the staff prepare a report for Council consideration on the different types of equipment giving cost and "pros and cons".

Moved by Spaulding Seconded by VanderWall Unanimously carried

FURTHER CONSIDERATION OF CURB WIDTHS ON GRISWOLD AVENUE 4-20

Further Council consideration was given to the request of Carl Ulrich to construct curb and gutter on the southwest corner of Carolyn and Griswold Avenue in front of existing trees and without necessity of removing any trees.

The City Manager noted that copies of a report dated December 31, 1959, had been previously sent out to the members of the Council accompanied by a letter of transmittal urging that the practice of temporary installation of curbs not be started. A copy of the report had also been provided to Mr. Ulrich. Field checks have shown that if the storm drainage system is installed drainage can be reasonably accomplished without curbs in specific locations where the trees were an issue.

The City Manager stated in his letter that if it is the Council's decision to permit the installation of temporary curbs on Griswold Avenue then the policy should apply generally wherever similar circumstances exist.

Maps showing the widths curbs and gutters could be installed on Griswold and still save the trees were distributed to the Council members.

Mayor Hammond pointed out that drainage proposed for the area had been abandoned, and permitting curbs and gutters on the basis of trees will create problems which are not necessary at this time. In reviewing the map, if curbs and gutters were installed to save the trees serious problems would be created due to their staggered locations.

The Council generally discussed the request of Mr. Ulrich and brought out the following points:

- 1- There is no need for curbs and gutters now and until there is it would present some real problems with the jogging of curbs and gutters on Griswold Avenue;
- 2- It would be difficult to drive on this street with staggered curbs and gutters;
- 3- Even if the drainage district had been installed, the street could be drained without curbs and gutters.

The City Manager noted that as directed by the Council, the City Attorney and Director of Public Works had worked out a suggested method of accomplishing the relocation of temporary curbs and gutters if authorized. Copies were previously transmitted to the Council members.

Councilman Adams pointed out that the installation of curbs 18 inches deep, two feet away from the trees, as proposed, would harm the trees which the city was trying to save.

Mr. Ray pointed out that if some of the properties were curbed and others not curbed there would be ponding of waters where water had never ponded before.

Carl Ulrich made a statement on his request.

MOTION

That the request be denied.

Moved by Spaulding Seconded by VanderWall Unanimously carried

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APPROVE PAYMENT OF FEES FOR MASTER PLAN 4-115

The City Manager reported that the Furniture Companies had completed their obligation to the city on the master plan for furnishings at the city hall and payment of \$4,000 was in order.

MOTION

That the payment of \$4,000 to the Furniture Companies for the City Hall master plan be approved.

Moved by Martin Seconded by Adams Unanimously carried

APPROPRIATION TRANSFERS 4-120

The City Manager reported that an appropriation transfer from the Special Capital Outlay Reserve of \$11,410 would be required for payment of the following projects:

Improvement District No. 9-city's share	\$1,289.00
McHenry Avenue widening	5,000.00
Community Service Center improvements	2,546.00
Improvement District No. 8	2,575.00
Total	<u>\$11,410.00</u>

RESOLUTION NO. 60-8

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR VARIOUS PROJECTS

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

APPROVE REFUND OF BUSINESS LICENSE TAX TO STONE MOTORS 5-20

RESOLUTION NO. 60-9

A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF THE OVERPAYMENT OF BUSINESS LICENSE FEE, AS COMPUTED BY THE DIRECTOR OF FINANCE, TO STONE MOTORS, INC. FOR THE QUARTERS ENDED DECEMBER 31, 1957 THROUGH JUNE 30, 1959, AND REJECTING BALANCE OF CLAIM

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

DISCUSSION OF METHOD OF SALE OF WALNUT TREES ON DRYDEN COURSE 5-27

The City Manager stated that the staff had been working with interested parties on the sale of walnut trees which must be removed from the driving range area at the Dryden Park Municipal Golf Course. Some informal offers have been received and because of the amount of money involved and the interest on the part of various parties, the staff recommends that the Council authorize a call for sealed bids with a provision in the specifications which would provide that the bids be received and opened at the Council meeting and the bidders be given an opportunity at the meeting to open the bidding with a 5% bid in excess of the highest received and from then on open bidding. He pointed out that this method had been used in the sale of city real property with excellent results. It was suggested that a \$10,000 minimum be established.

Mr. Lowrey reported that there were 300 trees in the area and only seven will be retained by the city. The bidder will remove the trees and clear the area. This would permit a savings to the city of approximately \$7,500 in removal costs. The market for walnut tree stumps is a fluctuating market and at the present time appears to be high. These trees have reached their maximum and are in some cases declining. Unless thorough and proper maintenance is given to them in the next few years they may deteriorate to a point where the city will not realize as good a return. They are estimated to be 30 years old and quite a few are dying now even with irrigation.

MOTION

That the staff proceed on the basis outlined and prepare the necessary documents to place the trees out for bid.

Moved by Arata Seconded by VanderWall Unanimously carried

CONSIDER OFFER FROM KENNETH DURAND TO PURCHASE BUILDING NEAR DRYDEN COURSE 5-96

The City Manager reported that Kenneth Durand had offered to sell to the city a utility building near the Dryden Course which could be used to store golf course equipment, fertilizers, etc. for the sum of \$2,000. The approximate cost of materials and labor to remodel the building for the city's uses would be \$1,335.

MOTION

That the staff prepare the necessary documents to purchase the building.

Moved by VanderWall Seconded by Arata Unanimously carried

GRANT VARIANCE FOR DRIVEWAY TO ELMER SHAW 5-110

Director of Public Works Ray reported on the request of Elmer Shaw for a driveway variance to permit black top material to remain in the driveway at the new house constructed on the southeast corner of Roseburg and College Avenue. He reported that the material had been installed by Mr. Shaw and not a contractor. He recommended that the variance be granted on the following conditions:

- 1- A temporary variance granted until Roseburg Avenue is improved or until other property owners in the block install curb and gutter, whichever comes first.
- 2- Bond or cash deposit be posted with the City in the amount of \$160. which is the estimated cost of installation of a concrete driveway, including gutter.

RESOLUTION NO. 60-10

A RESOLUTION GRANTING A TEMPORARY VARIANCE TO ELMER SHAW ON THE CONDITIONS AS RECOMMENDED BY THE DIRECTOR OF PUBLIC WORKS FOR PERMITTING A BLACKTOP DRIVEWAY APPROACH TO REMAIN AT SOUTHEAST CORNER OF COLLEGE AND ROSEBURG AVENUES

Introduced by Spaulding Seconded by VanderWall

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

CLEAR PROPOSAL FOR PEDESTRIAN WALKWAY AT MID LATERAL NO. 4 VIRGINIA AVENUE 6-10

A proposal for the construction of a pedestrian walkway at MID lateral No. 4 near Virginia Avenue was outlined by the City Manager. The present concrete railing on the easterly side would be removed and a walkway and a railing could be installed. The new railing would permit visibility of the traffic on Morris Avenue. The approximate cost would be about \$3,000 or possibly less and be a very worthwhile improvement.

MOTION

That the staff be authorized to proceed on the basis outlined by the City Manager and plans be prepared for Council consideration.

Moved by Arata Seconded by VanderWall Unanimously carried

DENY REQUEST OF GALLIHER FURNITURE COMPANY FOR LOADING ZONE ON 14th STREET 6-45

Director of Parking & Traffic Carmody reported that he had turned down a request of Galliher Furniture Company for a 25' loading zone on 14th Street, south of H Street because of 1) the presence of an alley entrance; 2) low frequency of intended use--about two or three times per week for about 10 minutes each; 3) presence of vacant parking spaces on 14th Street, at the store almost all the time.

Mr. Galliher has written a letter asking that the request be discussed by the Council. The letter was read at this time.

Points made in the Council discussion were:

- 1- Approval of request might set a precedent for other requests;
- 2- That it would not be in accordance with Council policy---when an alley entrance is available loading zones will not be approved on the street, except under unusual circumstances.
- 3- Although the parking is not now critical, more business will be established in the area creating more parking demand.
- 4- If the loading zone were granted on a temporary basis it would be difficult to rescind at a later time.

MOTION

That the request be denied.

Moved by Arata Seconded by Adams Unanimously carried

APPROVE DELETION OF ALLEY BETWEEN 10-11TH STREET AND G-H STREETS FROM ONE WAY ALLEYS 6-97

Mr. Carmody reported on the request of property owners in the block between 10th and 11th Streets and G and H Streets that the alley be changed from one way to two ways. He recommended approval of the request on the basis 1) the matter is a local one and the majority of those concerned favor the change; 2) arrangement with respect to adjacent alleys will be improved.

RESOLUTION NO. 60-11

A RESOLUTION AMENDING SECTION 3(b) OF 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", RELATING TO ONE-WAY ALLEYS

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

CONSIDER ADOPTION OF 1958 BUILDING CODE 6-114

Councilman Martin disqualified himself in the discussion on the adoption of the 1958 Building Code and moved down from his chair.

The City Manager stated that the staff was endeavoring to clear the various city codes, Building, Electrical and Plumbing, for Council adoption prior to the city's fire grading project. Copies of the proposed ordinance adopting the 1958 Uniform Building Code have been distributed to various building contractors and suppliers as well as an analysis of the proposed amendments to the Uniform Code.

Assistant Director of Public Works Ross Campbell stated that it is proposed, in adopting the 1958 Uniform Building Code, that minor changes be made. All persons who would be affected by the changes have been notified that the Council would discuss these changes at this meeting. He reviewed briefly the proposed changes from the Uniform Code.

1. FEES: Amended so that the present building fees will be maintained.
2. ROOF COVERINGS: In the review of the city's fire rating, it has been recommended that Ridge Sprinklers be required, when shingles are used, on Group H occupancies (Hotels, apartment houses, lodges) in Fire Zone No. 3. This would permit a savings in deficiency points for the city.

The City Manager pointed out that one of the questions brought up in the fire grading study has been---whether or not wood shingles should continue to be permitted in residential areas. The city has always permitted shingles and it is not proposed that they be eliminated, but it should be known that this will be a factor in the fire rating. The Council will be advised in more detail on this later. This is a question of how far we go in requiring people in construction to assist with the problem of cutting down points. The question arises on the Ridge Sprinkler with this type of roof in Fire Zone No. 3.

3. BOARD OF APPEAL: Letters have been received from two building organizations in the city asking that the Board of Appeals be included. This Board would rule on methods of construction and materials to be used. It would interpret the Building Code where a builder does not agree with the interpretation or ruling of the Chief Building Official, he would make an appeal to the Board which would then rule as to the actual interpretation. The Board, exactly as set up in the uniform code, would be impossible for this city because of its Charter. The Building Code sets it up as a Board appointed by the Mayor.

The City Attorney stated that if it was set up it would have to be a Board appointed by the Council for this function.

The City Manager pointed out that any administrative action can be appealed to the City Council and in this sense an appeal board already exists.

4. SAND BLASTING: It is proposed that a section be added to the Code regulating sand blasting. There are at least two methods, the dry and wet type of sand blasting. The dry type, if not properly handled, causes inconvenience and problems with surrounding neighbors due to dust and blowing materials, while the wet process tends to reduce these. In reviewing various codes from other cities, it is proposed that the Los Angeles regulations be included in the city's code.

5. CONCRETE SLABS: It is proposed to include a section in the code which would bring the city in conformity with the county building code. The County now operates under the 1958 code and has included an additional section on concrete slabs.

Mr. Campbell pointed out that it is proposed that this section be changed to permit monolithic type of pour for concrete base slabs.

Another section of this relates to the placing of (Paragraph C) one-half inch of clean sand shall be placed on membrane water-proofing before placing concrete. This regulations does not meet the approval of all builders. The county has had problems with this regulation. This would increase costs and some of the builders approve and others do not. It was included to conform with the county code.

Answering a question raised by Mayor Hammond on the reason for requiring permits for sand blasting, Mr. Campbell stated that if any complaints are filed or questions raised on the operation, the city is aware of the work and can better handle complaints.

REMARKS FROM THE AUDIENCE

Mayor Hammond asked if there were any questions from ^{the} audience or if anyone wished to make any comments on the proposed amendments to the Uniform Building Code.

Don L. Davis, representing the Painting and Decorating Contractors of Stanislaus and Tuolumne Counties, reported that meetings had been held on the proposed amendments relating to permits for sandblasting and spray painting. The organization believes that this regulation would be "completely out of hand". It should not be necessary that permits be taken out to spray roofs. "It is no business of the city's as to what device, what method we use." These contractors are regulated by state statutes and insurance programs, which protects the general public from spray painting.

Mr. Davis considered that a permit might be necessary where a large building was being sand blasted in the commerical area and that the wet process should be used. Sand blasting of houses should not be regulated in this manner, however, as civil action can take care of any damage done. It would take an hour to come to the city office to get a permit to do a two hour spray painting or sand blasting job.

Councilman Spaulding considered that the Council should consider the public interest as well as the individuals involved. Spray painting does create problems and many times it is impossible to locate where the work was being done, after cars have been sprayed.

Councilman Arata suggested that phone calls be permitted in order to have a record of work underway and to save time of the painters and inspectors.

Mr. Davis suggested that the city require all painters at the time they apply for licenses to show evidence they carry adequate insurance to protect the public.

Harold Armstrong, representing Stanislaus County Licensed Home Builders Association, recommended that if the city decided to issue permits and require inspections for sand blasting and spray painting that a fee be charged.

It has been the feeling of the Council that the people doing the building pay the entire cost of the building inspection department. This department also does a number of other things other than inspecting buildings where no fee is charged. The builders would not like to see additional inspections without that particular phase of the industry being charged for those inspections.

In the matter of the Appeals Board, Mr. Armstrong stated, the building industry would be better served by people from the industry who are familiar with the regulations. In matters of controversy if the decision was made by members of the industry, the Builders would feel better about them.

Public relations between the builders and the inspection department would be better if there was an Appeals Board. This Board could work with the Council on the matter of new ordinances pertaining to building and the builders and Council would be better informed. When a change is proposed, the Builders would know about it in advance and have been consulted on the preparation. The Code has gotten to the point where contradictions arise in its interpretation and the Board would assist in this matter.

Mr. Armstrong recommended that the two existing Boards, the Board of Plumbing Examiners and Board of Electrician Examiners, be abolished and the Board of Appeals take over these duties. The number of people who would be eligible to fill the Electrician and Plumbing Boards is less than 10% of the number which could be used to elect members to the Board of Appeals. The function of these two boards is a restrictive type of activity. Many of the contractors are opposed to these two boards. The problem of staffing an Appeals Board would be minor. He pointed out that Merced, Stockton and County of Stanislaus already have Appeal Boards.

Director of Public Works Ray stated that in so far as the staff of the Public Works Department is concerned it has no feeling one way or another regarding this Board of Appeals. The reason the ordinance is proposed in its present form is that under the present city Code there is no Appeal Board.

Mr. Armstrong stated that the Builders were also requesting that the ordinance include a section adopting the state contractor license law, which defines the duties of a contractor.

Councilman Adams considered that the Council should be furnished with a report by the staff relating to the functions of the Electrician and Plumbers Examining Boards; the functions of the proposed Board of Appeals in detail.

Councilman Spaulding asked that the Council be furnished with a staff report on 1) amendments proposed by the staff, 2) objections which had been raised to the amendments, and 3) what specifically, as far as function, is being suggested for the Board of Appeals.

Mayor Hammond asked that the report also include the staff's reasons for the amendments to the Code showing the incidents of cause for the change proposed.

Councilman Spaulding asked Mr. Armstrong to work with the staff so that the builder's side of the questions could be presented.

MOTION

That the staff prepare for Council consideration a report as requested.

Moved by Adams Seconded by Spaulding Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 10-5

Purchase of chairs for Del Webb Field

Jerry Pepelis stated that the Modesto Reds had an opportunity to obtain some of the chairs (at 25¢ each) which were removed from Seal Stadium. These chairs could be installed in the box seat section of Del Webb Field. He reported that arrangements had been made for transportation free of charge. He asked that the city assume the purchase and installation costs.

The City Manager recommended that the chairs be purchased and installed by the city.

MOTION

That the staff be authorized to proceed on this basis.

Moved by Arata Seconded by VanderWall Unanimously carried

REPORT ON WATER STUDIES 10-29

With the unanimous consent of the Council, the City Manager reported receipt of the report on water studies prepared under contract with the city by Ruth & Going, Consulting Engineers.

Copies of the report were distributed to the Council members. The City Manager recommended that copies be made available to each private water company concerned, the press and McHenry Public Library. The City Manager was ordered to proceed on the distribution of copies as recommended.

MOTION

That the water study report be referred to the Council Committee on Water (Adams, Chairman---Spaulding-Knoles) for study and report.

Moved by VanderWall Seconded by Spaulding Unanimously carried

MANAGEMENT PERSONNEL DOING OUTSIDE CONSULTING WORK 10-40

MOTION

That the City Clerk place the matter of management personnel doing outside consulting work on the agenda for the next Council meeting and that the City Manager present a report on the present status.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

VACANCIES ON VARIOUS COMMISSIONS 10-55

The matter of appointments to the various Commissions was briefly discussed. Mayor Hammond stated that the present Council policy was that if a person had served one complete term that a new person be appointed in order to get a broader community representation. It was pointed out that this had been considered where persons had served two terms rather than one. This matter was held over until the City Clerk could send copies of the Council's policy on appointments to the members. Councilman Spaulding asked that those persons eligible for reappointment be contacted to determine if they would be willing to serve an additional term.

Mayor Hammond stated that he would personally contact these persons and make a report.

CLEAR PROPOSAL FOR STATE ESTIMATE OF CITY POPULATION 10-70

MOTION

That arrangements be made by the staff with the state for a census report as of March 31, 1960.

Moved by Spaulding Seconded by Knoles Unanimously carried


ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by VanderWall Seconded by Knoles Unanimously carried

The meeting was adjourned at 6:25 P.M.

ATTEST: 
City Clerk

Modesto City Council
January 13, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Spaulding, VanderWall, Mayor Hammond

Councilman Knoles arrived at 9:10 P.M.

Absent: Councilmen: Martin

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of November 25, December 16 and 23, 1959, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM STATE REGIONAL WATER POLLUTION CONTROL BOARD 1-18

The letter relating to construction grant program under Public Law 660 was briefed by City Manager Ross Miller. The city will again submit its application for federal funds as previously approved by the Council.

LETTER FROM RESIDENTS OF IMPROVEMENT DISTRICT NO. 8 1-25

A letter signed by Mr. & Mrs. Mario Caputi, 416 Smith Avenue and Mrs. John F. Pobanz, 420 Smith Avenue, was read and ordered filed. They objected to the proposal made by Dr. Gant and Associates that assessments be distributed equally among the property owners irrespective of size of property. They claimed that the forms circulated by this group did not make known all its aims and purposes and they wished to be removed from the group of protestants on this particular form letter protest.

APPROVE PURCHASE OF BOOK STACKS AND CHARGING DESK FOR WESTSIDE BRANCH LIBRARY 1-38

The City Manager reported that it might be possible to take advantage of the city's contract agreement with the Furniture companies for city hall furnishings to buy book stacks and charging desk for the westside branch library. This would provide a material savings in costs.

MOTION

That the purchase of this equipment be approved and the staff be authorized to proceed on this basis.

Moved by Arata Seconded by VanderWall Unanimously carried

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MAYOR HAMMOND AWARDS CERTIFICATES OF COMPLETION FOR MUNICIPAL FIRE
ADMINISTRATION COURSE 1-50

Mayor Hammond presented certificates of award for the completion of the Municipal Fire Administration Course to the following persons: Albert Oliveria, George Wallace, Robert Gunn, Richard Near, Jack Wemyss, Wayne Fischer, C. J. Richards, Walter Fieshman, Wayne Everett, Robert Jamison, Barlow McCleary, and John Hiatt.

A special award was made to Wayne Everett for the completion of two courses.

Three Fire Department officers, including Wayne Everett, Bill Adams and Walter Fieshman have filed with the Personnel Office certificates of completion of various courses in supervisory training. These courses were taken on their own initiative, the City Manager pointed out.

Mayor Hammond commended the Fire Department personnel on the completion of the courses.

EXTEND PROVISIONAL APPOINTMENTS OF FIRE DEPARTMENT OFFICERS FOR 60
DAYS 1-102

MOTION

That the provisional appointments of Al Oliveria, Acting Assistant Fire Chief; Wayne Everett, Acting Fire Marshal, Richard Neer, Acting Fire Lieutenant; Frank Reeves, Acting Fire Engineer be extended for a period of 60 days.

Moved by Spaulding Seconded by VanderWall Unanimously carried

EXTEND TIME FOR COMPLETION OF IMPROVEMENT DISTRICT NO. 9 1-110

Director of Public Works Ray reported that it would be necessary to extend the completion date for Improvement District No. 9 (street lighting on McHenry Avenue) from January 20 to January 27, 1960.

RESOLUTION NO. 954-S.P.

A RESOLUTION EXTENDING THE TIME FOR THE CONTRACTOR TO COMPLETE THE WORK AND IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 9

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin, Knoles

APPROVE LEASE AGREEMENT WITH GIRL SCOUTS 1-119

Pursuant to Council direction the City Attorney presented for approval lease agreement between the City and Stanislaus Council of Girl Scouts relating to the rental of rooms at the Community Center.

ORDINANCE NO. 355-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE STANISLAUS COUNCIL OF GIRL SCOUTS RELATING TO THE RENTAL OF ROOMS NOS. 101, 102, 103 and 105 AND A BASEMENT ROOM IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO"

was introduced and ordered printed and published as provided by the City Charter.

Moved by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin

HOLD OVER REQUEST OF LANCE E. ELLIS FOR RELEASE OF SUBDIVISION BOND 2-03

At the request of the City Manager this matter was held over for further clearance.

APPROVE CONSTRUCTION OF CHAIN LINK FENCE AT THE SEWAGE TREATMENT PLANT 2-07

Pursuant to Council direction that the matter of construction of chain link fence at the Sewage Treatment plant be approved before work was started, a report prepared by Director of Public Works Marvin Ray, copies of which had previously been sent to Council members, was discussed. Mr. Ray pointed out that the prime reasons for fencing the area were, 1) recommendation by the insurance carrier, 2) losses due to damage to equipment, 3) broken window panes, 4) tampering with vehicles stored at the plant during the off season, and 5) throwing of extraneous materials into the clarifiers.

The most important item involved is the protection of the public, primarily children. Damages have occurred to trees and shrubs in the Parks nursery area also.

Mr. Ray stated that the original proposal in the 1957 capital improvement project program was for 5600 lineal feet at a cost of \$16,900. Since that time the area has been resurveyed in the light of present developments, particularly with the Dryden Course, it would be desirable to provide a total of 10,400 lineal feet of fencing which would cover all of the ponds and the treatment plant area, pipe storage yard and tree nursery. The original estimate did not provide for fencing around the ponds. Alternatives on the fencing of some and not other areas were outlined by Mr. Ray.

Councilman Adams and Spaulding considered that the entire area should be fenced, ponds and all.

The City Manager pointed out that the percolation area was not included.

MOTION

That the staff be authorized to proceed with the preparation of plans and specifications for the fencing of the area as outlined by the Director of Public Works.

Moved by Spaulding Seconded by Adams Unanimously carried

EXTEND TIME FOR COMPLETION OF NEW CITY HALL BUILDING 2-111

The City Manager reported receipt of a request from Ron Fiske Construction Company for an extension of time for completion of contracts for the construction of the Modesto City Hall. The Architect recommends that on the basis of conditions which have existed and presently exist an extension of time to February 24, 1960 be granted (46 calendar days) without penalty. Other conditions raised by the contractor for an additional extension have not been approved by the Architect.

The basis upon which the extension is recommended is as follows:

- 1- Delay due to rain one day (February 9, 1959).
- 2- Truck strike starting on August 6 delayed the delivery of the windows and other materials and caused a 31 day delay in the work.
- 3- The delay of 14 calendar days, March 17 to 31 was caused by necessity of changing electrical floor underducts to meet job conditions.

At present the contractors are experiencing delays in securing materials due to the recent steel strike. The City Manager stated that it was the city staff's recommendation that the 46 day extension be approved by the Council. The penalty charge will start on February 25, 1960, if the Council does not extend the time of completion.

Mr. Ray pointed out that the request for extension was for Ron Fiske Construction Company, but if the Council approved the extension it would have to be extended to all three contractors, Industrial Electric Co. and Baker-Newman Inc.

RESOLUTION NO. 60-13

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR THE COMPLETION OF CONTRACTS FOR THE CONSTRUCTION OF THE MODESTO CITY HALL

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin

Councilman Adams asked that the Council be advised as soon as possible if there would be other valid reasons for a further extension.

Mr. Ray stated that the steel strike may or may not seriously affect the completion date for the building but if it does it is a valid reason for extension of the contract and the contractor would be entitled to it as specified in his contract specification. If this is the case under the terms of the contract the city cannot deny such an extension. At present indications are that the elevator cannot be finished for some time, however, the building could be used before this is completed.

INVITATION TO LEAGUE TO INSPECT NEW CITY HALL

The City Manager suggested due to the uncertainties of the completion date of the City Hall that the Central Valley Division of the League of California Cities be invited to hold its July meeting in Modesto instead of its April meeting. The Council agreed that the invitation be issued for the July meeting at the League meeting.

HEARING ON PROPOSED AMENDMENTS TO ZONING REGULATIONS 3-60

Mayor Hammond declared the hearing open at 8:00 P.M. for the consideration of the proposed amendments to the Zoning regulations.

The City Clerk certified that the notice of hearing had been published in the manner prescribed by law and that copies had been distributed to the Council members prior to this meeting.

The City Manager reviewed the proposed changes.

Mayor Hammond asked if anyone from the audience wished to speak on the matter. No comments were made and Mayor Hammond declared the hearing closed.

Rus Fey, Associate Planner, read a letter from Harold Armstrong, President of the Stanislaus County Licensed Builders Inc., protesting to the setback requirements for garages or carports. He asked that the present 15 foot requirement be retained. Mr. Fey displayed sketches showing the setbacks proposed.

A general discussion was held on the proposed 20 foot setback required for garages and carports and the following points were made:

With a carport 15 feet back from the property line it is impossible to park the new long type automobiles without having it over the sidewalk area. Most cars are between 15' to 19½'.

That the requirement of the additional 5 feet would require a deeper lot and cause a change in the module of house construction (Mr. Armstrong's letter).

That the requirement would not need to cause the house to be set back 20 feet, only the garage or carport, or reduce the yard 5 feet.

That the Code makes provision for variances.

The City Attorney stated that the proposed amendment did not apply to existing garages but would apply to a new garage or carport to be added to an old structure. It could not go into the setback area unless a variance was granted by the Board of Zoning Adjustment.

George Cran, speaking for the Stanislaus County Licensed Builders, spoke in opposition to the 20 foot setback. John Kline protested the 20 foot setback requirement.

Mr. Fey reported that the benefit gained from not having cars block the sidewalks would be greater than some of the problems which might be created.

Mr. Cran asked that the Council withhold its decision on the amendments until Mr. Smeath returned to work so that the Builders could have a further discussion.

MOTION

That the matter be held over for one week.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ACCEPT SUNSET SUBTRUNK AND PERIMETER SEWER FROM W. M. LYLES COMPANY 5-42

RESOLUTION NO. 60-14

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUNSET SUBTRUNK AND PERIMETER SEWER BY W. M. LYLES COMPANY; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Martin

HOLD OVER FURTHER CONSIDERATION OF ADOPTION OF 1958 BUILDING CODE 5-50

By order of the Council this matter was held over to permit additional time for the preparation of the report requested by the Council.

ORDINANCE AMENDING BUILDING REGULATIONS 5-55

The City Manager recommended the amending of the Municipal Code to include the provision of the 1958 Uniform Building Code relating to the construction of larger spaces in steel buildings. A building is now being planned for construction in the city and if this section was adopted it would clear the construction pending the discussion on the new Code. There is no problem on this particular section and the Builders groups have approved its adoption.

ORDINANCE NO. 356-C.S. entitled

"AN ORDINANCE AMENDING SECTION 9-1.11 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO BUILDING REGULATIONS"

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin

CITY HALL MATTERS 5-70

The City Manager reported that at 7:00 P.M. January 12, the outside lights were turned on in the new City Hall. This lighting system includes the use of one row of the inside lights or a little row at the top. These are all provided in the contract unless some changes are made. He recommended that no changes be made. No disapproval of this proposal was voiced.

HOLD OVER APPROPRIATION TRANSFER FOR FURNISHINGS FOR WESTSIDE BRANCH LIBRARY 5-77

At the request of the City Manager this matter was held over for further clearance.

REFER REQUEST ANNEXATION OF YMCA ADDITION TO THE PLANNING COMMISSION FOR STUDY AND REPORT 5-78

RESOLUTION NO. 60-15

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

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin

SET DATE FOR HEARING ON UNCLASSIFIED USE PERMIT TO MODESTO BOARD OF EDUCATION 5-80

The City Manager reported that the Planning Commission recommended the granting of an unclassified use permit to the Modesto Board of Education for enlargement of existing library facilities and relocation of physical education facilities on the Junior College Campus in accordance with a plan submitted, dated October 1, 1960. A public hearing by the Council is required by Section 10-2.2112 of the Municipal Code.

RESOLUTION NO. 60-16

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO THE MODESTO BOARD OF EDUCATION

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin

The time set for the hearing was February 3 at 4:30 P.M.

APPROVE EXTENSION OF TIME FOR FILING FINAL MAP OF QUARESMA HOMES
 SUBDIVISION 5-85

The City Manager reported that the Planning Commission had recommended that the request of John Quaresma for an extension of time until December 23, 1960 for the filing of the final map of Quaresma Homes No. 2 Subdivision be approved.

RESOLUTION NO. 60-17

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR FILING FINAL MAP
 OF QUARESMA HOMES SUBDIVISION

Introduced by Spaulding Seconded by Arata
 Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin

DEDICATION OF RIGHT OF WAY FOR CARPENTER ROAD TO COUNTY 5-88

The City Attorney reported that the County had requested the City to grant a 90 foot right of way for the extension of Carpenter Road across the property purchased by the City for a garbage disposal area and the sewer farm on Tuolumne River.

ORDINANCE NO. 357-C.S. entitled

"AN ORDINANCE APPROVING THE GRANTING OF A RIGHT OF WAY TO THE COUNTY
 OF STANISLAUS FOR PUBLIC HIGHWAY PURPOSES"

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin

HOLD OVER MATTER OF MANAGEMENT PERSONNEL DOING OUTSIDE CONSULTING
 WORK 5-108

The City Manager reported that copies of his report had been sent to each Council member. With the consent of the Council the matter was ordered held over to give the members more time for study.

Councilman Adams asked that he be furnished with a copy of the Management Information Service's report referred to in the City Manager's report.

Councilman Spaulding suggested that the employees be notified when this matter was discussed. The City Clerk was directed to so notify the Employees' Association that this matter would be discussed at the January 27 Council meeting.

REPORT OF CITY ATTORNEY ON OUTSIDE WORK 6-01

The City Attorney stated that in accordance with the terms of the resolution adopted by the Council relating to his outside activities he wished to advise that the City of Beverly Hills had awarded him some work to help in the recodification of its city ordinances.

MATTER NOT ON THE AGENDA RAISED WITH THE UNANIMOUS CONSENT OF THE COUNCIL 6-32

With the unanimous consent of the Council the following matters were raised:

Request for city employees to serve on League committees

The City Manager reported that the League had asked that Harry Sham serve on its Airport Committee; Mayor Hammond on the Highway Committee; and himself on the Fire Grading and Rating Committee. No objections were offered.

Authorize Traffic Engineer Douglas Carmody to check on City of San Diego Transportation program 6-47

The City Manager reported that as approved by the Council, Mr. Carmody would be attending the Governor's Traffic Safety Conference Steering Committee in Los Angeles on January 28. He asked for direction as to whether or not Mr. Carmody should visit San Diego, the only pilot city in the far west of the National Committee on Urban Transportation to study its methods for use in Modesto.

MOTION

That Mr. Carmody be authorized to visit the City of San Diego to study its program for urban transportation.

Moved by VanderWall Seconded by Adams Unanimously carried

Letter from Frank Andrews

Mayor Hammond read a letter from Frank Andrews relating to the city's reserve water supply facilities in case of an electric outage.

The City Manager reported that as directed by the Council he had explained the City's facilities to Mr. Andrews. He stated that the City had communicated with the City of San Francisco regarding the purchase of Hetch Hetchy water, as suggested in Mr. Andrews' letter. A report on water supply will be made in the further consideration of the fire grading. There is an area in which the city is deficient in fire protection---the private water companies.

Mr. Andrews stated that there had been a committee appointed several times but they had never submitted a report nor had the committee contacted him. He considered that the committee should have contacted him because he had appeared before the Council and written letters on the city's water system and he had solved many problems in the district. Mayor Hammond stated that the Water Committee had his comments and would take them under advisement.

Councilman Arata asked if the city received any credit on its fire grading on the MID canals running through the city. The City Manager believed that it would be a minimum credit because they would only be available a certain number of months each year.

Councilman Knoles arrived at 9:15 P.M.

MATTERS FOR THE GOOD OF THE COMMUNITY 7-05

Mary Walton, 133 Poplar Avenue, read a letter to be transmitted to Governor Brown relating to the selection of the Turlock site for the State College. She asked that the Council sign the letter on behalf of the city. The letter reads as follows:

"Hon. Edmund G. Brown
 Governor of California
 Sacramento, California

Dear Governor Brown:

On December 7, 1959, the State Board of Public Works picked a site near Turlock for the new Stanislaus State College.

In the year and a half since you, as Governor, signed the Bill making this College a reality, we were told that the needs of the majority of the students to be served in San Joaquin, Stanislaus and Merced Counties was to be the important factor in selecting a site.

These basic factors were outlined in a booklet issued by the State Department of Education September, 1957, under the name of Roy E. Simpson, Director of Education.

We feel that the Board, in picking the Turlock site over the two Modesto sites, ignored the needs, safety, convenience, and financial welfare of the vast majority of the students. They disregarded altogether, the basic requirements as outlined in the Department of Education's booklet of the basic factors, in picking a college site.

We feel that other reasons, principally political, were their first consideration. Our reasons, as given below, are taken from the Department of Education's own book of requirements of September, 1957.

1. The college should be located so that a minimum amount of expense, travel time, and distance is required by the maximum number of students. From the Department of Education's figures, over 75% of the high school graduates, who are the potential students, will be from Modesto and North in San Joaquin County. This great majority will be forced to travel over 20 miles further every school day, thereby adding to their travel time and expense. These unnecessary thousands of miles of travel add to the congestion of our roads, resulting in more wrecks, deaths, and injuries to the students.

2. Purchasing cost. Mr. John E. Carr, Director of Finance, and Chairman of the December 7 meeting, stated that he based his vote strictly on the difference in cost, \$150,000 of the Modesto site over the Turlock site. Mr. Carr's own expert from the Department of Architecture, Landscaping Division, immediately eliminated that reason by stating that due to the high water table, approximately one foot in 1955, sandy soil and heavy infestation of nematodes, it would cost approximately \$150,000 to put the Turlock site in condition to build on. He stated that some of these costs would be continuous all through the life of the college. He also stated these two facts: landscaping the site in regard to the lawns and trees would be difficult and costly due to sandy soil and high water table; and buildings over one story would require piling or very heavy foundations, adding greatly to construction cost. By implication at least, he recommended strongly against the Turlock site. The two Modesto sites have none of these difficulties.

3. Access roads. In view of the present and proposed State and County roads, the Turlock site would be very costly and inconvenient. Geer Road, on the East frontage, is planned for and being developed into a major county road. Even so, it will force the students from the South and West to drive through the business section of Turlock twice every day; thereby creating major traffic problems. Monte Vista Road is the South frontage, which the great majority of the students from the North must use. It has never been considered by advanced Planning for major improvement. The college, being located there will make absolutely

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"necessary an interchange and overpass at the relocated 99 Freeway, an overpass at the Southern Pacific Railroad and rebuilding approximately two miles of Monte Vista Road into a four lane road. This construction will prove very costly to the State and County.

As regards the Maze Road site: In view of the present and already planned major roads, not one cent will have to be spent above already planned roads to provide access. The present Maze Road #132 is the South frontage. The relocated #132, as planned by the State Highway Division will be the North frontage. These two frontage roads connect to the relocated 99 Freeway and Carpenter Road by already planned interchanges. Access to the California-Pauline Avenue site will be much less costly and more convenient than the Turlock site due to it's being on the same side of the Southern Pacific Railroad as the Carpenter Road and 99 Freeway.

4. Sanitary sewers. It is a well known fact that the present Turlock Sewer Plant is outdated and not capable of handling, at certain seasons of the year, the load now placed on it. What will happen when it will have to handle the immense increase in connection with a State College? The present Modern plant at Modesto is designed for, and fully capable, of handling the increased load imposed on it by a State College and the other improvements in connection with it.

5. Storm drainage. The Turlock site is approximately 10 miles from the Merced River, and 12 miles from the San Joaquin River. This will make permanent storm drainage a very costly project. The California-Pauline Avenue site is less than one mile from the Tuolumne River, the Maze Road site less than two miles, both with a very good grade to the river.

6. Development of site. We have already quoted the expert from the Department of Architecture on this.

These are the basic requirements of the State Department of Education for picking a college site. The answers we stated above are apparent to any engineer examining the three sites and we are sure the State Engineer's reports bear this out. These facts force us to the conclusion that the State Board of Public Works chose the Turlock site for political reasons; and not according to the engineer's reports and recommendations. We are therefore petitioning you, as Governor, to require the Board of Public Works to make public, in the counties concerned, all of the reports and recommendations of the State Engineers who examined these three sites.

If, in view of the above facts, it appears the Board based their choice of sites on other reasons than the good of the great majority of the students; and the basic requirements as set forth by the Department of Education, we ask for a reconsideration of the site location of the Stanislaus State College. We ask that this be done at a public meeting, at a location most convenient to the majority of the people concerned. We also ask that discussion of the basic factors be allowed, within reasonable limits, from the floor. This was not allowed in the December 7, Sacramento meeting, where Mr. Carr imposed gag rule.

We could secure thousands of names to this petition, but believe this question should be decided on the facts alone.

We have been told we stand to lose the college in Stanislaus County by asking for a reconsideration based on the facts. In view of the fact this bill was passed by the State Legislature, signed by you, as Governor, and that our Assemblyman, Ralph Brown, is Speaker of the Assembly, we do not believe this possibility exists.

We ask you, Governor, for your earliest possible consideration and decision on this, to us, important matter.

Very truly yours,
West Modesto College Committee"
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Lloyd Goodin, local real estate broker, stated that he had made a presentation to the State about 30 days ago of a different site for the College located at the northwest corner of Morgan and Grayson Road. The State could save at least \$100,000 on the purchase price of this site. It is the most central point in the county. He asked the Council that in the event the College was changed to that site whether it would consider serving the area with sewers.

John Feltes, 216 Ruberto, Chairman of the West Modesto College Committee, stated that the hearing on the selection of the site held by the State Public Works Board was a disgrace. There was no doubt that its decision was motivated by political means alone and not the facts. The Turlock site did not have one basic reason for consideration, outside of the ambitious program put on by the citizens of Turlock. All of the facts bear out that the college should be located in the Modesto area. Modesto would be remiss if this matter was permitted to go through without a request for Governor Brown to reconsider the entire matter.

Mr. Feltes stated that Assemblyman Brown has stated to him over the phone that Stanislaus County stands to lose the college entirely if Modesto demands a reconsideration. This policy does not exist and "we owe it to the future students, and to the City of Modesto to make a fight for it and to put it where it belongs". He asked the Council, as official representatives of the City of Modesto, to sign the letter to the Governor. He stated that irrespective of whether the Council signed the letter it would be transmitted to the Governor. Prompt action should be taken before any definite commitment is made by the State on the Turlock site.

Councilman Spaulding stated that the selection of the site had caused many comments during the past months and many persons are upset about the selection and were asking him questions which he could not answer. He stated that he was confused himself about the basis upon which the decision was made----were the criteria changed at the last minute and if so, why. There have been many charges and counter charges floating about the community. The Council should consider the matter further. He stated that he had no quarrel with the Turlock citizens in their efforts to secure the College. However, some of his friends in Turlock were as confused as he was about the basis upon which the decision was made. He considered that the people in Turlock were as interested in seeing that the proper site was selected as the citizens of Modesto. In "our fish bowl government where all decisions should be made in public under the provisions of the Brown Act, which our Assemblyman sponsored through the legislature, in which all decisions and basis of decisions are supposed to be made public, the people here are entitled to an honest, frank and full public discussion of why this decision was made, the basis upon which it was made. I think it is up to us to see that they have that opportunity".

Councilman Spaulding moved that this be placed on the agenda of the next Council meeting for public hearing and everyone in the community who has comments to make or questions or proposals to raise come forward.

Mayor Hammond recommended that Senator Hugh P. Donnelly and Assemblyman Ralph M. Brown be invited to attend the meeting.

Mr. Feltes recommended that the three members of the State Public Works Board be invited, especially Mr. Carr, who had invoked the "gag rule" at the hearing in Sacramento. He suggested that the Governor be requested to order the Board members to attend.

Mayor Hammond stated that he couldn't say that "gag rule was imposed, but it was difficult to express yourself properly".

Councilman Arata suggested that a special meeting be held instead of holding it at a regular meeting of the Council.

MOTION

That the Mayor be authorized to call a special meeting at 8:00 P.M. Wednesday, January 20 to obtain an understanding of what took place and a justification for placing the location at Turlock, and to issue an invitation to Senator Donnelly, Assemblyman Brown, members of the State Public Works Board and Dr. Roy Simpson of the State Department of Education to be present at the meeting.

Moved by Spaulding Seconded by Arata Unanimously carried

Council discussion was held on the question of whether the Council should sign the letter to Governor Brown or the Chamber of Commerce, the sponsoring organization of the College site.

Mayor Hammond pointed out that the Council has authorized a special Council meeting to get the facts. Upon the basis of the facts presented at this meeting, the Council would then be in a position to make a presentation, if it deemed it advisable. Until such time, it would be out of order for the Council to step into a situation until both sides are presented. The Council sits as "umpire for the community" and needs to listen to both sides of the questions before it renders a decision.

Councilman Spaulding pointed out that this problem was more than a city problem and involved six counties. The City Council is probably not the body which should carry the ball on this. The Council will give all possible assistance as it is prime interest to all people in Modesto and a lot of other people in Stockton, Merced, Turlock and other places.

Councilman Adams suggested that the staff check out the possibility of furnishing city service to the area mentioned by Mr. Goodin as a possible college site.

Mayor Hammond pointed out that the Council was already on record with the State that it would serve any Modesto site.

The City Manager stated that this site had been checked sufficiently by the staff to determine that the costs would probably be of the same order as the westside sites. Unless there would be compelling reasons which are not now known, this site could be served unless the Council wished to change its position.

MOTION

That the Council indicate to Mr. Goodin that the city's policy still holds on serving Modesto College sites with sewers.

Moved by Spaulding Seconded by Knoles Unanimously carried

The City Manager reported that a number of city employees have inquired if they would be confined by the rules and regulations of the city as to any activity which they might wish to participate on this matter. He stated that it was his understanding that the rules and laws of the

city permit them to engage in activities which are not directly related to municipal affairs. Under this there would legally be no prohibition. A city employee has the right to be a citizen as it relates to affairs other than Municipal affairs and they have been so advised.

The policy which the city has adopted is to get a college in this area and the employees would not be going contrary to this policy.

The City Clerk was directed to send each Council member a copy of the letter presented by Mrs. Walton.

REPORT ON PROTESTS RECEIVED ON IMPROVEMENT DISTRICT NO. 8

The City Manager reported, pursuant to Council direction, a tabulation had been made of the protests received on Improvement District No. 8.

Mr. Ray reported that the total protests received were 466; total protests verified 449; duplicate protests 8; protests not within boundaries of the district 3; unidentifiable protests 4; protests received after the hour set for hearing 1; protests ruled invalid by Bond Counsel Sturgis 1; number of individual protesting 441; total assessable area within the district 11,645,027 square feet; total valid area in protest 5,024,775 square feet, or 43.1%. The area ruled invalid by Mr. Sturgis was 652,285 square feet or 5.6%.

Answering a question raised by Mayor Hammond, Mr. Ray stated that the property fronting on McHenry Avenue had not been included in the above figures quoted, excepting for those who had not deeded rights of way.

PRESENTATION OF MINUTES OF MEETING OF AMERICAN MUNICIPAL COMMITTEE ON FIRE INSURANCE GRADING AND RATING 9-56

The City Manager noted that copies of these minutes had previously been sent to the Council members. He filed one copy with the City Clerk for filing with the city records.

REPORT ON RECEIPT OF REPORTS RELATING TO FIRE GRADING, CENTRAL COMMUNICATIONS AND MANPOWER UTILIZATION 9-58

The City Manager reported that a preliminary report had been received from Kroeger & Associates on Manpower Utilization; that a preliminary report had been received on the fire grading from the U. S. Fire Protection Engineers and the final report has just been received. He reported that he was meeting with them in San Francisco on January 15 to coordinate some of the proposals which are related. He invited the Council members to attend this meeting and join in the discussion. Summaries of the reports will be made available later.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS 9-70

Mayor Hammond stated that the Council had been making appointments to boards and commissions on the basis that if a person was appointed to fill an unexpired term that he would be eligible under the Council policy on appointments for reappointment for a full 4 year term. At the end of this second term, in the interest of having broader citizen participation, a new member would be appointed.

This policy has not been officially adopted by motion or resolution and in order to give this Council some guidance, he recommended that the policy be cleared.

Councilman Arata considered that the appointments should be limited to two terms or one full term and an unexpired term and if the person does not attend meetings or is an unsatisfactory member, he should be replaced at the expiration of his first term

Councilman Adams considered that it would be advantageous to limit the appointment to one term and an unexpired term to have broader citizen participation. He considered that it had been the Council's fault in not contacting persons to see that they are given this opportunity. No longer than two terms should be permitted, and it be optional as far as serving a second term.

Councilman Spaulding stated that if this Council adopted a resolution of policy indicating that no individual should serve more than two full terms on any of the Boards or Commissions, it can be varied by other Councils if they wish.

The City Attorney pointed out that the City Charter does not limit the length of terms of appointees to Boards and Commissions.

Mayor Hammond stated that this was a policy of this Council only and was a record for guidance for future Councils to follow, or not to follow. It is a matter of general policy to offer the opportunity for any of these members to serve two full terms.

RESOLUTION NO. 60-12

A RESOLUTION ESTABLISHING A POLICY RELATING TO THE APPOINTMENT OF MEMBERS FOR THE CITY OF MODESTO BOARDS AND COMMISSIONS

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

Mayor Hammond stated that with the policy cleared he would contact the present members whose terms are expiring and a discussion on these will be held at the next meeting.

Councilman Adams stated that this policy would not preclude Council consideration on the appointment of another person if he was more qualified than the present member.

Mayor Hammond stated that the members eligible for reappointment would be considered along with other persons who might be recommended by Council members.

ADJOURNMENT

MOTION

That this meeting now in session be adjourned.

Moved by Arata Seconded by Adams Unanimously carried

ATTEST:


City Clerk

January 20, 1960

The Council of the City of Modesto met in special session this date at 8:00 P.M. as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, for the purpose of holding an informal hearing on the location of the Stanislaus State College, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Martin, Spaulding, Mayor Hammond

Councilman Knoles arrived at 8:07 P.M.

Absent: Councilmen: VanderWall

Approximately 250 members of the audience including the following honored guests were welcomed by Mayor Hammond:

Senator Hugh P. Donnelly

Assemblyman Ralph M. Brown

William Buckman, member of the State Committee for Education

Mayor Raymond M. Carter of the City of Turlock and members of the City Council

Members of the Board of Supervisors

Mayor Hammond reported that communications had been received from members of the State Public Works Board and Roy Simpson, Supt. of Public Instruction, advising that they could not be present. Mayor Hammond read the following statement: "First I would like to welcome our friends and neighbors from Turlock. We invited them because this matter is of great importance to them. We would like to make it clear that we have no quarrel with the people of Turlock. At its meeting last week the Modesto City Council was asked to join in signing a letter from Modesto citizens to Governor Brown asking the Governor to review the matter in which the proposed site for the new Stanislaus State College was selected. Members of the Council expressed their deep concern over the increasing volume of questions being asked and the conclusions being drawn about the basis for the decision of the State Department of Education and the State Public Works Board in this matter.

"Rather than to join in signing the letter to Governor Brown the Council decided to hold a special meeting to provide a method by which citizens could raise their questions publicly and have them cleared by the public officials who have the answers.

"As more and more questions are raised it has been increasingly clear that we ourselves lack adequate basis for answering them and that considerable misinformation is being circulated. It seemed to us that an open meeting specifically for clearing questions would be helpful and the fact that so many people have turned out for it would appear to be confirmation of the need for such a meeting. As you may know we invited the state officials most immediately concerned to be present at this meeting. These included John Carr, State Director of Finance and Chairman of the Public Works Board, which made the selection of the college site; Win Savage, State Real Estate Commissioner and Robert Bradford, State Director of Public Works, members of the Public Works Board and Dr. Roy Simpson, State Superintendent of Public Instruction. Mr. Savage was here in Modesto yesterday and stated that he could not be here tonight'."

Mayor Hammond briefed the letter received from Mr. Carr advising that if the citizens in this community, through their Council, desired to place the matter for review at the first Public Works Board meeting which will be held during the early part of February, that the Board would be happy to lay all the facts on the table and answer any questions which the people may wish to raise.

Mayor Hammond pointed out that due to the short notice of the special Council meeting that it would be difficult for the state officials to be present as their schedules were prepared far in advance. Mr. Bradford had expressed the same sentiments in his letter as Mr. Carr. Dr. Simpson stated in his letter that the State Public Works Board had all the facts and they were responsible for the decision and any further information would have to come from them.

Mayor Hammond stated that it was hoped that this special Council meeting would result in better understanding of the facts relating to the selection of the site for the new college. He pointed out that matters of this type all had a historical background and it seemed advisable in presenting the facts that this background be brought up to date. He stated that Mr. Buckman had been a member of the State Board of Education at the time the college was first being considered and would speak first on the part the State Board of Education had in the history of the college. Senator Donnelly and Assemblyman Brown will trace the legislative history. Joe Good, manager of the Greater Modesto Chamber of Commerce will report on the community activities during the past two years on the selection of the site.

William Buckman, member of the State Committee for Education

Mr. Buckman stated that the establishment of a college in Stanislaus County was originally a "brain child" of Senator Donnelly and Assemblyman Brown, dating back for many years. They introduced bills in the Legislature about 11-12 years ago asking for the founding of a college. These bills drifted along until 1953 when a bill was adopted authorizing the study of the feasibility of a state college in Stanislaus County, which was conducted in a very peculiar manner by the State Board of Education because it recommended that there be no college in this county. In 1955, Mr. Buckman stated that he had found that the policies of the Board of Education and Board of Regents of U.C. were to consider no new colleges or university sites in the State until the year 1965.

Mr. Buckman reported that his first motion as a member of the State Board was that they reconsider this policy. This motion lost by 6 to 4. The staff of the State Board of Education was asked to abandon the 1953 survey method used in Stanislaus County and to study the areas around existing state colleges to determine if a constant figure could be found which would apply to any area such as Stanislaus County to give a reasonable appraisal of what might happen.

These studies showed some very interesting things. Where there was a state college in a county, about 30 to 38% of the high school graduates went to college. Where there was no state college near a county, about 7% of the high school graduates went to college. This information was strong enough to influence the Board to reassess its policy and order a study made of where and in which locations new colleges were needed in the State. When this study which was published under the title "Need for New College Sites in California" was completed, a priority list was established for 9 state colleges.

Mr. Buckman stated that the hardest work involved was to persuade people in the large cities that colleges were needed in rural areas such as Stanislaus County. The presumption that people in rural areas can

afford to send their children to colleges in larger cities is still in the mind of many people in the state, and the Regents of the University of California. The one break through made in getting two state colleges in rural areas can be held if nothing upsets the apple-cart too bad. There are only 3 sites in California which came under the category of being semi-rural, Stanislaus County, North Bay and Bakersfield.

Mr. Buckman stated that Stanislaus County was represented by two men, Senator Donnelly and Assemblyman Brown, who had the respect of the State. It was through their personal activities a college for this area was gained.

Both of these men knew that when a college was established in this county, 85% of the support would come from south of the Tehachapi and the amount of money put in by the local residents would be a minor item compared to the total cost.

Mr. Buckman stated that it was his personal observation that in visiting around and lobbying for this college the people in San Joaquin County were not much interested in having a college because they had the College of the Pacific. People in Merced County were much interested in the college. It must be recognized in order to show a student enrollment necessary to get a college in this region, 6 counties were included: Merced, Mariposa, Tuolumne, San Joaquin, Stanislaus and Calaveras. Any site must be so located and any college so operated as to properly serve all the people of these counties. One of the most important things which appeared early in the project---was an undertone which has not been publicly recognized but generally recognized by people working with it-- was the recommendation of the State Department of Education that the site be down in the southern part of Stanislaus County, on the basis this college will essentially draw its greatest number of students from Merced and Modesto. In the studies of the state colleges, it has pretty well been established that a 45 minute commute or 30-35 miles is a practical commuting radius. It is also interesting to note that about 90% of the graduating students will go to work within 45 miles of the college from which they graduate.

Stanislaus College will be in all sense a regional college. It was regional in its concept and it is hoped that everyone can consider it as a regional college regardless of the outcome of the site deliberations.

Senator Hugh P. Donnelly

Mr. Donnelly reviewed the background on the bill adopted by the Legislature which appropriated funds to purchase the site. He pointed out that this was the chief interest of Assemblyman Brown and himself--- so that the people in rural California would have the same opportunity to give their children an education without having to send them to the large centers of population where they would be unsupervised and have difficulty in getting proper accommodations. The fight in the Senate was as "terrific as in the Assembly". There was strong opposition from not only the counties which wanted a state college but for a long time there was opposition from universities and some of the representatives from the State Department of Education. Up to the last roll call in the Senate there was the same opposition.

He reported on the difficulties which defeated the bill in the 1955 Legislative session and which resulted in victory in the 1957 session.

He stated that he had been a member of the Senate Committee on Education and the interim committee on education which held meetings in Turlock and in Modesto. A recommendation was received from this committee that the state college be established in Stanislaus County. Out of the four sites selected in 1957 session, only Stanislaus County and Alameda County have a fair chance of getting a state college. There is consider-

able disagreement in the north bay counties on the site. Alameda County has the same difficulty and it did succeed in getting a rehearing on the site.

Mr. Donnelly stated that the \$500,000 appropriated for the selection of a site in 1957 has to be spent before July 1, 1960. In relation to the selection of a site, Mr. Donnelly stated, there are three distinct branches of government, executive, legislative and judicial. Each one of these state departments are very jealous of their own perogatives, and each one is independent of each other. The Governor cannot come in the Senate or Assembly without the permission of those houses and they go into recess when he is permitted to speak.

He pointed out that there would be continued opposition in the Legislature on appropriation bills for the construction of the Colleges from the large populated centers which want a college and can show a great population need for a college. This makes it very difficult for "your representatives to get a state college and we were extremely lucky to get a college".

Assemblyman Ralph M. Brown

Mr. Brown stated that there was one additional branch of government which was part of the executive but not connected to this branch--the State Department of Education. This branch is headed by Roy Simpson, who holds a non-partisan job and is not a part of the Democratic administration or former Republican administration.

Mr. Brown pointed out that there was considerable misinformation being circulated and a lot of people are telling "us what the laws are". There has been a lot of talk about this money expiring----every appropriation bill in California dies at the end of every fiscal year. Any law which the Legislature adopts remains on the books until it is repealed but appropriations die at the end of each fiscal year. He stated that in this particular case the people had voted on a bond issue about four years ago for \$2,000,000 for state colleges and the date was established at this time as to how long the money would be good for if appropriated.

Mr. Brown read a telegram received from the Legislative Counsel "Once appropriated by the statutes of 1957 (Chapter 681) for site acquisitions for state colleges in Alameda, Orange, Stanislaus Counties and for colleges in either Sonoma, Marin, Napa or Solano Counties becomes unavailable for expenditure after June 30, 1960".

Mr. Brown stated that Senator Donnelly and he had tried to remain impartial since they both represented Stanislaus County. "We are not supposed to enter any fights between the people who are living within the county".

Mr. Brown quoted from an article appearing in the Modesto Bee of July 2, 1959 as follows: "Legislators take no part in college site selection". He stated that Senator Donnelly and he had done their part in getting the college located and established in Stanislaus County after 15 years. The Public Works Board buys all state property and this college will be a benefit to all the county of Stanislaus as well as the remaining six counties in this area for which the college was originally set up. Wherever located it is not for land speculators.

Mr. Brown stated that not one person in Stanislaus County ever came to him and said "you made a mistake, you shouldn't do that, you should do it this way". There was not a "Public Thinks" letter or anything like that on which I was criticized. Senator Donnelly stated that he had not received any criticism either.

After the site is selected, there was talk that "Senator Donnelly did it all for Turlock or Ralph Brown was asleep on the job". Mr. Brown stated that the responsibility of the Legislator is not to pick sites. He said that he was not going to get himself in an "influence peddling situation with regard to a job on which Senator Donnelly and I do not have to use our influence because we are trying to be statesmen on this situation".

Mr. Brown stated that he did not know of the Board's decision until after it was made because he had been out of state for several days and that he did not have any prior information as to what was happening. The Department of Education is the one which sets up the sites and specifications. It has been stated that this Board of Education changed its rules in the middle of the game----this may be true. He read a letter from the Board to the Chairman of the Public Works Board as follows:

"All three sites would meet the general specifications for the college as defined in 1957 by the Department of Education. Earlier this week a number of questions were raised relating to the report of the Division of Architecture on the Crowell-Darpinian property. It is mandatory that these questions be resolved before the Department of Education can submit a formal recommendation to the State Public Works Board on the selection of a site for Stanislaus County."

Mr. Brown stated that Dr. Vaschee of the State Department of Education had stated at the hearing that the Department of Education approved the selection of the Turlock site. This, in accordance to what he understood, Mr. Brown stated, from talking to members of the Public Works Board was influential in the selection of the site. Whether this is true or not, "I do not know because I can't read Mr. Carr's mind. I talked to Mr. Savage and he would not commit himself one way or the other except to say that the decision was a unanimous decision".

One other thing which happened at the hearing, Mr. Brown stated, which he did not know about until the hearing was under progress, was that the Kidd-Young site was withdrawn from being considered as a site on the day of the hearing. This was done at the hearing when Mr. Kidd got up and spoke in favor of the Cressey site. Mr. Brown stated he understood that Mr. Young wanted to sell their property for a college site. Mr. Brown stated that he had talked to the attorney for the Cressey property the next day after the hearing who had advised that they would not under any circumstances sell the property to the state--- "they would have to sue them and do everything necessary in order to take that property at a price that would have to be determined at a later date".

Mr. Brown stated that as he understood it from the Turlock situation, they were able to present a combined effort on the part of their committee with facts that seemed to bring their site up equally with the Cressey site in spite of the fact the Cresseys and the Kidd-Youngs did not want to sell. Whether this had any influence on the Public Works Board is unknown. Mr. Carr made the statement that the state would save \$150,000 on the Turlock site. There is a lot of disagreement and lots of people say that this is not true as it costs more to develop this site. Mr. Brown stated that he had all the figures on the development of all the sites in Stanislaus County and anyone was welcome to inspect these reports.

Mr. Brown stated that he had three communications on the site since he had been home since last June: one was from a person in Sacramento, who didn't like the site going to Turlock; one in Modesto did not like the site and one in Denair liked the site. A number of persons have verbally expressed themselves in favor of some of the other sites than the ones originally considered.

Mr. Brown stated that "we are trying to solve a problem for school children who will go to the state college. We are not trying to solve this for the parents, for fellows who bought 40 acres so that they can put in a subdivision or for a shopping center or anything like that. This is being built for school children who will go to a state college. So far I have not had any letter from any possible state college students".

Mr. Brown stated that there was quite a determined effort to take away this state college about a month ago by the liason committee, studying education. "If we lose this college we are going to lose it for years because the latest priority report is not for Stanislaus County but for San Francisco, Oakland area, Redwood City, Bakersfield and two new state colleges in Los Angeles County." He stated that the reason he had worked so long in getting a college for this area was because "I wanted to get something done before somebody pulled the plug on what I knew was going to happen". He considered that the county was lucky that someone didn't write out Stanislaus County in the bill and substitute San Joaquin County. They want a state college in San Joaquin County in spite of the fact they have the College of Pacific.

He stated that the whole project had been lined up with experts, Mr. Bradford, Mr. Savage and Mr. Carr are all experts. The Public Works Board buys millions of dollars worth of property every month. He cited cases of where the state had bought sites for various projects in the county where there had been no objections from the citizens. Naturally there is rivalry between the cities of Modesto and Turlock. He stated that he had heard things which we would not go into as far as the attitude of the people of Modesto vs the attitude of the people in Turlock.

The state has gone to experts in the appraising field, the engineering field, the architecture field and the agricultural field.

On the situation of what to do, Mr. Brown stated, that he would recommend acceptance of the offer of the State Public Works Board to appear at its next meeting to raise questions for clearance. "If you want to find out the facts and you think they are different and you want to get them from the horse's mouth, why not arrange for the City Council to send somebody up there to officially recognize you for the purpose of getting that information. If you want the information you are entitled to get it."

Mayor Hammond asked that Joe Good, Manager of the Greater Chamber of Commerce, in the absence of Ian Hardie, Chairman of the College Site Committee, report on the work done by the local group in the selection of the site.

Joe Good, Greater Modesto Chamber of Commerce

He reviewed the background and membership of the committee, first appointed by the Chamber in 1956 with the objective at that time of obtaining a college for Stanislaus County. After the successful bill for the college was passed by the Legislature in 1957, the function of the committee was then devoted and directed toward locating the college in the Modesto area. Following the publication of the pamphlet "Factors in the Selection of a State College in Stanislaus County" by the State Department of Education, the Committee started work.

Mr. Good quoted sections of the pamphlet relating to the 1) outline of purpose on the selection of a site; 2) basic considerations of legality, etc.; 3) purposes of the college; 4) principles relating to site selection; 5) minimum amount of expense in commuting time and distances as required from a maximum amount of present and future potential students; 6) delineation of primary service area which includes Stanislaus, Merced

and San Joaquin counties, with some service to Tuolumne and Mariposa; 7) outlined the population of areas to be served; and 8) long range student enrollment is projected.

The report stated that although Modesto is the approximate center of population of the primary service area, it should be noted that more than 40% of the projected total number of public high school graduates is located in San Joaquin County. The college should be located centrally to serve students transferring from Junior Colleges in Stockton, Modesto and Merced, if one is established in line with the above recommendations. A primary service area was outlined in the report which would serve this purpose. The actual site selected by the Public Works Board was actually outside that primary service area.

Mr. Good stated that using criteria outlined by the State Department of Education the committee undertook a location study of the Modesto area and on December 12, 1957, presented to the Public Works Board a report including various diagrams and maps covering the things established in their criteria. At the same time as this study was underway a survey was being conducted for potential sites and on January, 1958, part two of the report was issued to the Public Works Board. In this particular publication there were 20 sites, complete with site analysis and valuations covering some 34 individual points on each piece of property. These two reports entailed thousands of hours of manpower from both the committee and staff. The following 12 months was devoted mainly to the necessary study by the staff of the Public Works Board. In the meantime a number of other studies were made by the City of Modesto concerning matters of water supply, sewage disposal, storm drainage, traffic evaluation, zoning and similar essential matters to the selection of a site. These reports were complete and concise giving the information the group wanted.

After these studies the number of sites was boiled down to seven. The City formally made an offer to the Public Works Board to provide sewer and water and actually set aside \$200,000 for that purpose. There was a series of tours carried on by the state officials. On July 20, 1959 a hearing was held in Modesto to further reduce the number of sites under consideration. Not too long after this hearing the Public Works Board announced that the number of sites under consideration had been reduced to three, Turlock site, California Avenue site and Maze Boulevard site, sites 5, 6 and 7. At this point the committee reviewed the material which had been presented up to that time and discussed other programs to obtain the college on one of the Modesto sites. Virtually every activity was considered and practically all of them were pursued. Exceptions were fund raising, to either purchase a site or a portion of a site, the circulation of a petition or similar pressure tactics of resolutions, etc. The committee was also cognizant of possible political implication. On this score Modesto had a decided disadvantage. The legislators to the south had openly recommended the site of closest proximity; and those to the north had supported the site farthest away expressing a conflict with either the College of Pacific or the possible future state college development in Stockton.

Mr. Good pointed out that the city's local legislative representatives had adopted a "hand's off" policy which meant politically that the city had several against it and nobody supporting it. With the hopes and in view of the decided difference in the facilities and with the belief that the matter would be determined on the basis of fact the Committee proceeded on that basis. Information provided by state officials indicated that the decision would be based on two reports; 1) Division of Architecture which dealt with soil, flooding, drainage, access and site development costs; 2) Department of Education report which covered the

student population and growth projections requirements and the principles which they had laid down. Two additional reports were prepared covering these items and were personally reviewed with the various people involved in Sacramento. Supplementary information was provided the Division of Architecture which it had not had as a part of its preliminary report. Assurance was given that this information would be included in its final report. At this point contacts were made with the Department of Education to ascertain the fact that the factors which they had laid down in the original publication still applied and the Department confirmed that they did. This Department was asked if it wished any additional information. A special study was made updating school enrollment in the center of population by the committee, particularly Director of Planning George Smeath.

This new report indicated as follows:

"This summary of some of the factors relating to the location of a State College in Stanislaus County is presented with the thought that it may be helpful to the Board in making its decision. We believe that the proposed site at Maze Boulevard (site 7) is the best location for the college for reasons which include the following." (This is the first time the committee had seen fit to select a site. Up to this point they had presented a broad basis without any coloring whatsoever/the facts on the various sites but when it came down to the end the Board in Sacramento had indicated that due to reports that they had received from their staff that they had eliminated from consideration the California Avenue site at the final hearing.)

Reasons

Compliance with state college location principles of the State: Department of Education site 7 meets all principles and policy requirements set forth in the State Department of Education Report.

Factors in Selection of a State College in Stanislaus County

The site is near the center of the student population to be served. It is an area where local taxpayers have over the years developed and financed adequate Junior College education at a cost to themselves of nearly double that which they have charged for out of district students. The college at this location would have little effect on the fine well established private college at Stockton. Students are attending College of Pacific from all over the state and many other states. Most students from the Stockton area desiring to attend a state college in Stanislaus County would do so whether the schools of Modesto were 13 miles farther south. The difference to these Stockton students would be the extra time, cost and inconvenience of the additional travel required.

Location near center of student population

Based on 1959 enrollment the geographical center of the 29,957 high school population of the six county area to be served by the college is two miles north of the present Modesto city limits. Of these 24,585 are from high schools with a 40 mile radius of both Modesto and Turlock sites. Of this latter group 63.8% or 15,693 are closer to the Modesto site than the Turlock site. 10.2% are about the same distance from the two sites and only 26%, 6388, are closer to the Turlock site. The increase within the 40 mile radius in enrollment in 1959 over 1957 of high schools closer to the Modesto site was 3,134 compared with an increase of students closer to the Turlock site of 1,267. The State Department of Education has furnished estimates of the percentage of high school students from each county who will attend the college in 1970-71. If all of these students from schools within one hour's drive of the college would commute to and from the college daily they would be

required to travel approximately 15,000 more miles per day if the college were at Turlock than at Modesto. This extra daily travel would amount to more than one half the way around the world each day, 175 school days which does not include summer sessions, this additional mileage would amount to more than 2,500,000 miles per year.

These tabulations and facts were presented to the staff of the State Department of Education and to the Public Works Board.

Trends of population growth

Not only is the present center of population north of Modesto but the large future increases are expected to be in the Modesto and Southern San Joaquin County area. The State Department of Finance estimates that San Joaquin County, closer to the Modesto site, will have increased approximately 106,000 in population by 1975 and Merced County will have increased by only 28,600. These estimates do not include consideration of the population increases in Southern San Joaquin County which will result from the major permanent industrial developments already underway in this area, such as the Libby-Owen Ford Glass Company, west of Manteca and the Simpson-Lee Paper Company at Ripon. This major northward increase of population holds for Stanislaus County also. The general plan of the Stanislaus urban region estimates an increase in population of more than 100,000 in the Modesto urban area by 1981 and an increase during the same period in the Turlock area of about 24,000. This indicates that the total estimated increase in population in the college service area which includes Modesto and northward in a period of about 20 years will be over 200,000. During the same time the indicated increase in the area which serves Turlock and southward is estimated to be 53,000.

Site desirability

While the average cost per useable acre including acquisition site development utilities are of the same order for sites 5 and 7. The Modesto site is free from the serious continuing difficulties associated with high water table etc. Site 7 will be served by an existing local public transportation system. Students attending college in this site will be close enough to employment centers of Modesto and Southern San Joaquin County to find needed part-time and seasonal work. The area surrounding the site is free from all hazardous blight and undesirable developments. Access is excellent from anywhere in the college service area. The City of Modesto and Modesto Schools, including the Modesto Junior College have offered facilities and assistance in the development and operation of the college. We again pledge to your Board and to the Department of Education the full support of our people of our community in moving forward with this important undertaking."

Other data went along with this report. It might be worthy to note that a lot of these things were covered several times because in the course of activity of this committee there were three changes in each position on the State Public Works Board.

At the final hearing in Sacramento, Mr. Good reported, the Division of Architecture adequately covered the comparative features of the sites. It is interesting to note that in this report of the Division of Architecture many of the same things were pointed out as in Modesto's report, as far as transportation, etc. This report lists the undesirable features of each site. The undesirable features of the Turlock site were "two irrigation ditches of the Turlock Irrigation District which diverse the site must be relocated or replaced in pipe conduits. Relative high water table would increase the cost of storm water disposal due to the additional pumping required and larger acreage required for the holding

basin to its limited depth. All utilities installed below six feet will require pumping to lower the water table to make possible construction work. Although heavy irrigation will not be used at the college, the water table will remain at about the same depth due to heavy irrigation of surrounding areas. An extreme wet year like the year 1957-58, the water table raises to the surface at the lower elevations of the property causing water to stand on the surface with resulting problems of storm water disposal and its detrimental effect on vegetation and service areas. It is just outside the preferred location zone established by the Department of Education. Top soil is not adequate for landscaping purposes. It must be treated for nematode infestation and must be conditioned by the addition of loam and organic materials before it can support adequate growth for landscaping purposes".

On site 7 the only undesirable feature is one which was not reported by Mr. Good on which they were both the same so both eliminated before they were presented. There were no undesirable features.

One other thing of interest was that the State Division of Architecture listed the approximate cost of the property and the cost of preparation of the property for use. The cost which the Division estimated to begin with was near \$150,000 more than for site 7. The estimate for preparation of the property was for site 5 at Turlock \$375,750 and for site 7 in Modesto \$276,500. It was quite interesting that Mr. Carr was so interested in the site acquisition cost but the development cost did not seem to play any part in his consideration. With all of this, however, the members of the Public Works Board chose to overrule the recommendation of their staff on these matters.

Mr. Good stated that the direction of the Legislature in Senate Concurrent Resolution No. 93, dated July 1, 1959, was likewise overlooked. This relates to the selection of state college sites and provides as follows:

"Standards for selection of state college sites -- established by the State Legislature in Senate Concurrent Resolution No. 93, approved in July, 1959:

"WHEREAS, Sites for new state colleges should be acquired at locations where the greatest number of students will be served; and

"WHEREAS, With due consideration to the available public transportation, such sites should be located near the area of greatest concentration of potential students and should be located at places where students will not be required to travel to classes by private automobiles; and

"WHEREAS, Since many college students are self-supporting, consideration should be given to the availability of employment opportunities near the selected site; now, therefore be it

"Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Public Works Board be directed to consider the factors referred to in this resolution in selecting sites for new state colleges; and be it further

"Resolved, That the Secretary of the State transmit copies of this resolution to each member of the State Public Works Board, to each member of the State Board of Education, and to the Superintendent of Public Instruction."

Mr. Good stated that the committee members which attended the Public Works Board hearing in Sacramento on December 9, were actually stunned at the Department of Education. This Department not only overlooked but actually violated the very principles it had laid down (Referring to the booklet "Factors in the Selection of State College Sites").

"On November 9, 1956, the State Board of Education adopted certain principles contained in the Joint Staff letter of transmittal for A Study of the Need for Additional Centers of Public Higher Education in California. This report is commonly referred to as 'The Additional Centers Study'. Among these State Board of Education approved principles are the following which relate to site acquisition.

- "1, In order that a possible new institution may serve the greatest number of eligible students, it should be placed near the center of the population served by it.
- "2.adequate junior college facilities will be provided through local initiative and state assistance prior to the establishment of additional state colleges..."

In testimony before the State Public Works Board, the Department of Education's representative stated that the number of students attending from San Joaquin County would be insignificant, whereas its published report indicated that San Joaquin County is in the primary service area and that a high percentage of the enrollment of Stanislaus State College would be from that County. No explanation was given for the Board's last minute change of opinion.

Following the hearing two committee meetings were held to determine what steps, if any, would be taken. The possibility of reconsideration on the site and the possible jeopardy to the college program for the county were discussed. As a result of these meetings the following letter was forwarded to members of the State Public Works Board, to Dr. Simpson, Dr. Vashee and Mr. Vincent.

"Naturally we are disappointed that the Modesto site was not chosen for the new Stanislaus State College. We were and are convinced that the Modesto site, 1) matched the State Board of Education approved standard set forth in the 1957 report by the State Department of Education entitled, "Factors in the Selection of a State College Site in Stanislaus County", 2) comply ideally with the direction given from the State Public Works Board by the State Legislature Senate Concurrent Resolution No. 93 approved in July of this year, and 3) offer clear advantages for the development construction and use. However, the authority and responsibility to make the selection rests with the State Public Works Board and the Turlock site has been selected. We are all interested in the establishment of a fine college in Stanislaus County and this community will cooperate in getting it underway. Facilities in Modesto have been offered previously for getting the new said college started on an interim basis.-----

"We have noted with some interest and concern the attached clipping from the Modesto Bee of December 13, which reports that already the question is being raised as to whether water and sewer facilities to serve the college will be financed locally or by the state. We should like to make it clear that our city's offer regarding such facilities, as set forth in Mayor Hammond's letter to Mr. Carr of September 21, not only expressed Modesto's willingness to provide these necessary installa-

tions but was supplemented by actual allocation of funds for this purpose in the city's Capital Improvement program for the coming year. If for any reason it should turn out to be unfeasible to go ahead with the Turlock site, we want you to know that the Modesto sites are still available and our city's offer to furnish water and sewer facilities without cost to the state still stands.

"We reaffirm our position in this matter because the question raised in the news item is an important one and we believe that in the public interest it should be cleared before the land is purchased."

Mr. Good stated that an acknowledgment of the letter was received expressing the belief that everything will work out. Reaffirmation of the city's policy was appreciated should any unforeseen developments occur.

Mayor Hammond pointed out that there had been a lot of criticism that Modesto had not been as active in the prosecution of its activity as others. Mr. Good's report clearly indicates that a lot of time was spent on this project. Modesto has also been charged with a "sour grapes" attitude. The thing which has disturbed the people of Modesto is that they have not been adequately answered as to the reason for a change in what it understood to be the criteria for selecting the state college. The citizens in this community have been asking a lot of questions. It is unfortunate that the State Board is not here to explain to the people. There has been some illusion that there was ill feeling between Turlock and Modesto. This does not exist at all. In the last 8 years through the active efforts of Mayor Marks and former Mayor Christoffersen the relationship between these cities is most cooperative and cordial.

The citizens of this city have been concerned as to the change in criteria by the State.

As Mayor of Modesto and member of the College Committee, Mayor Hammond stated that Assemblyman Brown had made one statement that nobody had contacted him in regards to this site in Modesto. As Modesto's representative Mayor Hammond stated that he had attended 2 hearings in Sacramento with Dr. Corson and City Manager Miller to interview Mr. Carr, Mr. Bradford and other members of the Division of Architecture and Department of Education. At the conclusion of the trip, Mr. Brown was contacted. The reason for talking to him was that from the general feel of the interview with the state officials, "we felt that there was a climate where a decision could be made which would not exactly be on the line of criteria". This concern was mentioned to Mr. Brown. Senator Colby and Mr. Winton from Merced had publicly expressed support to the Turlock site. Senator Short from San Joaquin County had made a public statement that they favored the Turlock site, farther away from Stockton. We felt that at this time if there was any help that Assemblyman Brown could render or guidance, we would need it, because Modesto was sitting in the middle without representation on this matter. Mr. Brown again reviewed his statement which had been concurred to by Senator Donnelly that he and Senator Donnelly had agreed that they had completed their activity when they had secured the necessary acquisition of funds to this area and that they were not going to participate in any part of the discussions as far as the sites were concerned. "Mr. Brown stated that what I was asking him to do, 'I am not going to do because we have that agreement'. I think that is fine, I am not quarreling with that but I feel that I should make this report to you---that we discussed it with Mr. Brown. I concur in his decision to remain neutral in the matter but it was discussed. People have criticized me and Mr. Brown has made the statement that nobody has contacted him."

Assemblyman Brown stated-----"Mayor, I said on the day I got back from New York on the date of the hearing".

Mayor Hammond stated that his contact had been made prior to the date of the hearing. Mayor Hammond pointed out that "we are not going to get into a hassle on this thing but we want to clear the air, so to speak". Mayor Hammond stated that the reasons for his summation of the discussion was to show the citizens of Modesto that there was an active program being conducted with all available abilities, that a great many people were working on it and doing the best service which could be rendered.

Mayor Hammond read the following letters received on the hearing:

State Department of Finance - John E. Carr, Chairman of Public Works Board

State Department of Public Works - Robert B. Bradford, Director

State Department of Education - Roy E. Simpson

Mayor Hammond stated that if any questions were raised at this meeting which could not be answered they would be recorded and sent to the State Public Works Board for answering.

The City Manager read a letter received from Dr. Gilbert DenDulk and Dr. James Benn of Ripon, California, approving the city's action in protesting the locating of the college in Turlock. He listed arguments which would strengthen the city's position in protesting this location.

Mayor Hammond stated that the meeting was not a protest meeting but to search out the facts to answer the questions.

A letter from Lloyd Goodin, enclosing copies of letters sent to the State Public Works Board, was read relating to the selection of a college site. Mr. Goodin stated that a site located on the northwest corner of Grayson and Morgan Roads, just west of the city of Ceres, was offered for sale, substantiated by an exclusive listing agreement in his possession, signed by the legal owners of the property. 230 acres can be purchased for the sum of \$240,000, effecting an immediate saving of about \$100,000.

The City Manager stated that to his knowledge this was the first offer of a site for a specific price.

QUESTION AND ANSWER PERIOD

Question Dr. Ray Shearn, member of the Modesto City Planning Commission asked Planning Director Smeath---"approximately 2 months before the selection of the site in Stanislaus County, Mr. Smeath and the City Manager were in Sacramento trying to get some information as to what the different departments wanted from us. Mr. Smeath had some conversation with them as to what they wanted, whether we were presenting the facts they wanted or whether we should go talk to someone else. Would you give us some idea of what your conversation was?"

Answer George Smeath "The report from State officials has been that this decision was to be made on the basis of facts and the principles and criteria established by the state and we had this understanding consistently."

Question Ed Andrew, 1408 West Roseburg asked Assemblyman Brown "If this College site is not acted on by June 30, the appropriation is lost completely for an indefinite time?"

Answer Assemblyman Brown "Forever, unless passed again by the Legislature or by the people. It would mean another appropriation of the Legislature of \$500,000 and if money is still equal to what it was worth, it would have to be more than \$500,000. You would have to ask for a million dollars."

Question Ed Andrew "Have you ever had any opportunity or time to deal with the Public Works Administration or the Division of Architecture knowing their length of time they take to make a decision? It would take us well on past June, wouldn't it if this thing was reopened again."

Answer Assemblyman Brown "I do not know how long it would take. I am just guessing."

Question Ed Andrew "With all the facts and figures in reopening this case and reselecting, we would be losing sight of the fact that if it goes past the June deadline, then we lose all cause of a college in the county, which would benefit everybody in the county, regardless of where it was, even if it was in Keyes. I say good luck to Turlock and God bless you and we know that you can do just as good a job as Modesto can. As far as Modesto is concerned, we did a good job, thanks to Mr. Good. He did the best he could, the Council did the best it could--so close the meeting, it is almost 10:00 P.M., go home and call it a day."

Question Robert Walton, 133 Poplar, Modesto "I personally believe that 5 months is quite a long time to be able to decide how to spend a half million dollars. I cannot understand the great concern about losing this amount of money when 5 months is available for all of us to get together and decide on the best available site." He congratulated the Modesto City Council in holding this meeting because it has obviously created a great deal of interest and many people are interested in this particular problem. "Assemblyman Brown has stated that this is for the good of our children. The only facts which have been produced tonight are by Mr. Good who has shown us that the majority of our children are exactly centered in Modesto. There are two questions which I would like to put to any Turlock member here-----1) has the City of Turlock taken any action yet regarding the provision of utilities, such as sewage to a state college in that area? 2) If they have taken any action, in what way are they going to provide approximately \$10,000,000 for this amount of extra work on their utilities there. Are they going to do this by floating a bond? They had a great deal of difficulty and I believe they did not float a bond for their own school children, never mind the school children of other people. If there are any Turlock people here, I would like for them to answer those two questions."

Answer Mayor Carter "The answer is yes. You can read the minutes of our Council meeting of last night, which were published today, and you will find that we went on record as being able to take care of these things."

Question Councilman Spaulding "Having set on the City Council, I know that sometimes the best plans of the City Council can go astray. We have some fine ideas but occasionally have to go to the John Q. Public for the bonds to do this. The question I am wondering about is supposing, in spite of your very fine intentions of the City Council down there, that the people of Turlock don't see fit to pass the bond issue to provide these sewer facilities----where does that leave the college site?"

Answer Mayor Carter "We have money in the treasury now to do it and we are going to do it." (Mr. Carter was not talking in the mike and I was unable to get the rest of his statement.)

Mayor Hammond stated that the purpose of this meeting was not to find out what Turlock would do or what they would not do. What they have done is a matter of record and is not the jurisdiction of this city to question what their intentions are. This is a matter between the City of Turlock and the State Board. It would be out of place for any member of the audience to question what Turlock plans to do or how they are going to do it. This is a relationship and a responsibility worked out between Turlock and the State.

Question Francis O'Brien, Mills Avenue, Modesto "It seems we have used the experts, but the experts have not used the information or the people listening to the experts have not used the information. In the interest of just good responsible government, should this not be presented to the Public Works Board in Sacramento by the Modesto City Council. We have all the evidence, Mr. Good's report points to where the school site should be placed, yet the people have not listened. It is the responsibility of our City Council to go up and present the facts. We are taxpayers and will be paying for this for a long time."

Question Sam Courtney, Rt. 6, Box 596, Modesto "There was a site mentioned tonight by Assemblyman Brown out on the Coffee Road. I talked to him about this site and he stated that I lived within a mile and one-half of that site---'you are a speculator'. I do live within this distance from the site, but I am also interested in Modesto." Mr. Courtney questioned the distance which the teachers and students would have to travel to the Turlock site. "Why was the site on Coffee Road eliminated? Is there some possibility that there is some politics and we are going to lose the site in the county entirely? There is a possibility that this site was picked in Turlock so that we will get in an argument over it and lose the site completely."

Mr. Courtney read a telegram which he had received from Harry F. McDonald in San Luis Obispo. "I believe an investigation of the college site selection is justified. As far as my property on Coffee Road is concerned, it is still available. I have executed an exclusive contract to sell the south 80 acres with Comer and Graser on account of sickness I am unable to attend, but wish you every luck, with kind regards."

Mr. Courtney stated that Mr. McDonald owned 300 acres in one block, 2 miles out of Modesto. "You would have to deal with one man. There is only one house on this property."

Answer Mayor Hammond stated that at the meeting where sites were eliminated, except sites 5, 6 and 7, there was no particular reason given as to why all other sites were eliminated. This is a question which will have to be asked of the State Public Works Board.

Question John Feltes, Chairman of the West Modesto College Committee, reported on the activities conducted by the committee. He stated that all work had been based on the criteria established by the State Department of Education.

He disagreed with Mr. Good's conclusion that the city should give up on the Modesto site. The group most concerned with the site is not being given consideration---the students who will be attending the college. 75% of the students will come from Modesto and the San Joaquin County. The majority of these students will have to travel approximately 19,000 miles a day. Any safety council, State Highway Commission and insurance companies will bear out the fact that there is an accident, a death and an injury every certain number of thousand miles. "Is the State Public Works Board willing to accept the responsibility of those students who, where there is a mathematical certainty, will be killed due to those extra miles they must travel. You as parents of the students should give this some thought." The cost of access roads to the two sites is a question not brought up yet.

"In view of the present roads and the roads already planned by the state and county there will not have to be one cent spent above those on the Maze Road site. The Turlock site will entail an interchange, 2 overpasses and four-laning of about 2 miles of road. A rough guess of the cost is about \$750,000. The Chairman of the Board stated that he was basing his whole vote on price. His own expert from the Division of Architecture "knocked that on the head". The area north of this city and the City of Modesto should not let this matter drop. "I believe the City Council should lead the way, as elected representatives, together with an active representative from San Joaquin County."

Mr. Feltes considered that no progress would be made by contacting the State Board of Public Works but an appeal should be made to Governor Brown. "So far as losing the college, if we ask for a reconsideration, based on the facts, I think that is all a bunch of camouflage. So far as the money running out July 1, he pointed out that the new site could be select^{ed} before that time. This is not a reason but only an excuse."

Question Jan Young, Modesto stated that she had attended the meeting to find out what the state had to say but so far had not heard their answers, only excuses for not attending the meeting. She pointed out that the Council had not given the state representatives much time to make plans to attend the meeting. She believed they should be given a right to defend themselves and suggested that we say, "O.K. when can you come here". The people could then hear what they had to say, and this would be the only way to assure that they would not be hearing hearsay.

Answer Mayor Hammond "As you must know the Public Works Board is made of three different men who head state departments. The nature of their activities forces them to do much travelling. They have a time in getting all of their appointments to coincide. We could ask them but I do think we should recognize that these men are busy and that this is not just a City of Modesto matter, it is an area matter, a matter on which the State will make the decision and the State conducts its business in Sacramento. They have held their local public hearing here as required by law, so it now appears even if we asked them that I would not say that there would be much of an opportunity for them to be able to reschedule their time to hold another hearing here."

City Manager Ross Miller "It seems to me that we have laid a lot of the responsibility upon the State Public Works Board and have passed by the state agency responsible for making the recommendation which the State Public Works Board followed---the State Department of Education. I would think that it would not be out of order to ask that a representative of the State Department of Education indicate a time when they could be here and answer some of the questions. I was at every one of these hearings and in a number of cases they simply told two different stories at two different times. Now I am a taxpayer here too, we have some kids that are going to school and this has shaken my confidence in the State Department of Education. I cannot understand how they can put out an official report as they did, which we have here tonight which shows that there will be 722 students coming to this college in 10 years from San Joaquin County and then make a public statement in Sacramento at the hearing that this college is just really going to serve Stanislaus and Merced Counties, Now the simple fact is that their own reports show that more students will come to this college from San Joaquin County than will come from Turlock and all the rest of the area south. Personally I think the people of this community, before they accept this recommendation, as fair and proper by the State Department of Education, should have an opportunity to hear personally from representatives of that department the basis upon which they would explain a written statement which we accepted in good faith and then stand up and make a sweeping statement directly in contradiction to it and make a recommendation based on the contradiction.

I don't think that this is good government. I think the people of this community no matter what happens to this state college are entitled to a personal explanation from a responsible representative of the State Department of Education and I don't think it would be too much to ask that they come here and give it to these people personally."

Councilman Spaulding stated that he concurred in everything that Mr. Miller had said. He considered that it would be very difficult to get the heads of all of these departments here but a responsible representative should be obtained from each of these departments to come to Modesto at the same time. "We have a right to the answers and the people here are not going to have any confidence in their state government until they get some answers on these things."

The City Manager stated that there had been a lot of discussion about losing this state college and this appropriation expiring on June 30, 1960. There is a very simple way to take care of that -- for Mr. Brown and Mr. Donnelly, our representatives, who have worked so hard on this, to help us by introducing a bill and round up the votes to extend it if it is necessary.

The City Manager asked Mr. Buckman-----"is this area entitled to a state college in the first place and if it ever way isn't it still entitled to it and won't we in all fairness get it".

Mr. Buckman stated that "this 'all fairness' doesn't work so good when they start grabbing for the bundle of money that is available in the Legislature. This is the real problem. Budget bills are very difficult. On the basis of community need education wise this community is entitled to a state college. On the basis of the very large areas needing state colleges, we may not be entitled to one. This is a very large controversy. In regards to the remarks about the Department of Education, he stated, that the citizens did have a right to appeal to the State Board of Education and ask them if the people who made a policy making statement before that Commission and if that statement which was made would be a policy of the State Board of Education. This might be an interesting angle."

Councilman Knoles stated that "I am from a line of site selectors, as you might have known. My father led the College of Pacific to Stockton in 1924. He had one reason to lead it there and I don't think that COP is that problem tonight. The one reason he lead it to Stockton was because it was the largest area in the State of California not then served by a 4 year college. I happen to know a little bit about this institution. It took me 21 years to leave there. The idea of the College of Pacific is that it is a small church related school and to the best of my knowledge, throughout my lifetime has remained that way. It is now some 400 or 500 students smaller than the Modesto Junior College, despite the fact that it had an "All American". The question that is before us still concerns the location of state college in the area which will serve the most students. We are not talking about a private 4 year college, we are talking about a state publically supported college and there is not too much to compare outside of the fact they are both four year colleges, a school like the College of Pacific and a school like a state college. I still want to know why, based on that criteria. The other question was brought up in Mr. Good's statement in regard to prices of various sites. It is my understanding that there are some sites that were even narrowed down where price was never discussed by the property owners with the state. I would like to find out about that and I don't know if we have that answer here or not. If not I would be glad to ask it in Sacramento."

Mayor Hammond stated that that is another question which should be raised before the State Board. Also as to whether or not there has been

a firmed up commitment as to the price of land down there, on which there has been some question. "Perhaps the representatives from Turlock could tell us whether the price of \$150,000 was a floating figure or a firmed up figure. Is there firm commitments made on the property in Turlock. These are a number of questions which the State Board will have to answer. It is unfortunate that the representatives of the State Board could not be hear. We want to acknowledge the shortness of time they had to rearrange their schedule. We appreciate the fact that Mr. Carr, Chairman of the Board, will make available time on their agenda at their next State Public Works meeting to answer these questions that have been raised. The principal question still before this community is the difference in the principles of criteria which the state set forth 2 years ago. They have not satisfactorily answered the people of this community the basis upon which they made the selection in line with the criteria established. This must be discussed with the state board. Since we have this opportunity and it is going to be soon it would be in order for the Council to appoint a committee to ask for agenda time and to go to Sacramento and ask these questions. Part of this request should be for a representative from the State Department of Education to meet at a regular Council meeting. When the committee has received these answers it will report back to the Council and make the answers available to the citizens."

Henry Laws stated that when he was Chairman of the Education Committee of the Chamber of Commerce, Assemblyman Ralph Brown attended a meeting and was asked about representation in Sacramento. We were asked not to attend at that time. When it would be of any assistance that we could serve the purpose for the whole county and present facts to the proper groups we would be notified. I am wondering if our Chamber of Commerce and our City Council have been negligent in representing us in that respect when so invited or when notified to appear in this role.

Mr. Good stated that he did not know of any meeting on this subject which was not attended by Modesto representatives in force.

The City Manager stated that there had been a general implication that "we didn't do the job very well or we would have had the college here. Maybe that's true but the fact is that not only did we not miss a meeting, we never missed an opportunity of any kind. This Chamber of Commerce and this city spent literally hundreds and hundreds of hours and thousand and thousand of dollars' worth of time and effort. With all due respect to the statement made by Mr. Brown on Modesto's presentation, the simple fact is that at this hearing in Sacramento when the final decision was made the statement which Mr. Good read to you was our presentation. Not only did we review it there but we sent it to them in advance. It was mailed out on December 4 not only to all members of the Board but to every legislative advisor. The fact that Mr. Brown was out of state may be the reason he did not get it in advance. We made the presentation and answered some of the points raised and made additional presentations. That was just the 'final parting pitch'. We worked for months and months and we met 20 times with people in Sacramento in every conceivable phase of this, the State Department of Education, the Department of Finance, Division of Architecture. We went up with some of our real estate people and talked to Mr. Savage. Here are two of the reports which we sent which we set down and reviewed with them and which were presented to the Board and to their staff. This community made every effort of every kind that could possibly logically be made. God bless Turlock, they were pitching too. They did a terrific job and we congratulate them. This community to the best of my knowledge did not miss any bets that it could think of. We respected the position of Assemblyman Brown and Senator Donnelly in this matter and we didn't go and wear them out with a lot of requests or questions. We respected the position which Ralph Brown presented to you hear, which I think was

an appropriate one but believe me we were in there pitching every minute of every day and all the way. The decision was against us and we have been called "cheap skates" and "poor losers" and "sour grapes" and all that sort of thing but the thing that worries us is not that we lost the game but the referee threw the rules away before he decided who won it. I have the rules on that table over there, plenty of copies of them so that everybody can see exactly what the rules were. You can pick up a copy when you leave. They were clearly defined by the State Department of Education and we followed them and our site fit them. They threw them in a waste basket and disregarded them and went outside the area they defined and picked another site. This we do not understand. If we had lost this game fairly and squarely and it had been played according to the rules, we would have said well, God bless you. We will say that anyway, Turlock.

"Secondly there was some comment here about the separation of different divisions of government and that the legislature was not going to get in the selection of the sites. When it got hot in Alameda County, the Legislature did get into the selection of sites by passing a resolution which said how sites should be selected. That has been read to you and copies of that are over there too. We counted on that and these sites which we were proposing fitted these rules perfectly. I leave it up to you if you will pick up the rules and see if the sites don't fit them. This is the thing that worries us and the people of this community that this decision wasn't made according to the rules with which the game started."

Councilman Spaulding stated that in regards to the presentation at the hearing an additional comment should be made----"it has been said that the Modesto group made such a poor presentation at the hearing that is why they lost the site. It should be pointed out that one of the men who made that decision didn't even attend the hearing. Mr. Savage didn't see fit to go to the hearing and Mr. Carr came in and said that he had Mr. Savage's vote in his pocket. These are things which worry us a good deal. We have a lot of money invested in our state government and would like to know what is happening to it."

Herbert Baum stated that the subject of experts came up in the discussion and that he was an expert salesman. "I think we Modestans appreciate what you just said that you want to go to Sacramento and speak to those people. We have been told that we have fallen down in not having given support by appearing, so let us make a caravan of 1000 cars of Modestans for a State College and go to the meeting in Sacramento."

Mayor Hammond pointed out that "decisions of this nature were not predicated on the number of people that you can squeeze into an assembly room".

Mr. Feltes asked if it would be possible to ask questions on the basic facts at the Sacramento meeting as they were refused that opportunity on December 7. He pointed out that the last three meetings he had attended on the college site the Superintendent of Schools had been absent. He sent someone else to do his "dirty work". He stated that he wanted to get the answers to the basic questions and not any new ones.

MOTION

That the Mayor be authorized to appoint a citizen's committee to accept Mr. Carr's invitation to present the Modesto point of view at the next State Public Works Board meeting and that the Council request the State Department of Education and the

other members of the State Public Works Board, either the heads of the department or a responsible representative, to do the people of Modesto the courtesy and justice of appearing here in Modesto at a time at their convenience so that the citizens can ask the questions directly.

Moved by Spaulding Seconded by Arata Unanimously carried

Mayor Hammond gave Mayor Carter of Turlock an opportunity to make a statement but he replied that he had "No comment".

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Spaulding Unanimously carried

ATTEST: 
CITY CLERK

Modesto City Council
January 20, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Knoles, Spaulding, VanderWall, Mayor
Hammond

Councilman Adams arrived at 4:02 P.M.

Councilman Martin arrived at 4:19 P.M.

Absent: None

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

Rev. Darrell Thomas gave the invocation.

Approval of Minutes

Council members having received copies of the minutes of the Council meetings of January 2 and 6, 1960 and the same being available for public inspection and there being no objections, the minutes were approved.

APPROVE EMPLOYMENT OF GEORGE VOLKER ON PART TIME BASIS JOINTLY WITH CITY OF TURLOCK 1-26

With the unanimous consent of the City Council, the City Manager was given permission to raise a matter not on the agenda-- possible employment of George Volker on a joint basis with the City of Turlock, to carry forward city planning projects.

Larry O'Rourke, Administrator of the City of Turlock reported that the Turlock Council had approved the appointment of Mr. Volker as Planning Director for the City of Turlock on a half-time basis. Mr. O'Rourke suggested that the City of Modesto, since it had indicated an interest in the continuation of the Advance Planning program, employ Mr. Volker on the half time basis also.

City Manager Ross Miller pointed out that the city had budgeted funds for the advance planning program and at this point there was no specific program. This additional assistance would be of material assistance in completing some of the city's planning projects. The proposed salary would be \$350 per month for the balance of the fiscal year.

Mayor Hammond suggested that the City Manager submit a report to the Council, delineating the activities Mr. Volker would be handling and the plan by which this work schedule would be adjusted with the City of Turlock.

Planning Director Smeath reported that prompt decision would be necessary as Mr. Volker had two other offers of employment which would require him to move from the city. Types of projects which could be completed by Mr. Volker were outlined.

Mr. Volker indicated that he would be willing to accept part time employment on the basis outlined, for the balance of the fiscal year only.

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page 1

The City Manager reported that Mr. Volker would not be under the retirement system or be eligible for employee benefits, such as vacation, sick leave, etc.

MOTION

That George Volker be hired on a part-time basis by the City of Modesto as outlined by the City Manager.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

LETTER FROM EMILY KNOLES EXPRESSING APPRECIATION FOR COUNCIL'S RESOLUTION OF SYMPATHY 2-05

A letter from Mrs. Emily Knoles was read and ordered filed, expressing appreciation for the Council's resolution of sympathy on the passing of her husband, Tully Knoles.

LETTER OF INVITATION TO COUNCIL MEMBERS TO ATTEND FAMILY SERVICE AGENCY ANNUAL MEETING 2-09

An invitation from the Family Service Agency for the Council members to attend its fourth annual meeting on Monday, February 8 at 6:30 P.M. was noted. The City Clerk was directed to contact the members and remind them of the meeting.

ACCEPT BID OF WILLEY PRINTING COMPANY FOR PRINTING OF MODESTO MUNICIPAL CODE PAGES 2-14

The City Clerk reported receipt of two bids on January 18 for the printing of revised pages of the Modesto Municipal Code for the year 1960. The low bid submitted by Willey Printing Company of \$10.82 per page was recommended for acceptance by the City Clerk.

RESOLUTION NO. 60-18

A RESOLUTION ACCEPTING THE BID OF WILLEY PRINTING COMPANY FOR THE PRINTING OF REVISED PAGES OF THE MODESTO MUNICIPAL CODE

Moved by Spaulding Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

Councilman Martin arrived at 4:19 P.M

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT 2-22

RESOLUTION NO 60-19

A RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR FURNISHING VARIOUS TYPES OF TRUCKS AND PASSENGER VEHICLES

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

The time set for opening of bids was February 8 at 2:00 P M
Director of Public Works Ray reported on the type of equipment to be purchased and equipment to be traded in.

FURTHER CONSIDERATION OF PROPOSED AMENDMENTS TO THE ZONING REGULATIONS 2-63

The City Manager briefed the previous Council discussion on the proposed amendments to the zoning regulations. The only question remaining to be cleared was the proposed 20 foot setback.

Mr. Smeath displayed copies of plans filed with the Building Inspector and pointed out that there were few instances where houses and garages were constructed in a straight line across the front of the lot. Most of the houses are being constructed with either recessed garages or extended garages with the house set back. Most of the backyards are from 20 to 50 feet in depth. Both the Commission and the planning staff believe that most of the houses will be designed on the present lots without any additional depth to the lot. If the house and garage are to be constructed straight across the lot, under the proposed ordinance it would be necessary to set it back 5 feet, reducing the backyard area by this amount.

Under the proposed ordinance all new houses would be required to have a 20 foot setback unless there is some peculiar circumstance which would be grounds for the granting of a variance by the Board of Zoning Adjustment. Answering a question raised by Councilman Arata, Mr. Smeath stated that it would be difficult to grant a variance for the construction of a carport or garage addition to an old house as there would be a 20 foot setback requirement. Timing for the granting of a variance was discussed. Mr. Smeath stated that the Board meets once a month but would meet in special session, if necessary. Normally it would take 45 days maximum time for approval of a variance.

Councilman Arata considered that variances should be granted for the construction of garages and carports for older houses if they met the 15 foot requirement.

Mr. Smeath pointed out that the 15 foot setback was short as most cities require 20, 25 or 30 feet. The intent of the amendment is to keep cars from obstructing the public right of way.

The City Manager recommended that the ordinance provide a 20 foot setback and that hardship cases be handled by variance.

Mr. Smeath stated that there was another problem involved--- those subdividers who have obtained approval from the FHA prior to the effective date of the ordinance. The staff would like to feel that this would be a matter for some leeway. Mayor Hammond stated that the city would "temper this with a little common sense". Councilman Spaulding considered that this would be a matter for the Board of Zoning Adjustment to handle.

ORDINANCE NO. 358-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 10-2.253, 10-2.501, 10-2.503, 10-2.504, 10-2.903 and 10-2.1612 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

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

Moved by VanderWall Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

Harold Armstrong, representing the Stanislaus County Licensed Builders, spoke in opposition to the 20 foot setback

requirement and pointed out that statistics indicated the length of new cars was being decreased. The setback would not correct the situation of cars being parked in the public right of way, as the driver only drove up onto the driveway far enough to get off the street and leave him room to open his garage door. Enforcement of city ordinances could be used to eliminate parking of cars on sidewalk areas.

HEARING ON ANNEXATION OF SARATOGA MANOR ADDITION 3-120

Mayor Hammond declared the hearing open on the proposed annexation of Saratoga Manor Addition at 4:30 P.M.

The City Clerk certified that the notice of the hearing had been published in the manner required by law; that notices had been mailed to all interested persons; and that no written protests had been filed.

Mayor Hammond asked if anyone wished to file an oral protest or make any comment. No protests were filed or comments made. Mayor Hammond declared the hearing closed.

Report on annexations to city during 1959 by City Manager

The City Manager reported that growth was creeping up on the city. During the first 65 years of its history 27 areas had been annexed. During the last ten years there have been three times as many. He asked the Council to take into account that this growth creates more problems and requires more personnel to do the work. He distributed copies of a report and map to the Council members. He noted that during 1959 there were 19 annexations alone consisting of over 800 acres. Residential areas annexed would be approximately 1000 lots with over 3000 new people, when fully occupied.

ORDINANCE NO. 359-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE SARATOGA MANOR ADDITION TO THE CITY OF MODESTO"

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

Moved by Mayor Hammond Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond

Noes: None Absent: None

FINAL ADOPTION OF ORDINANCES 4-20

ORDINANCE NO. 355- C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE STANISLAUS COUNCIL OF GIRL SCOUTS RELATING TO THE RENTAL OF ROOMS NOS. 101, 102, 103 and 105 AND A BASEMENT ROOM IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO"

introduced on January 13, 1960 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Spaulding Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond

Noes: None Absent: None

ORDINANCE NO. 356-C.S. entitled

"AN ORDINANCE AMENDING SECTION 9-1.11 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO BUILDING REGULATIONS"

introduced on January 13, 1960 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

At the time Mr. Sham had been appointed Manager, it had been agreed, orally, that his salary range would be lower to permit this extra activity. The City Manager recommended that this arrangement be made official by the Council. He indicated that the audit program in the Finance Department had found that the Airport Manager had not been paying the license tax required for these activities at the airport. Apparently this too had been a part of the conditions of his employment. If this was the Council's desire, then whatever salary is allocated to him should be increased by \$150 to take care of the business license fee, so that it could be paid as required in the Municipal Code.

MOTION

That the staff proceed as recommended by the City Manager and a resolution be prepared for Council consideration.

Moved by Spaulding Seconded by Arata Unanimously carried

HOLD OVER CONSIDERATION OF AGREEMENT WITH GANT PROPERTIES INC.
FOR SEWER SERVICE 4-90

This matter was held over due to the illness of Denver Gant.

APPROVE PURCHASE OF POWER STUMP CUTTER 4-90

RESOLUTION NO. 60-21

A RESOLUTION APPROVING THE PURCHASE OF A VERNEER STUMP CUTTER
IN THE SUM OF \$3,942.00

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond

Noes: None Absent: None

Mr. Lowery reported that approximately 500 trees per year were removed, many very large ones. A report is being prepared on the incident of trees breaking curbs and gutters. He reported that it was going to be necessary to remove some of the large old trees in the downtown area.

CONSIDER REQUEST FOR ADDITIONAL PERSONNEL IN THE FINANCE
DEPARTMENT 4-125

The City Manager recommended that this matter be held over until the next meeting as a report on this department was being prepared. He reported that expenditure for overtime work was exceeding the amount approved by the Council.

Mayor Hammond asked that the report include the possibility of holding up any action on increased personnel until the move into the new city hall had been made.

APPROVE SALE OF SURPLUS PAINT CANS 5-07

The City Manager reported that the city had a substantial number of empty 5 gallon paint cans which could be sold at 15¢ each, with Council approval.

RESOLUTION NO. 60-22

A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PERSONAL PROPERTY

Introduced by Spaulding Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Noes: None Absent: None Hammond

CHANGE TRAFFIC PATTERN IN ALLEY 5-16

The City Manager reported that business concerns along the alley between 10th and 11th Streets and F and G Streets had requested that the alley be returned to two-way traffic instead of one-way northbound. The Traffic Director feels that this is primarily a local matter and recommends that the change be made as requested. The Public Works Department, Fire Department and Modesto Garbage Company have no objections.

RESOLUTION NO. 60-23

A RESOLUTION AMENDING SECTION 3 (b) OF 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" RELATING TO ONE-WAY ALLEYS, AND RESCINDING RESOLUTION NO 60-11

Introduced by Spaulding Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Noes: None Absent: None Hammond

CHANGE SPEED LIMIT ON CARVER ROAD 5-20

The Traffic Director reported that the area between US 99 Highway and Evergreen Avenue has sufficient houses now to qualify as a 25 MPH zone but the area north of Evergreen to the city limit should remain as a 35 mph zone.

ORDINANCE NO 360-C S entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING SECTION 5 OF ORDINANCE NO. 347-C.S."

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

Moved by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Noes: None Absent: None Hammond

CITY HALL MATTERS 5-26

None

APPROPRIATION TRANSFERS 5-27

None

REPORT FROM STATE CHAMBER OF COMMERCE RELATING TO INVENTORY TAX 5-29

The City Manager reported that he had again raised the matter of the property tax on inventory at a fall meeting of the Central

Valley Council and urged that further consideration be given to this matter. The California State Chamber of Commerce has advised that this matter would be placed back on its work agenda.

The City Manager stated that copies of the report would be made available to Council members who request it.

REMINDER OF DIVISION LEAGUE MEETING IN TURLOCK 5-42

The Council members were reminded of the quarterly meeting/ being held in Turlock, January 28.

AUTHORIZE PURCHASE OF PROPERTY NEXT TO McHENRY PUBLIC LIBRARY 5-46

The City Manager reported that all documents had been executed by Elmer Ridd and Viola Vann relating to the purchase of their property on 14th Street, next to the McHenry Public Library for the sum of \$21,122.65. This sum includes the cost for improvement of the alley which had been paid by the owners on the basis that if the city purchased the property this amount would be refunded.

ORDINANCE NO. 361-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ELMER RIDD AND VIOLA VANN"

was introduced and ordered published and printed as provided by the Code.

Moved by Arata Seconded by VanderWall

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Noes: None Absent: None Hammond

FINANCIAL REPORT FOR MONTH OF DECEMBER FILED 5-58

The City Manager filed the financial report for the month of December and copies were distributed to the Council members.

MATTERS NOT ON AGENDA RAISED WITH THE UNANIMOUS CONSENT OF THE COUNCIL 5-60

1- Request for water and sewer service to Briggs Avenue property

A request has been filed, Director of Public Works Ray, reported that the city serve sewer and water to an area located west of the Gant property on Paradise and Franklin Streets, along the south side of Briggs Avenue, outside the city limits. This area is being proposed for subdivision development. The City could furnish these services, subject to the normal provisions for annexation, etc. The City Manager recommended approval of the request.

MOTION

That the principle of serving these services to this area be approved and that the staff be authorized to work out the detailed arrangements.

Moved by Spaulding Seconded by Adams Unanimously carried

Report on the Personnel Commission recommendations on salaries

Copies of the report from the Personnel Commission relating

recommendations on salaries for city employees, with attached statement from the City Manager were distributed to the Council. Data submitted to the Commission upon which it based its recommendation is available for Council inspection, the City Manager reported.

The City Manager reported that a different procedure was followed this year under which no recommendation was made by him until after the Commission completed its deliberations.

This matter was ordered placed on the agenda for the Council meeting of January 27.

The City Manager reported that the Commission had recommended the increase of membership from five to seven.

Approve method for sale of walnut trees at Dryden Course 5-97

The City Manager reported on plans for the calling for bids for the sale of walnut trees located on the proposed driving range at Dryden Park Municipal Golf Course. He recommended that February 3 at 2:00 P.M. be set as the time for receiving sealed bids and that the first oral bid received at the Council meeting be not less than 5% over the highest valid sealed bid received, and that any subsequent bid exceed the previous bid by \$100. Appropriate deposits will be required from the bidders.

RESOLUTION NO. 60-24

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MODESTO TO SELL CERTAIN PERSONAL PROPERTY BELONGING TO THE CITY

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

APPOINTMENTS ON BOARDS AND COMMISSIONS 5-127

Mayor Hammond reported that he had contacted Bob Carter and Don West, whose terms expire on the Personnel Commission and both had indicated that they did not wish to be reappointed. He reminded the Council that a term of one member on the Planning Commission and the Library Board was expiring and that if the recommendation of the Personnel Commission on increased membership was approved, two additional appointments must be made.

MOTION

That the staff prepare an ordinance for Council consideration increasing the membership of the Personnel Commission to 7 members.

Moved by Arata Seconded by VanderWall Unanimously carried

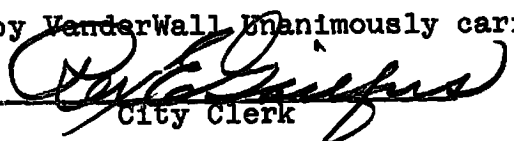
ADJOURNMENT

MOTION

That this Council meeting now in session be adjourned.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ATTEST


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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Martin, VanderWall, Mayor Hammond

Councilman Arata arrived at 8:00 P.M.
Councilman Knoles arrived at 7:32 P.M.

Absent: Councilmen: Spaulding

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

Rev. L. B. Lewis gave the invocation.

APPROVAL OF MINUTES

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

FINAL ADOPTION OF ORDINANCES 1-18

ORDINANCE NO. 358-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 10-2.253, 10-2.501, 10-2.503, 10-2.504, 10-2.903 AND 10-2.1612 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

introduced on January 20, 1960 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Adams Seconded by Knoles
Ayes: Adams, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Spaulding

ORDINANCE NO. 360-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING SECTION 5 OF ORDINANCE NO. 347-C.S."

introduced on January 20, 1960 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by VanderWall Seconded by Adams
Ayes: Adams, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Spaulding

ORDINANCE NO. 361-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ELMER RIDD AND VIOLA VANN"

introduced on January 20, 1960 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Knoles Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Arata, Spaulding

RESOLUTION NO. 60-25

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,600 FROM McHENRY LIBRARY CAPITAL RESERVE TO McHENRY LIBRARY FUND FOR LAND ACQUISITION

Introduced by VanderWall Seconded by Knoles
 Ayes: Adams, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Arata, Spaulding

ORDINANCE INCREASING MEMBERSHIP IN PERSONNEL COMMISSION 1-36

ORDINANCE NO. 362-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-5.02 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL COMMISSION AND REPEALING ORDINANCE NO. 195-C.S."

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

Moved by Knoles Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Arata, Spaulding

HOLD OVER CONSIDERATION OF UNIFORM BUILDING CODE 1958 EDITION 1-38

Due to illness and absence of persons involved in the clearing of this matter, the City Manager asked that the matter of the adoption of the Uniform Building Code (1958 Edition) be held over.

HOLD OVER CONSIDERATION OF AGREEMENT WITH GANT PROPERTIES INC. FOR SEWER SERVICE 1-50

Due to the illness of Mr. Gant this matter was held over.

AUTHORIZE RELEASE OF PERFORMANCE BOND TO JOE NUNES, JR. 1-52

The City Manager reported that the improvements in Campus Edge Unit No. 1 had been completed by Joe Nunes Jr., Subdivider, and that release of \$20,000 performance bond to guarantee these improvements would be in order.

RESOLUTION NO. 60-26

A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND TO GUARANTEE IMPROVEMENTS IN CAMPUS EDGE SUBDIVISION UNIT NO. 1 TO JOE NUNES, JR.

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Arata, Spaulding

CONSIDER RECOMMENDATION OF PERSONNEL COMMISSION FOR SALARY INCREASE FOR CITY EMPLOYEES 1-56

Mayor Hammond pointed out that the discussion would only relate to the classified personnel, excluding the appointive officials, City Manager, City Attorney and City Clerk.

The City Manager read his letter of January 19, to the Mayor and Members of the City Council relating to the findings of the Personnel Commission and its recommendations as follows:

1. The Personnel Commission unanimously recommends to the City Council that a 5% (one range) increase for city employees be granted retroactive to January 1, 1960.
2. The Personnel Commission further recommends that the membership of the Commission be increased from five to seven members.

The City Manager noted that a memorandum from him on the subject: "Personnel Commission Salary Recommendation" dated January 20, had previously been distributed to all Council members, along with a summary entitled "Comparison Top of the Range Salaries City of Modesto with eight other cities". Copies of the Commission minutes, which have not yet been approved, were also sent to the Council members.

The City Manager stated that since the Commission's action there had been a new report issued on the San Francisco cost of living which shows an additional increase of approximately six tenths of one per cent. Information in the various reports submitted by the staff to the Personnel Commission discussed by the Council related to the following matter:

1. Comparison of wages paid City of Modesto employees with private industry, other cities of comparable size, state and county.

The City Manager pointed out that the wages shown by private industry was based on a report prepared last spring by the Chamber of Commerce. This is the latest over-all local survey made. Based on information presented and on the fact that the salaries to be established now by the Council would be for the entire year of 1960, the Commission recommended the 5% increase. He stated that the staff concurs in this recommendation.

A chart showing "Comparative Fringe Benefit Costs" indicated that average private industry fringe benefit cost was 21.8% as compared to the City of Modesto's 20.4%. Items included in fringe benefits were sick leave, holidays, group insurance, retirement, vacations, compensation insurance and uniform maintenance. Police Department fringe benefits totalled 21.48%; Fire Department 21.87% and Miscellaneous employees 19.70%, making the over-all percentage of 20.4%. The City Manager pointed out that this figure did not include payment to the State Employee's Retirement System for prior service on employees. (Miscellaneous employees hired prior to December 1, 1950 and Safety members prior to August 1, 1946.)

The report pointed out that city employment tends to be more stable than in many private firms; construction workers in the Modesto area average 45 weeks employment per year. It also pointed out that city employees are not covered by unemployment insurance which means a saving to the city of 2.7% of payroll.

Holidays granted city employees as set forth in the personnel rules and regulations are based on legal holidays established by state law, which average 11 per year (holidays falling on Saturday are not recognized by the city as is true of the federal government where the

preceding Friday is given). Private industry averages 7.38 paid holidays per year. The City has 3.62 more paid holidays per year, which amounts to approximately 1.4% of salary.

No premium for overtime is paid by the city, compensating time off is granted insofar as possible. Private employers for the most part pay a premium. The City Manager reported that the employees have asked that further consideration be given to this matter. The staff will be working with the Commission.

Vacations granted city employees were compared in the report to vacations granted by local private industry and other local public agencies (M.I.D., Schools, County, State). Retirement insurance and sick leave benefits were also compared in charts attached to the report. A chart showing the number of full time employees per 1000 population 1951 through 1959 indicated that the number had been reduced from 13.6 in 1951 to 9.3 in 1959.

The City Manager stated that it had been the judgment of the Commission that the 5% adjustment would bring up the wages where they should reasonably be at this point, considering private industry salaries and public competition. He reported that a different method had been used by the Commission to arrive at its decision. The Commission made its recommendation before the staff submitted its. The decision of the Commission was unanimous.

The City Manager pointed out that the last chart in the report entitled, "Relation of Salaries to Total Expenditures (excluding bond construction)" indicated a reduction from the 1953-54 of 50% to 41.7% for the year 59-60. The City Manager pointed out that during the last five years of this period the capital outlay items were of the same general order and the percentage has been on a comparable basis.

Mayor Hammond asked if anyone in the audience wished to comment on this matter. No comments were made.

Councilman Martin raised the question on the background of why the city employees received more holidays than employees in private industry. He considered that it was a "hidden" benefit besides being an irritating factor to have most people in the community "on the job" while the city employees were not. He considered that city employees did more business with the residents of the city than other governmental agencies, and conformity should be greater.

Mayor Hammond considered that it was a custom without any justification, that it was based on a fraternity feeling between state, county and city employees.

Assistant City Manager Masonheimer pointed out that the holidays, adopted by the Council, were the same holidays provided in the Government Code for state employees. The City Manager pointed out that this holiday benefit had been included in the city's benefit percentage of 20.4% and it amounts to 1.4% of salary.

Mayor Hammond suggested that this matter be referred to the Personnel Commission for study during this coming year.

MOTION

That the matter of holidays be referred to the Personnel Commission to study during the coming year, the advisability of whether or not the city employees' holidays should correspond with the community pattern.

Moved by Martin Seconded by VanderWall Unanimously carried

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Councilman Adams suggested that this study should take into account the Federal Government practice of recognizing the preceding Friday if holidays fall on Saturday.

Answering a question raised by Councilman Arata, the City Manager reported that the cost to the city for the last half of the fiscal year on all direct salaries and fringe benefits would be approximately \$56,000.

The City Manager reported that the city had \$120,000 in reserve and savings resulting from 1) cases where positions still remain vacant, 2) where employees have resigned and the position filled at a lower range salary and 3) firemen for the new station and an Accountant 2 have not been employed. These savings would pick up a substantial portion of the cost for salary increase.

Other items which must be included in the transfer would bring up the total to \$59,878. These are 1) additional in State Employees' Retirement System, previously reported to the Council but not yet transferred; 2) Social Security costs; and 3) compensation and health insurance.

Improvements in fire protection system

The City Manager stated that one urgent matter to be considered by the Council was improvements in the fire protection system, some of which might need to be this fiscal year. These could either be financed from the reserve or capital improvement fund.

Further discussion on salary matter

The cost of the increase would mean approximately a 20¢ tax increase, Councilman Arata pointed out.

The City Manager pointed out that items which varied directly with prices and business volume such as sales tax, business license fees, etc. would be higher than originally estimated. Therefore the salary increase does not necessarily mean an increase in the property tax. The City Manager stated that the estimates given were computed on every city position authorized, whether or not the positions have been filed.

RESOLUTION NO. 60-27

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

Introduced by Adams Seconded by Mayor Hammond
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

The City Attorney pointed out that the increase in salaries did not change the salary rates for the Library employees. Mayor Hammond pointed out that if the County should change its rates during the fiscal year, the city would then consider the wage scale for these employees.

HEARING ON IMPROVEMENT DISTRICT NO. 9 4-59

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set by the City Clerk for a public hearing "when any and all persons interested in the work done in Improvement District No. 9

(Street lighting on McHenry Avenue) or in the assessment on file, may appear and be heard by the Council".

The City Clerk certified that the notice of the hearing and of filing of assessment was published in the Modesto Bee on January 10 and 17 in the manner required by law; and that no written protests or appeals had been filed with the City Clerk up to the time of the meeting.

Ray
Director of Public Works reported on the revision of the assessment roll which was necessary due to the sale of properties.

RESOLUTION NO. 955-S.P.

A RESOLUTION AMENDING ASSESSMENT AND DIAGRAM IN LOCAL IMPROVEMENT DISTRICT NO. 9 OF THE CITY OF MODESTO, CALIFORNIA

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

Mayor Hammond asked if anyone in the audience wished to file a protest or make any comments. No protests were filed or comments made.

RESOLUTION NO. 956-S.P.

RESOLUTION OVERRULING PROTESTS

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 957-S.P.

RESOLUTION CONFIRMING AMENDED ASSESSMENT

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

CLEAR PROPOSAL FOR DISPOSITION AND STORAGE OF ADVANCE PLANNING PROPERTY AND RECORDS 4-90

The City Manager reported the Committee on Disposition of Library, Maps, Reports and Files of the Advance Planning Program approved the following recommendations:

- "1. It is assumed by the committee that the Planning Director will turn over complete inventory of furniture and equipment for distribution by the County Administrative Officer to the original owners.
11. It is recommended by the committee that a written agreement shall be drafted concerning the fact that all maps, books, plates and reports be available on call to the participating cities and the county on a loan basis, including the following:
 - A. There shall be developed a listing of the materials which are to be maintained on a loan basis;
 - B. All materials of a regional significance shall be kept in a central location;
 - C. All materials so designated shall be made available on a

loan basis to authorized persons representing the participating agencies.

With the mutual agreement of representatives of the City and County, certain materials, such as report negatives and colored maps pertaining to the individual jurisdictions may be distributed to the pertinent agencies at the close of the program.

- D. If there is a revival of a joint program, all materials which have been maintained intact, based on the original joint agreement and yearly inventory which will be furnished to each jurisdiction, shall be turned over to the new offices on demand by the majority of the participating jurisdictions.

- "111. It is recommended that the aforementioned reports and materials be distributed to the participating agencies before the final closing of the Advance Planning Office. An inventory of the materials which will be maintained intact and those items of equipment and furniture which are to be distributed shall be furnished to all participating agencies.

Based on the foregoing consideration, the committee recommends that the location and instrumentality for maintaining planning materials resulting from the Advance Planning Program be located in the County Planning Commission Office. The officer in charge shall maintain a yearly inventory and send the same to the participating agencies."

The City Manager recommended the proposed procedure.

MOTION

That this procedure be approved.

Moved by VanderWall Seconded by Knoles Unanimously carried

ITEMS 12 AND 13 OF AGENDA TO BE CONSIDERED IN EXECUTIVE SESSION

Mayor Hammond stated that at the conclusion of this meeting he would recess the meeting to hold an executive session. During this session item 12 - "Further consideration of request for additional personnel in Finance Department" and item 13 - "Consider matter of management personnel doing outside consulting work" would be discussed. Pay increase for appointive employees, appointments to Board and Commission, and a general review of personnel matters would also be considered.

RESOLUTION SETTING DATE FOR HEARING ON RECOMMENDATION FOR REZONING OF SECTION 29 OF ZONING MAP 4-120

Resolution No. 575 adopted by the Commission recommending Council approval of an amendment to Section 29 of the Zoning Map to reclassify from Neighborhood-Commercial Zone C-1 to General Commercial Zone C-2, lots 1 to 16 inc. in Block 87 and all of Block 90 located on the west side of 12th street and the west side of 13th Street between L and M Streets.

The City Clerk recommended that February 17 at 4:30 P.M. be set as the date for the hearing.

RESOLUTION NO. 60-28

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE

**COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 29
OF THE ZONING MAP (SECURITY TITLE INSURANCE COMPANY)**

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

SET DATE FOR HEARING ON ANNEXATION OF YMCA ADDITION 5-5

Resolution No. 578 of the Modesto City Planning Commission recommending to the Council the commencement of proceedings for the annexation of the YMCA Addition to the City was noted.

The City Clerk recommended that March 9 at 8:00 P.M. be set as the date for the hearing by the Council.

RESOLUTION NO. 60-29

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

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

INITIATE PROCEEDINGS TO ANNEX CALIFORNIA-FRANKLIN ADDITION TO THE CITY 5-15

Resolution No. 576 of the Modesto City Planning Commission was noted by the Council recommending the annexation of the California-Franklin Addition consisting of 9.847 acres located at the northwest corner of Franklin Street and California Avenue.

RESOLUTION NO. 60-30

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 CALIFORNIA-FRANKLIN 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 Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

DISCUSSION ON OUTSIDE ACTIVITY OF CITY EMPLOYEES 5-25

The City Manager stated that some of the employees who had been present at this meeting were interested in item 13 - "Consider matter of management personnel doing outside consulting work" which Mayor Hammond has stated would be considered in executive session. He asked if after consideration in executive session whether it would again be considered in open session.

Mayor Hammond stated that the matter related to "management personnel" not all city personnel, but the matter could be carried over until the next agenda, so that they could be present.

Assistant City Manager Masonheimer pointed out that this subject had been held over until this evening meeting and the Council had directed that representatives of the city employees be invited to attend.

The City Attorney questioned whether or not the scope of items 12 and 13 are properly matters that could be considered by the executive session. He pointed out that provisions of the Council procedural ordinance provides "that all meetings of the Council shall be open to the public provided, however, the Council may hold executive sessions to consider the appointment or employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employees, unless such public officer requests a public hearing". In order to come within the executive session provision, it should come within that language.

Mayor Hammond stated he should have said that he would like to defer consideration of items 12 and 13 until after the executive session.

The City Attorney pointed out that as to the scope of the executive session under the code, the Council's authority to hold executive session is limited to considering matters relating to appointment, employment or dismissal of a public officer or employee or to hear complaints regarding this.

Mayor Hammond asked the City Attorney to sit in on the executive session to be certain that the Council would not be out of line in its discussion.

Councilman Martin recommended that both items 12 and 13 be carried over until the next Council meeting. No objections were offered by the other members.

AUTHORIZE USE OF PORTION OF RIGGS BUILDING FOR STORAGE OF TRAFFIC DEPARTMENT MATERIALS AND EQUIPMENT 5-87

A request from Director of Parking & Traffic Douglas Carmody that the room in the Riggs Building on 9th and I Streets now owned by the city and formerly leased for barbershop purposes be used for storage of materials and a field headquarter for this department, was considered by the Council. The City Manager recommended approval of the request.

MOTION

That use of this space by the Traffic Department for the storage of materials and field headquarters be approved.

Moved by VanderWall Seconded by Arata Unanimously carried

RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF THE STREET RIGHT OF WAY IN BLOCK 911 6-106

Resolution No. 573 from the Modesto City Planning Commission recommended to the Council that a portion of the street right of way in Block 911 (DelRey Street) be vacated and abandoned.

February 17 at 4:30 P.M. was set as the time for the public hearing before the Council.

RESOLUTION NO. 958 S.P.
RESOLUTION OF INTENTION NO. 271

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF THE STREET RIGHT OF WAY IN BLOCK 911 IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

APPROVE REQUEST OF FRANK PARADIS TO EXTEND CURBING IN STREET AREA ON
 GRISWOLD AVENUE 6-17

Frank Paradis, 829 Brady Street, stated that he had installed curbing in front of his house located on the SE corner of Brady and Griswold Avenue (Improvement District No. 8) at the request of his neighbors to eliminate a drainage problem in front of their houses on Brady Street and the Enslin School. Due to the proposed 40 foot width of Griswold Avenue, his contractor could not install the curbing to the end of his property. He asked for permission to extend the curbing 18 feet to the present street width on Griswold Ave. He stated that he would pay the cost for the curbing and at such time as the city widened the street or took out the trees, the city could rip up the curbing.

Director of Public Works Ray stated that there was no problem to this proposal in this particular location because the curb extension of 18 feet and traffic on Griswold Avenue would be protected by the existence of a walnut tree at this corner. A dry well will be installed by the city at the end of the curbing to help with the drainage situation. The City Manager recommended approval of the request.

MOTION

That the request of Mr. Paradis be approved and the staff be authorized to proceed on this basis.

Moved by VanderWall Seconded by Martin Unanimously carried

ITEMS RAISED WITH THE UNANIMOUS CONSENT OF THE COUNCIL

With the unanimous consent of the council, Mayor Hammond was given approval to read three letters received since the preparation of the agenda:

- 1- Letter from S. F. and Cy C. Young, Rt. 5, Box 2220, Modesto advising that they wished to clarify an erroneous remark made at the special Council meeting relating to the Kidd-Young site for the State College--This site had been withdrawn as a potential college site and was not available.

"Our property was not included within the proposed Pauline-California site. However, if the said site had been selected, we certainly would be most anxious and willing to cooperate in the best interest of the community.

"We also wish to suggest to you that the owners, whose properties are included within the said site, be given an opportunity to speak for themselves."

- 2- Letter from John F. Feltes, Chairman of the West Modesto College Committee:

"I, as Chairman, and the other members of the Committee do not stand to gain financially in any way by our efforts in working to locate the college in the Modesto area.

"I, being in the real estate business, made it distinctly clear to all of the property owners I contacted in this matter, that there was no commission involved; and that I was not acting as a real estate agent, but only as a citizen working for the good of Modesto."

- 3- Letter from Harry F. MacDonald, 981 Monterey St., San Luis Obispo. Mr. MacDonald offered to sell at least 240 acres of his ranch on Coffee Road as a college site (between Lateral No. 3 and Floyd Avenue and between Coffee Road and Rose Avenue) subject to existing lease and existing contract of sale at \$3,000 per acre.

REVIEW OF HIGHWAY POLICY ON USE OF STATE GAS TAX FUND ON CITY STREETS 7-71

The City Manager reported this matter was discussed at the City Administrator's meeting held earlier this month and will possibly be raised at the Central Valley League meeting being held in Turlock January 28. Two street and highway matters were reviewed, 1) use of state highway funds to provide connections to freeways now specifically authorized by the State Legislature, and 2) use of state highway funds on extensions of federal aid secondary highways within urban areas also approved by the Legislature.

Previously the Division of Highways has taken the position that it did not have the authority to use these funds as indicated in 2 above. This new legislation adopted in 1959 specifically gives this authority. The city has recently received from the state, a direction sheet which indicates that if this is to be done on city streets, there must be a 110 ft. right of way. There has either been a mistake in the figures or this would be an unreasonable requirement. This width of right of way is not being required of the counties (or on state highways) and it would be unreasonable to require it of cities.

The City Manager reported that he had brought this up with the League office and these matters are being checked out with the state representatives.

REVIEW OF RECOMMENDATION OF U.S. FIRE PROTECTION ENGINEERING SERVICE 7-95

The City Manager reported on the recent meeting held with representatives of the U.S. Fire Protection Engineering Service, Kroeger & Associates, working on the manpower problem, and National Board of Fire Underwriters.

The U. S. Fire Protection Engineering Service has made specific recommendations on improvements, which should assure the city of a class 3 rating, with estimated costs. This includes major improvements to the water system, construction of the new fire station already authorized and additional manpower. It appears now that if this city was rated now or sometime back that it would be in class 4. The question is to be or not to be in class 3.

A report will be given at the next Council meeting and in advance of the meeting a summary will be sent out to the Council members.

The Board has agreed, as far as the timing is concerned, it would give the city time to make these improvements. It was concluded, tentatively, that it would be wise, rather than try to strain for every point and still not make it, to proceed with two types of improvements, 1) those that are specifically and clearly required and justified purely on the basis of fire protection, forgetting the rating, 2) do a number of things which are not expensive but which would be helpful and would improve the rating in addition to the fire protection. The Board would then grade the city and "tell us exactly where we are". The city would know its position precisely so there would be no guess work. Then for a period of one year or so the Board might give the city

grade 4 if it had not made 3. Within a period of a year or so the Board would permit the city to make these improvements, and at whatever point the city was ready to come back and reevaluating the things done and giving credit for these. This probably would be the desirable way to do it, the City Manager stated. Portions of the program will be on the agenda for next week.

LEAGUE MEETING IN TURLOCK JANUARY 28 7-130

The Council members were reminded of the quarterly meeting of the Central Valley Division of the League of California Cities.

RECESS FOR EXECUTIVE SESSION 8-5

Mayor Hammond stated that he would move that the Council meeting be recessed to executive session to consider appointments to Boards and Commissions and to review activities of appointive personnel.

Jack Crose, reporter for the Modesto Bee stated that he believed that some of the subjects proposed for discussion in this meeting do not fall under the definition of the law permitting executive sessions.

Mayor Hammond assured him that the discussion would be within the confines of the law.

Councilman VanderWall seconded the motion which was unanimously carried.

Mayor Hammond reconvened the meeting at 10:50 P.M.

APPOINTMENT TO BOARDS AND COMMISSIONS 8-70

RESOLUTION NO. 60-31

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF LIBRARY TRUSTEES -
BARBARA A. CROWLEY

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 60-32

A RESOLUTION EXPRESSING APPRECIATION TO MRS. REBECCA HECKENDORF FOR SERVICES RENDERED TO THE COMMUNITY WHILE SERVING AS A MEMBER OF THE BOARD OF LIBRARY TRUSTEES OF THE McHENRY PUBLIC LIBRARY

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 60-33

A RESOLUTION APPOINTING JAMES R. MORGENSEN AND CHARLES D. ALLEN MEMBERS OF THE PERSONNEL COMMISSION

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 60-34

A RESOLUTION EXPRESSING APPRECIATION TO ROBERT D. CARTER AND DONALD H. WEST FOR SERVICES RENDERED TO THE COMMUNITY WHILE SERVING AS MEMBERS OF THE MODESTO CITY PERSONNEL COMMISSION

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

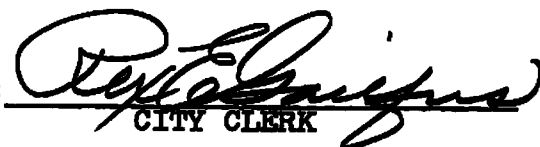
ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Martin Unanimously carried

ATTEST:


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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were
Present: Councilmen: Arata, Knoles, Martin, VanderWall, Mayor Hammond
Councilman Adams arrived at 4:03 P.M.
Absent: Councilman Spaulding

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

Rev. Stanley Brown gave the invocation.

LETTER FROM MODESTO MINISTERIAL ASSOCIATION 1-11

A letter from L. B. Lewis, President of the Modesto Ministerial Association was read asking that the week of March 13-20 be proclaimed as Spiritual Emphasis Week for the churches and people of the community.

MOTION

That a proclamation be issued as requested.

Moved by Arata Seconded by VanderWall Unanimously carried

LETTER FROM BOY SCOUTS OF AMERICA 1-25

A letter from the Yosemite Area Boy Scouts of America was read asking that its attached Fiftieth Anniversary Boy Scout Week Proclamation be endorsed by the Council for entry into the official city records.

MOTION

That the proclamation be made a part of the city's official records

Moved by Arata Seconded by Adams Unanimously carried

LETTER FROM U. S. POST OFFICE RE: WATER-SEWER BILL FOR TEMPORARY QUARTERS -1121 I STREET 1-36

A letter from W. Bard Stout, Assistant Postmaster protesting the \$45.74 bill received for water-sewer service for 10 day period December 10-24 for its temporary quarters at 1121 I Street, was read.

The City Manager reported that at the time the water was turned on an employee of the postal service was informed by the city there appeared to be a leakage in the building which should be checked. The bill of \$45.74 is high for this type of useage. Section 11-1.08 of the Municipal Code provides that the Council could establish the amount to be charged for water service to governmental agencies. He recommended that the rate be set at \$10 for water and \$5.00 for sewer.

The City Manager answer^{ed}/a question raised by Councilman Adams that the Code did not provide for changing the rate on commercial establishments in a similar case.

RESOLUTION NO. 60-35

A RESOLUTION FIXING THE CHARGES FOR THE WATER AND SEWER SERVICE AT 1121 I STREET TO THE U. S. POST OFFICE FOR THE PERIOD DECEMBER 10-24 1960

Introduced by Knoles Seconded by Mayor Hammond
Ayes: Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: Adams Absent: Spaulding

LETTER OF APPRECIATION FROM SALVATION ARMY FOR CITY'S COOPERATION ON CHRISTMAS PROGRAM 1-79

A letter from the Salvation Army was read expressing appreciation for the city's cooperation in its Christmas program for the collection of funds for the needy.

FINAL ADOPTION OF ORDINANCE NO. 362-C.S. INCREASING MEMBERSHIP OF PERSONNEL COMMISSION 1-84

ORDINANCE NO. 362-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-5.02 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL COMMISSION AND REPEALING ORDINANCE NO. 195-C.S."

introduced on January 27, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Adams Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

ORDINANCE AMENDING CODE RELATING TO PLACE OF COUNCIL MEETINGS 1-88

ORDINANCE NO. 363-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO COUNCIL MEETINGS"

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

Moved by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Knoles, Mayor Hammond
Noes: None Absent: Spaulding

ORDINANCE REGULATING PARADES 1-92

As directed by the Council, the City Attorney presented for Council consideration, an ordinance providing for the regulation of parades.

Section 4-8.04, subsection (f) "Such parade is not to be held for the sole purpose of advertising any product, goods, wares, merchandise or commercial event, and is not designed to be held purely for private profit.", was discussed by the Council. The City Attorney pointed out that the purpose of this section was to prevent a parade to be held for the sole purpose of commercial advertising.

The possibility of merchants or schools holding parades which

would advertise the sale of merchandise or the holding of some activity as defined by this section, was discussed.

The City Manager pointed out that a parade conducted by merchant to stimulate trade in the city would be a city activity as funds are provided by the city for this purpose to the merchants and would not be prohibited by this section. This would not apply to a single company or product however.

Councilman Martin pointed out that this section would prohibit an automobile agency from holding a parade for the sole purpose of exhibiting its new models. This could be desirable to hold the agency within the city.

The City Attorney considered that it would be preferable to delete the section if it was not the Council's desire to prohibit this type of parade, instead of changing the ordinance to provide Council approval for holding a parade.

Mayor Hammond stated that the Council should not be in the position of encouraging commercial type parades on city streets. The city is furnishing police and fire detail in such parades which could be for the sole purpose of private profit.

Police Chief Bowers stated that the purpose of the regulatory ordinance was to limit the parades to the types which are for general good of the community rather than specific people and to prevent the use of city personnel. He reported on requests received for parades which had been denied on the basis sound trucks would be used in connection with the parade.

ORDINANCE NO. 364-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 8 ENTITLED "REGULATION OF PARADES" TO TITLE IV OF THE MODESTO MUNICIPAL CODE"

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

Moved by Adams Seconded by Mayor Hammond
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

AMEND CODE RELATING TO DISTRIBUTION OF ADVERTISING MATERIAL 2-80

As directed by the Council, City Attorney Grimes presented for approval an ordinance amending the Municipal Code. The proposed amendment would clarify the validity of the distribution of materials similar to the Modesto Tribune Shopping Guide.

ORDINANCE NO. 365-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-7.107 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE DISTRIBUTION OF ADVERTISING MATERIAL IN THE CITY OF MODESTO"

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

Moved by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

Director of Public Works Ray stated that a report, dated January 18, had previously been sent to the Council members covering amendments to the ordinance adopting the 1958 Uniform Building Code. Changes proposed and reasons for these changes were outlined in the report. Information on the Board of Appeal requested by two different organizations was also included in this report.

Since this time all of the questions raised by the Builders organizations have been cleared. He reviewed the questions resolved as follows:

Section 9-1.09 relating to painting requirements in hallways, stairways and corridors in group D and H buildings requires that no oil paints or similar inflammable paints be used. Mr. Ray reported that this had been placed in the city's code many years ago at the request of the Fire Chief because of the type of paints being used at that time. It was determined that this was in conflict with the State Department of Public Health in certain classes of buildings, such as hospitals. Since this will not effect the city's fire grading it can be eliminated from the ordinance.

Requirements proposed for sandblasting and spray painting have been cleared satisfactorily with the builders since the last Council discussion on this matter. It is proposed that the wording be changed to read as follows:

"Protection of adjacent property: No sand blasting, demolition or other building construction operation shall be carried on in such a manner that will be detrimental or injurious to adjacent property, pedestrians, sidewalks or vehicles using the streets in vicinity of the operation. A permit shall be required whenever sand blasting is performed on building exteriors in C-1 or C-2 zone. No building or other structure in these zones shall be sand blasted except by a wet process, precluding the creation of dust and dry debris."

ion
The except/is the same as before.. Sand blasting may be permitted only when evidence is submitted that this process is necessary for the proper cleaning of the building. No permission may be granted unless it can be shown that the use of this process is not detrimental to adjoining property or public welfare. Fees for permits shall be the same as set forth in Section 9-1.03.1 of this ordinance.

The change from the last proposal received from the staff eliminates the words "spray painting". This provision applies only to commercial zones. A statement has been made in the ordinance to clarify any question in respect to fees for permits. The local painters have gone over and approved the proposed change. This would not apply to industrial or residential areas. There would be no permits required or restrictions in either of these zones (spraying painting or sand blasting). There is no requirement on spray painting in the ordinance now since the changes have been made. The only question remaining to be resolved is the establishment of a Board of Appeals to administer the Building Code.

Mr. Ray noted that the City Attorney had sent out a memo dated January 20 on the subject, "Adoption of 1958 Uniform Building Code: Board of Appeals". Mr. Ray stated that the staff made no recommendation in this matter. However if the Council decided to establish the Board that he would like to make some recommendations.

Councilman Adams stated that in the discussion with the Builders it was brought out that there was no outstanding difference between the way the city presently operates whenever there is a problem.

There would be better public relations with the builders if a Board was created. The Board would be composed of specialists who would be in a better position to pass on the problems than the Council. The applicant should also have recourse to the Council for final decision and the same would hold true of the Building Official. The Board would take some of the load off of the Building Official. One problem involved in the establishment of the Board would be to obtain appointees.

Mr. Ray stated that, as written in the Code, the duties of the Board of Appeals would be to adopt reasonable rules and regulations; conduct investigations; render decisions and findings, in writing, to the Chief Building Official; recommend new legislation to the Council; determine the suitability of alternate materials and types of construction; and provide for reasonable interpretation of the provisions of the Building Code. He suggested the following changes if the Board was set up:

1. That the Board consist of representatives of the building field with not more than two members in any one classification and with one member being an architect or civil engineer.
2. That in the provision of the ordinance establishing the Board, that appeal from the decision of the Board could be made to the City Council.

Answering a question from Mayor Hammond, Chief Building Inspector Tom Hermida stated that the rate of incidence on which the Board of Appeals might have to act would average one time annually. During the fourteen years of his employment with the city, there had been less than 12 occasions where help could have been used by him in making decisions. Whenever a problem arises on the interpretation of the Code, he stated, the question is sent to the conference in Los Angeles and the decision is made and published in the Building Standards which is circulated throughout many states and countries.

Mr. Ray reported that other cities had been contacted regarding the operation of its Board of Appeals and it was learned that some boards met twice a year. In Stockton the Board is also the Board of Zoning Adjustment and meets twice a month.

Councilman Arata considered that a Board would create more work for the city staff. If the Building Officials are not capable of making decisions they should be removed and a new one appointed.

Mayor Hammond considered that if the problems were of such scope, the builders could appoint a committee of five members and come before the Council with their problems.

Councilman Martin stepped down from his chair at this time.

Attorney Dean Price, representing the Stanislaus Licensed Builders Association, stated that up to date there had been no serious problems. However there are times when there is a disagreement concerning the interpretation of rules and regulations. In the building industry these decisions must be had rather rapidly so that the progress of a particular project will not be delayed. In the meeting held with the staff and builders there was general belief that the Board would accomplish two things, 1) it would give the builders a place to air any particular problem which they have with the agency of the city with people competent to understand; 2) the Board would have a continuous contact with the building department so that when the Council was considering legislation relating to this field, the work of adopting legislation would be shortened. He pointed out that Boards of Appeal were being used by many cities in the state.

The possibility of the City Manager appointing an advisory committee with the same type of composition proposed for the Board of Appeal was discussed.

Mayor Hammond stated that at this time the incidence of need for the Board was not great enough. When a problem arose the building trades would have the opportunity to present its story to the Council. When a board of this type is established there is a tendency to develop some business to keep it busy.

A motion introduced by Councilman Adams that the City Attorney be instructed to prepare the necessary document to include the Board of Appeal as outlined by the Director of Public Works, died for the lack of a second.

MOTION

That no provision regarding a Board of Appeal be included in the ordinance adopting the 1958 Uniform Building Code.

Moved by Arata Seconded by VanderWall
Mayor Hammond declared that the motion carried.

MOTION

That Section 9-1.09 relating to painting of the proposed section on sand blasting is satisfactory to the Council and that the City Attorney be directed to draft an ordinance presenting the 1958 Building Code to the Council with these changes and the ones previously approved.

Moved by Adams Seconded by Arata Unanimously carried

Councilman Martin returned to his chair at this time.

No action was taken on the suggestion of the City Manager that an advisory committee be appointed.

Councilman Knoles stepped down from his chair at this time.

HEARING ON REQUEST OF THE MODESTO JUNIOR COLLEGE FOR AN UNCLASSIFIED USE PERMIT

Mayor Hammond declared the hearing open at 4:30 P.M. on the application of the Modesto Board of Education for an unclassified use permit for enlargement of existing library facilities and relocation of physical education facilities on the campus of the Modesto Junior College.

The City Clerk's certification that the notice of the hearing had been published in the manner prescribed by law; notices were distributed in the area; notices were posted in the area; and that no written protests had been received, was noted by the Council.

Director of Planning Smeath reviewed the action taken by the Planning Commission on January 6, recommending that the permit be granted by the Council in accordance with the plan dated October 1, 1959 on file in the office of the City Planning Director, subject to the following condition:

"That the proposed parking be developed in accordance with Section 10-2.1807 of the Municipal Code, such parking to be developed not later than the time of occupancy of the new buildings."

Mayor Hammond asked if anyone in the audience wished to speak on the matter. No comments were made.

Mayor Hammond declared the hearing closed.

RESOLUTION NO. 60-36

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MODESTO BOARD OF EDUCATION FOR ENLARGEMENT OF EXISTING LIBRARY FACILITIES AND RELOCATION OF PHYSICAL EDUCATION FACILITIES ON THE MODESTO JUNIOR COLLEGE CAMPUS

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

REJECT BIDS RECEIVED FOR THE SALE OF WALNUT TREES ON DRYDEN PARK MUNICIPAL GOLF COURSE 5-42

The City Attorney reviewed the terms for the sale of the 293 walnut trees on Dryden Park Municipal Golf Course, as set forth in Resolution No. 60-24 and the bidding specifications which provided for oral bidding. Written bids received prior to 2:00 P.M., this date, were opened and read by City Clerk Gailfus:

- Clayton Brothers-----\$12,200(no check included)
- Timberline Incorporated----\$13,131(check not certified)

The City Attorney stated that neither bid met the specifications. Since there is no valid written bid, oral bidding could not be accepted. The Council has the following alternatives to consider: 1) reject all bids and authorize the staff to readvertise; 2) reject all bids and authorize the staff to negotiate for the sale of the trees. He pointed out that there might have been some confusion on the part of the bidders as the resolution of intention provided for the filing of a bid deposit but the specifications did not.

Director of Parks and Recreation Lloyd Lowery pointed out that there was an element of timing to be considered as the bidders wanted to remove the trees before they came into leaf, sometime in the middle of March.

The City Manager suggested that the staff be authorized to check with all persons who had expressed an interest in the purchase of the trees during next week, and report to the Council at its next meeting.

Mr. H. C. Block of Timerline Inc. objected to the bidding procedure providing for oral bidding. He claimed that his bid was a valid bid which should be considered by the Council as there was some confusion between the two bidding documents, the resolution of intention and the specifications.

RESOLUTION NO. 60-37

A RESOLUTION REJECTING ALL BIDS FOR THE SALE OF 293 WALNUT TREES LOCATED ON DRYDEN PARK MUNICIPAL GOLF COURSE AND AUTHORIZING THE STAFF TO NEGOTIATE FOR THE SALE OF THE TREES

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

Mayor Hammond asked that those persons interested in negotiating with the city for the purchase of the trees leave their names and addresses with the City Clerk.

FURTHER CONSIDERATION OF AGREEMENT WITH THE GANT PROPERTIES INC.
FOR SEWER SERVICE 6-63

The background of the proposed agreement between the city and Gant Properties Inc., providing for the furnishing of sewer service to the property located on the NW corner of Paradise and Franklin Streets was reviewed by the City Manager. He reported that all matters had been cleared between the staff and the company except the provision providing that in the computation of parking in the future the company would not use the portion of the area which is in the street right of way, as proposed. It is the staff's recommendation that this provision be included in the agreement to protect the city's interest.

Attorney Warren Gant stated that his client objected to this provision on the basis that basically this was a public works agreement and the relevancy of this position on parking requirements should not be a matter of consideration, 2) that at this point there is no established plan with respect to the rights of way for Paradise and Franklin Streets.

The City Manager pointed out that there was an established setback of 50 feet on both of these streets, under Stanislaus County regulations.

Denver Gant stated that there had not been any alignment on these streets although there is a set back on Paradise Road. He objected to the inclusion of the provision on a "public works project".

The City Manager pointed out that since the city had become involved in a condemnation suit relating to property on Tully and Roseburg Avenue the parking provision is being included in all agreements as a protection to the city. He pointed out that Mr. Gant did not have to execute the agreement but if it was not executed, the Council, in accordance with its policy, could not give sewer service.

Mayor Hammond pointed out the advantage of including the provision on the basis that when the streets were widened the price for parking land would be higher. He stated that it was up to the Council to protect the interest of the city by not annexing land which will bring extra expense to the city.

Denver Gant suggested that the city buy the parking strip.

Councilman Adams considered that the city had learned by experience and that it was up to the Council to protect the city on annexations of this type so that future problems are not created, as would be true in this case.

Three alternatives available to the Council were outlined by the City Manager:

- 1- Indicate to Mr. Gant that the Council will approve the agreement with the provision included;
- 2- Indicate to him that the agreement will be executed without the provision;
- 3- That Mr. Gant make other arrangements for sewer service.

MOTION

That it is the intention of the Council that the agreement include the provision, as outlined, relating to off street parking requirements.

Moved by Adams Seconded by Mayor Hammond Unanimously carried.

Mayor Hammond asked that this matter be placed back on the agenda for the next meeting.

FURTHER CONSIDERATION OF REQUEST FOR ADDITIONAL PERSONNEL IN THE FINANCE DEPARTMENT 6-77

The City Manager noted that copies of a report, dated January 22, 1960 from the Director of Finance to the City Manager on the subject, "Summary report on request for additional Finance Department Personnel", had previously been distributed to the Council members. This report was reviewed by the staff and Council.

Additional personnel requested and additional budget requirement shown in the report was as follows:

A. One Account Clerk, permanent-----	\$1,405.00
B. One Accountant I, at least for balance of fiscal year-----	2,180.00
C. Interim extra help, temporary-----	732.00
D. Professional Assistance in preparing retroactive payroll records for integrated retirement plan---	400.00
<hr/>	
Total-----	\$4,717.00

The City Manager pointed out that the work required under item "D" had already been completed in order to meet a deadline set by the State Employees' Retirement System, and the funds must be replaced out of the salary allotment for this department. He listed the planned assignments to personnel requested. He pointed out that the Finance Department had 23 authorized positions, three of these did not relate to the work of the department as such. These positions are the stenograph/pool and provision for the central file, which has not yet been started. He pointed out that the stenographic pool permitted savings in many other departments. The staff has increased from 17 in 1954 to 19 in 1956, 20 in 1956 and the same positions now exist.

Director of Finance Bird reported that in addition to these positions there were others which did not relate directly to finance activities, the service division. The four employees in this division work for all departments on the off-set press, blueprinting and multilith machines, messenger service and other centralized office services. This assists in reducing personnel in all other departments.

The City Manager stated that in the staff's careful judgment it is not possible to carry the extra volume without some extra help. The department staff has been working overtime, on week ends and extra help has had to be hired.

Mayor Hammond asked Mr. Bird what steps had been taken to dress up procedures in the department, to tighten up the coffee break times, off times and things of that nature. What is allowed for coffee time or break time, he asked.

Mr. Bird advised that the department allowed the same time as all other departments in the city hall, 15 minutes each half day. All employees do not take this time and many work through their coffee breaks and some through their lunch period.

The City Manager stated that each employee is entitled to not more than 15 minutes during each one-half day.

Mayor Hammond stated that this should be observed carefully because of the number of employees involved. Mr. Bird stated that it was being watched continually. Regular staff meetings are held

and this matter is discussed. He pointed out that his report had included improved procedures put into effect in the Finance Department. There have been a number of improvements which have resulted in savings of time in the water department. A complete revision of procedures for billing water was established which permitted the shifting of one-half an employee's time to other needs in the department. Mechanized billing for improvement districts is being worked out.

Mayor Hammond asked what steps are used to analyze whether the amount of money invested in a certain program is worth the time consumed i.e. --providing better customer service.

Mr. Bird stated that this factor had been included in his report because many calls are received during a day asking specific questions about regulations pertaining to water bills and revenue items. Additional personnel would permit the department to give more attention to problems raised by citizens. By necessity the department has had to be brief in many cases in the past year in giving this service. It is important to the city to assist the people with their problems. A lot of attention has not been given to this problem. There would be better public relations between the department, dealing with the collection of money, and the people of the city.

Analysis of service division working capital fund and equipment rental rates

Mayor Hammond asked for an estimate of time which would be spent on this project. How much would it cost "to dig out this information?"

Mr. Bird stated that this related to a revolving fund in which there was an equipment pool inventory and a shop service. It had been operating for approximately 6 years and the analysis would determine if it was feasible to reduce equipment rental rates.

Mayor Hammond stated that in analyzing any business there were a large number of reports which would be wonderful but whether or not they are worth the money to get them is another question. Every bookkeeping system can be set up so that if a specific answer is needed, it can always be determined.

The City Manager pointed out that at times the city was challenged on its costs. It has been cleared with the Council that cost accounting records are not to be kept on all of the operations. In the water line business, however, the staff was asked particularly to work with these people to be certain that the city was on the right level. Several months ago conferences were held with representatives of this group and it was agreed that procedures would be established to clear this matter. So far the analytical book work involved in doing this is not cleared. On the revolving fund, as far as equipment is concerned, a simple conclusion can be made because you would be taking in as much money as is spent. If this is satisfactory there is no problem. The problem is that you may be taking far too much from some activity and undercharging another. In the past this has not been pinned down precisely since the Council has indicated that final precise cost accounting system is not necessary. The staff does want to check regularly to be certain that the operations are on a reasonably sound basis.

Revision of fixed assets inventory necessitated by move to the new city hall

This particular procedure involves a punch card system, Mr. Bird stated, answering a question from Mayor Hammond. The inventory is identified and values established. With the move to the new city hall there is almost a complete turn over of equipment which means the establishment of new records for all of the new equipment and the deletion of the old. While this is being done the procedures are being simplified as originally set up by the IBM Company.

Mayor Hammond stated that in reviewing the report he got the impression that some of these things were refined down to the point where it is costing more money than it is worth.

The City Manager stated that the staff may be doing some things which should not be done but "you get stuck with them as a precedent". The staff would be happy to have any suggestions for the deletion or reduction of any of these activities. The basic problem is that when there is a 1000 people added to the city somebody has to do the business of keeping track of the things involved. It is not only water bills and sewer charges but a million other things. He stated that he was pleased that only three more employees had been hired in the past few years. A number of the activities are not finance activities. The agendas and many other reports, minutes, etc come through this department after being typed by other departments but shows up on the Finance payroll.

Mr. Bird answered a question raised by Councilman Martin that the annual payroll for this department, as budgeted for this fiscal year, was \$103,791. Mr. Martin pointed out that the additional requests of \$4,717 would mean an 8-9% increase.

The City Manager pointed out that the reason for the request of the temporary person was to work on a list of projects, as shown on "Work Projects" report which have been under consideration for years. One project was cleared this week--the tabulation of fire district assets. A final settlement will be proposed to the Council shortly.

Councilman Martin stated that it was reasonably certain that "temporary help became permanent help". The City Manager stated that this premise was not true of the city's operations. He cited various examples to demonstrate his contention. Councilman Martin stated that the four extra holidays granted city employees would take care of one-half of the request.

Answering a question raised by Mayor Hammond Mr. Bird stated that additional personnel employed by the city does have some effect on the payroll division. It is a gradual and slow process which does not require an additional person to take up the difference but some assistance must be given. Additional reports must now be made on Social Security which takes extra time. There was a change of records due to the integration of State Employees' Retirement System with Old Age Survivors Disability Insurance. This was a big job entailing many hours of labor. Approximately 100 man hours of work was required to make these changes. There is also a factor of an additional deduction on the payroll checks. All of the factors added to all of the other things happening around the city affects the department's work. Every action taken by the Council has some effect on the work load of this department. There has been a gradual increase since 1953 until it has now reached the point where it would be beneficial to have extra personnel.

Mayor Hammond stated that the thing which he had noticed was in relationship to the total amount of budget, the Finance Department personnel budget had grown at a faster rate than the total budget for the city by a considerable amount.

Mr. Bird stated that one of the reasons for this was the addition of a number of projects to the department. Three employees were added last year for the centralized typing and file system. This was a major increase to this department's budget. This is offset by not having to increase other departmental budgets and is a logical centralization of work.

D- Professional assistance in preparing retroactive payroll records for integrated retirement plan

Answering a question raised by Mayor Hammond, Mr. Bird stated that this was necessary to prepare W-2 forms for all employees who integrated with the OASDI. These reports were prepared back to January 1, 1956. Other reports were required by the state law to accomplish the integration. The city's independent auditor was hired to do this work as there was no one available in the department. There was a deadline date to meet.

Mayor Hammond stated that records seemed to indicate the need for one additional person on an interim basis. At the time the 1960-61 budget is considered some of the activities should be analyzed as to "what we are getting for the money being spent".

The City Manager reported that there should not be any letting down on the outside auditing as it was paying off. He cited instances where audits revealed the city had not been getting revenue which was due. A report on this operation will be furnished the Council members shortly.

Mr. Bird stated that one of the reasons for the extra help request was to replace personnel on sick leave and vacations. This is a current problem due to the absence of personnel suffering from "Flu" and one employee is absent due to an operation. The personnel rule permits an employee to accumulate 90 days sick leave. This was briefly discussed by the Council.

Councilman Adams considered that the request for additional help in the Finance Department was reasonable, backed up by sufficient evidence.

Answering a statement of Mayor Hammond's---there should be some savings of manpower when the move was made to the new city hall--Mr. Bird stated this would take some time to accomplish because the working conditions would be different.

Mayor Hammond stated that he recognized this and this was the reason the Council was so lenient in its discussion.

Councilman Martin considered that all of the arguments, with one exception, were not emergency type of conditions. With the budget of the city coming in six months after the budget with a request for increased personnel, is a point to consider. If these problems were as continuing as they appeared to be, in the justifications, they were known last spring and could have been reasonably anticipated.

Mr. Bird answered that he had made this request on his preliminary budget, it had been discussed with the City Manager in length but it was decided to try to get by without the extra help.

MOTION

That the obtaining of additional services covered by items B, C and D of the report be approved.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

The City Manager stated that prior to the next budget a review would be made with the Council relating to the work load of each department. Any suggestion for improvement or deletion will be welcomed by the staff.

CONSIDER MATTER OF MANAGEMENT PERSONNEL DOING OUTSIDE CONSULTING WORK

Mayor Hammond recommended that the Council adopt a policy relating to department heads appointed under the jurisdiction of the City Manager ---that outside consulting work be prohibited.

Councilman Adams considered that this matter was being adequately handled by the City Manager under the existing personnel rules. He considered that if this policy was adopted it permit outside consulting work by the department heads if the Council was informed of the time and place the work is being done.

Mayor Hammond pointed out the importance of these employees keeping themselves in physical condition to pursue their activities on behalf of the city. The City has purchased the professional skills of these people and during their off time it is expected that they will replenish themselves so that they can continue the next day to perform their duties for the city. If these professional skills are to be used anywhere else, the Council is to make that decision. This is a policy decision and the department heads can come to the Council and discuss it and if the circumstances warrant, an exception can be considered.

Answering a question raised by Planning Director Smeath, Mayor Hammond stated that teaching a planning class at Modesto Junior College would not be considered in that category since he was not employed to teach for the City of Modesto.

Councilman Martin pointed out that the important thing was that the Council was expressing its attitude toward this matter and that the Manager and department heads are now on notice and when cases arose they should be raised and cleared by the Council.

At the request of the Council the City Attorney suggested the wording for a resolution which would require that the consent of the Council be obtained before any department head, subject to appointment by the City Manager, shall accept outside employment for the rendition of service of a nature similar to those furnished to the city, that the City Manager furnish each member of the City Council with a statement outlining the general nature of the proposed work, estimate of time required and effect of the work upon the performance of the work load of the person involved.

RESOLUTION NO. 60-38

A RESOLUTION RELATING TO THE ACCEPTANCE OF OUTSIDE EMPLOYMENT BY DEPARTMENT HEADS SUBJECT TO APPOINTMENT BY THE CITY MANAGER

Introduced by Mayor Hammond Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

The Council indicated that if a department head assisted another city on a voluntary basis, without compensation, it would not be considered employment. The City Manager noted that Council members had been furnished copies of two reports on this subject, one dated January 12 and the second, copy of personnel administrative order No. 13.2-59-2 re: overtime.

SETTING UP CONDITIONS OF EMPLOYMENT OF AIRPORT MANAGER 10-62

Pursuant to Council direction the City Attorney presented and read in full, a resolution relating to the terms and conditions of employment of Airport Manager Harry Sham.

RESOLUTION NO. 60-39

A RESOLUTION RELATING TO THE TERMS AND CONDITIONS OF EMPLOYMENT OF AIRPORT MANAGER HARRY SHAM AND AMENDING RESOLUTION NO. 60-27 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

Introduced by Mayor Hammond Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

CHANGE IN WORDING OF RESOLUTION CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT OF CITY ATTORNEY ALLEN GRIMES 10-90

A resolution which would replace Resolution No. 59-464 adopted by the Council on November 12 relating to the terms and conditions of employment of City Attorney Allen Grimes was presented for Council consideration, as requested by Mayor Hammond.

The new resolution would permit the City Attorney to continue with his work as consultant and draftsman for city charters and codification of city ordinances on the following conditions:

1. That this work did not interfere with the proper performance of his duties as City Attorney;
2. That the consent of the Council should be obtained in each instance before accepting employment for the furnishing of these services;
3. That in connection with each instance of such proposed employment he furnish each member of the Council with a statement outlining the general nature of the proposed work, the estimated amount of time it will require and its anticipated effect upon the performance of his existing work load.

RESOLUTION NO. 60-40

A RESOLUTION RELATING TO THE TERMS AND CONDITIONS OF EMPLOYMENT OF CITY ATTORNEY ALLEN GRIMES

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

REPORT ON CITY'S COST FOR IMPROVEMENT DISTRICT NO. 8

The City Manger reported that the total costs had been \$5,652.96, engineering charges \$3,894, bond counsel \$1500, miscellaneous \$258. This sum does not include the work done after the district failed.

WITHDRAW ADDITIONS FROM McHENRY-DRY CREEK FIRE PROTECTION DISTRICT
(O'Shea and East Floyd) 10-105

RESOLUTION NO. 60-41

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (EAST FLOYD ADDITION)

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO 60-42

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (O'SHEA ADDITION)

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

APPROVE AGREEMENTS FOR APPRAISAL SERVICE FOR CONDEMNATION PROCEEDINGS ON MAZE WREN PARK 10-113

RESOLUTION NO 60-43

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT W. FORD, APPRAISER, FOR SERVICES IN CONNECTION WITH CONDEMNATION PROCEEDINGS-MAZE WREN PARK

Introduced by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 60-44

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM H. MURRAY, APPRAISER, FOR SERVICES IN CONNECTION WITH CONDEMNATION PROCEEDINGS-MAZE WREN PARK

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

The City Attorney estimated the cost/to the city to be between \$1,000 and \$1500. for these services

FIX COMPENSATION OF OFFICERS OF CITY SUBJECT TO APPOINTMENT BY CITY COUNCIL 11-01

Mayor Hammond recommended that the Council appointed personnel, City Manager, City Attorney and City Clerk, be granted a 5% salary increase retroactive to January 1, 1960.

RESOLUTION NO. 60-45

A RESOLUTION FIXING THE COMPENSATION OF OFFICERS OF THE CITY OF MODESTO WHO ARE SUBJECT TO APPOINTMENT BY THE CITY COUNCIL

Introduced by Mayor Hammond Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding.

APPROVE SETTLEMENT WITH MYRA HARP 11-07

The City Manager noted that copies of a report on this matter had been sent previously to the Council members. Up to date the rent due from Myra Harp for space in the Riggs Building has not been collected. She has offered a compromise settlement of \$200 in cash with the provision she be relieved of the obligation of the rental agreement. The City Manager recommended that this offer be accepted.

MOTION

That the staff be authorized to proceed to settle this claim on this basis.

Moved by Adams Seconded by VanderWall Unanimously carried

APPROVE SEWER SERVICE TO PROPERTY LOCATED ON SOUTHEAST CORNER OF EMERALD AND KANSAS AVENUES-RAY OLSEN 11 -16

Director of Public Works Ray reported receipt of a request from Raymond Olsen for sewer service on his property located on the Southeast corner of Emerald and Kansas Avenues. A trunk sewer is presently located on Emerald Avenue. The property is outside and not contiguous with the city limits and would require the construction of a lateral sewer on Kansas Avenue, East from Emerald to the point of connection to this property. The property is to be used for commercial purposes. Mr. Olsen has signed a statement requesting the service and agreeing to annex to the city and other conditions.

Mr. Ray recommended that the request be granted and the owner pay the cost for the necessary plans and inspection incurred by the city in connection with the construction of the lateral sewer and all costs in connection with that construction. The City Manager recommended approval on the basis outlined.

MOTION

That the furnishing of sewer service to the Olson property be approved as outlined by the Director of Public Works

Moved by VanderWall Seconded by Adams Unanimously carried

APPROVE CONSTRUCTION OF PERIMETER SEWER IN A PORTION OF BLOCK 2223 11-34

Block 2223 located between Phoenix and Perry, north of Yosemite Boulevard, Director of Public Works stated, is located partly within the city. The city has a letter agreement signed by Robert B. Bomberger, representing the interest involved, regarding the construction of a lateral sewer in a portion of the alley. The city does not have the power to collect the fees on that portion outside the city at this time to cover the cost and it comes under the category of a perimeter sewer. The developers have secured bids and determined that the lowest offer submitted was reasonable and fair for the amount of construction involved. The city's portion of the cost would be \$1,008.12 on the basis of the low bid received. There would be additional costs to both the city and developers for the engineering services provided by the city which would be split. Mr. Ray recommended that the City Manager be authorized to execute, on behalf of the city, the letter agreement providing for this extension. The City Manager recommended approval

MOTION

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That participation by the city in the financing of the construction of the perimeter sewer as outlined by the Director of Public Works be approved and that the staff be authorized to execute the necessary document to accomplish said participation.

Moved by VanderWall Seconded by Arata Unanimously approved

REPORT ON INSTALLATION OF WATER LINE IN McHENRY AVENUE 11-50

The City Manager reported that only one bid had been received for the installation of water line in McHenry Avenue in the sum of \$9,033.67; the city was authorized to do the work with city forces and the total cost was \$4,063.45. This was a little above the estimate because the city was involved with working with the contractor on the widening project.

CLEAR DATE FOR YOUTH IN GOVERNMENT DAY 11-60

MOTION

That Wednesday, April 20, 1960 be set as Youth in Government Day.

Moved by VanderWall Seconded by Knoles Unanimously carried

CITY HALL MATTERS

None

APPROPRIATION TRANSFERS 11-67

RESOLUTION NO. 60-46

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,700 FROM McHENRY LIBRARY CAPITAL OUTLAY RESERVE TO McHENRY LIBRARY CAPITAL OUTLAY FOR PURCHASE OF LIBRARY FURNITURE

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 60-47

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$700 FROM LIBRARY RESERVE TO LIBRARY FOR RENTAL OF REAL PROPERTY

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO 60-48

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 FROM GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED TO COVER ESTIMATED APPRAISING FEES INVOLVED IN CONDEMNATION PROCEEDINGS FOR MAZE WREN PARK

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

MATTERS FOR THE GOOD OF THE COMMUNITY

Grant variance to Griswold & Wight to blacktop sidewalk area

Ernie Bergi of Griswold & Wight appeared before the Council to request permission to blacktop the sidewalk area on Beech Street between 8th and MID Lateral No. 4 at its new truck sales lot.

Director of Public Works Ray recommended that the request be approved on the conditions that 1) the variance be on a temporary basis with the provision that the blacktop be removed at the termination of the 10 year lease agreement; 2) that in view of the special conditions no bond or cash deposit be required to guarantee the removal of the blacktop materials.

RESOLUTION NO. 60-49

A RESOLUTION GRANTING A TEMPORARY VARIANCE TO GRISWOLD & WIGHT TO BLACKTOP THE AREA ON THE NORTH SIDE OF BEECH STREET BETWEEN 8th AND MID LATERAL NO. 4

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent; Spaulding

REPORT ON RELOCATION OF TIDEWATER SOUTHERN RAILWAY FACILITIES 11-110

With the unanimous consent of the Council, the City Manager reported receipt of report from DeLeuw, Cather & Company on the proposed relocation of the Tidewater Southern Railway facilities in the City of Modesto. Copies of the letters summarizing the report were distributed to the Council. Copies of the report will be duplicated and transmitted to the Council members.

REVIEW OF RECOMMENDATION OF U. S. FIRE PROTECTION ENGINEERING SERVICE 11-125

The City Manager stated that the survey of Modesto made by the National Board of Fire Underwriters in 1953 recommended that the city obtain a new modern alarm system and place it in a new location which would be fire and earthquake resistive, separate from the other building quarters. The assignment of this company went beyond this point to an analysis of the entire grading situation, with a special report on the communication system and automatic control for the water system.

Mr. Paul Smith of the U.S. Fire Protection Engineering Service was asked to be present at this meeting to go over this report with the Council primarily because the city is in the middle of the fire grading matter. The water improvement will take more time and study. This is also related to the fact that funds were budgeted to provide a joint communication center and some improvements for the fire alarm system. This is also tied in with another item in the budget-- preliminary study on the police building. It would seem desirable to resolve these matters concurrently with special attention to the communication center and fire alarm portion particularly.

A sketch was displayed showing what was proposed for inclusion in the communication center.

Mr. Smith pointed out that the report covered the communication functions of the city, emergency services primarily. The report suggests a program for improvement of safety and fire defenses, etc.

It is proposed in the conclusion of the study that these functions be combined with a savings in cost. It is going to be necessary in any case to improve the fire department alarm system, as it is antiquated. The system is unreliable. The communication center could be done in stages to relieve the financial burden. Because the city is faced with a fire grading shortly, it would, possibly, be best to start with the fire alarm system, integrating the others as funds became available. The plan for including the automatic control of the city's water system in the center was briefly discussed. Much better water service would result in the community by this system, not only in reducing operation costs but in providing more uniform water pressure.

The City Manager stated that it is proposed to get the plan started for the over-all objective and to select a location to install the fire alarm system and get it installed before November when the Board will be in the city to conduct its grading.

Assistant City Manager Masonheimer stated that it was still possible, if the city could meet the federal construction requirements and provide additional area for a control center operation to apply for federal participation. This should be checked out with the architect or engineer on the building.

Mr. Smith reported on the new federal requirements and suggested that when preliminary plans are prepared that it be determined at this time the additional amount of money which would be required to meet the federal specifications.

The City Manager stated that one of the things which should be cleared shortly was to secure the services of someone to assist on the preliminary layout of the center.

Mr. Smith answered a question raised by Councilman Martin that if the project as a whole was considered the estimated cost would be \$158,000, which would include the automatic control on the water system; if the fire alarm was taken care of individually the cost would be approximately \$90,000 including the building and the alarm equipment and the relocation of the existing fire alarm building.

REPORT ON APPOINTMENT OF CITY MANAGER TO STATE COMMITTEE 13-14

The City Manager reported that Governor Brown had appointed him as a member of the Technical Advisory Committee to the New Economic Development Agency.

REPORT OF CHAMBER OF COMMERCE FILED 13-18

The report of the Chamber of Commerce for the quarter ending December 31, 1959 was noted and ordered filed.

HOLD OVER APPOINTMENTS TO BOARDS AND COMMISSIONS 13-19

This matter was held over to permit the members to make a further investigation on appointments. A list of the persons suggested for appointments were distributed to the Council members.

ADJOURNMENT

MOTION

That this meeting now in session be adjourned.

Moved by Arata Seconded by Adams Unanimously carried

ATTEST: 
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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Absent: Councilmen: Arata

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

Rev. Virgil Jackson gave the invocation.

LETTER FROM FEATHER RIVER PROJECT ASSOCIATION 1-25

A letter from Henry D. Greene, Executive Manager of the Feather River Project Association, was read asking for the city's financial support and active participation in policy formulation programs of FRPA. By order of the Chair the letter was ordered filed.

LETTER FROM GOVERNOR BROWN RE: CALIFORNIA'S SENIOR CITIZENS

The letter was read urging the Council to give serious consideration to join with other local governmental units, voluntary agencies, business, labor and professional groups, etc. in calling a local or regional conference on aging to develop findings and recommendations on the local problems and unmet needs.

With the consent of the Council, Mayor Hammond stated that he would discuss the matter with the Chairman of the County Board of Supervisors and report back to the Council.

LETTER FROM BERNICE WOOD 1-76

With the unanimous consent of the Council, a letter from Miss Bernice Wood relating to improvement of Burney Street was read and referred to the staff for investigation and report.

AWARD BIDS ON AUTOMOTIVE EQUIPMENT 1-85

Copies of the tabulation of bids received on February 8 for automotive equipment were distributed to Council members. Director of Public Works Ray recommended that the bid submitted by United Motor City on items 1 through 6, 10, 11 and 13 be accepted, less one trade in (which is to be retained for city use Car No. 9 of the Police Department). A letter from Griswold & Wight was read notifying that its bid on items 8 and 9 specified six cylinder engines and it had been prepared with V8 engines in each of these items but a clerical error occurred in transferring the information to the proposal sheets.

Mr. Ray recommended that the bid of Griswold & Wight on items 7, 8, 9 and 12 be accepted.

RESOLUTION NO. 60-50

A RESOLUTION ACCEPTING THE BIDS FOR AUTOMOTIVE EQUIPMENT FOR THE CITY OF MODESTO

Introduced by Knoles Seconded by Spaulding
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

Mr. Ray estimated the total cost to be \$28,211.97.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR
 INSTALLATION OF WATER MAINS ON TULLY ROAD 1-122

RESOLUTION NO. 60-51

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE
 CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS ON TULLY ROAD BETWEEN
 ALLEY BLOCK 6731 AND RUMBLE ROAD ON EVERGREEN ROAD FROM WEST BOUNDARY
 PARK MANOR SUBDIVISION 600 FEET WEST

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

AMEND CODE RELATING TO DOGS 2-1

Provisions of a proposed ordinance which would amend the
 Municipal Code to revise the regulations pertaining to dogs including
 the penalty fees to be paid on dog licenses and would transfer
 licensing responsibility from the City Clerk to Director of Finance
 were reviewed by the City Manager.

ORDINANCE NO. 366-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE
 MODESTO MUNICIPAL CODE AND REPEALING ARTICLE 4 THEREOF, RELATING TO
 DOGS"

was introduced and ordered printed and published as provided by the
 Municipal Code.

Moved by VanderWall Seconded by Spaulding
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

ORDINANCE ADOPTING 1958 UNIFORM BUILDING CODE 2-16

Pursuant to Council direction the City Attorney presented for
 Council consideration an ordinance which would adopt the 1958 Uniform
 Building Code, including changes approved by the Council.

ORDINANCE NO. 367-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.03.1, 9-1.04, 9-1.06,
 9-1.07, 9-1.08 AND 9-1.11.1 OF CHAPTER I OF TITLE IX OF THE MODESTO
 MUNICIPAL CODE, ADDING SECTIONS 9-1.18 AND 9-1.19 THERETO AND
 REPEALING SECTIONS 9-1.05, 9-1.09, 9-1.11, 9-1.12 AND 9-1.13 RELATING
 TO BUILDING REGULATIONS"

was introduced and ordered printed and published by the following vote:

Moved by Adams Seconded by Knoles
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

FINAL ADOPTION OF ORDINANCE NO. 363-C.S. PLACE OF COUNCIL MEETINGS

ORDINANCE NO. 363-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER I OF TITLE II OR THE MODESTO MUNICIPAL CODE RELATING TO COUNCIL MEETINGS"

introduced on February 3, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Spaulding Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

CHANGE IN WORDING OF ORDINANCE NO. 364-C.S. REGULATION OF PARADES

The City Attorney reported that publication of Ordinance No. 364-C.S. relating to the regulation of parades, which had been adopted by the Council on February 3, was held up to clear a question raised by Councilman Martin on Section 4-8.04, subsection (f).

Councilman Martin suggested that the wording of this section be changed to read:

"(f) Such parade is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor; provided, however, that the provisions of this subsection shall not prohibit a parade held for the purpose of promoting or publicizing a commercial or trade event of a general nature."

MOTION

That the above wording be substituted in Ordinance No. 364-C.S.

Moved by Martin Seconded by Spaulding Unanimously carried

FINAL ADOPTION OF ORDINANCE NO. 365-C.S. RELATING TO DISTRIBUTION OF ADVERTISING MATERIAL IN THE CITY OF MODESTO

ORDINANCE NO. 365-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-7.107 OF ARTICLE I OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE DISTRIBUTION OF ADVERTISING MATERIAL IN THE CITY OF MODESTO"

introduced on February 3, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by VanderWall Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

APPROVE PURCHASE OF UTILITY BUILDING FROM KENNETH DURAND

As directed by the Council, the City Attorney presented for Council consideration an agreement between the city and Kenneth Durand providing for the purchase by the city of utility building located on the Dryden Park Municipal Golf Course.

RESOLUTION NO. 60-52

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH DURAND FOR PURCHASE OF UTILITY BUILDING LOCATED ON THE DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

SALE OF WALNUT TREES AT DRYDEN PARK MUNICIPAL GOLF COURSE 3-01

As directed by the Council, that the staff negotiate with those persons who had expressed an interest in purchasing the walnut trees at the Dryden Park Municipal Golf Course, the City Manager reported on the procedure used in obtaining new written bids. He filed copies of all documents sent to bidders. Bid procedure provided that the Council would have the authority to accept the highest valid bid received under the proposal or to permit oral bidding at that point on a basis to be determined by the Council. In any case a 10% deposit on the final bid would be required. The first oral bid would be not less than 5% above the highest written bid and beyond that, bids of \$100.

Provisions of the specifications and resolution of intention relating to the sale and removal of the trees were reviewed by the City Manager. The bids received were opened and declared as follows:

1. B. Bogunovich, Los Angeles, \$15,000.
2. Timberline Inc., Portland Oregon, \$13,131.00.
3. Basil Beach, \$10,000.

Each bid was accompanied by a deposit in the amount of 10% of the bid.

Mayor Hammond opened the meeting for oral bidding. No oral bids were received. He declared that the bid submitted by B. Bogunovich was the best bid received.

RESOLUTION NO. 60-53

A RESOLUTION ACCEPTING THE BID OF \$15,000 FROM B. BOGUNOVICH FOR SALE OF 293 WALNUT TREES LOCATED ON DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Spaulding Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

WALNUT TREES AT AIRPORT PROPERTY 3-65

The City Manager reported that the city and county owned an additional 250 walnut stumps on the airport property. In view of the current market for this product, he suggested that the Council authorize the staff to check with the County on this matter.

MOTION

That the staff work with the County on this matter.

Moved by VanderWall Seconded by Knoles Unanimously carried

HOLD OVER GANT PROPERTIES INC. REQUEST FOR SEWER SERVICE 3-78

The City Manager asked that this matter be held over.

AUTHORIZE CITY MANAGER TO SIGN AND SUBMIT APPLICATION TO CALIFORNIA STATE WATER POLLUTION CONTROL BOARD 3-80

The City Manager reported that as directed by the Council an application to the California State Water Pollution Control Board for federal funds for sewage treatment plant construction had been prepared for Council approval.

RESOLUTION NO. 60-54

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 Adams Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

REPORT ON STATUS OF PLANS FOR NORTHEAST DRAINAGE DISTRICT PROPOSED IMPROVEMENT DISTRICT NO. 10 3-90

Director of Public Works Ray reported that the following question relating to proposed improvement district No. 10 needed to be cleared with the Council:

Design criteria on Improvement District No. 8:

The staff has worked with Homer Jorgensen, Sanitary Engineer, as directed by the Council. The staff has prepared an alternative plan using a 2 year storm drain criteria and an alternative plan providing for various points of entry into the storm drain trunk line on McHenry Avenue, using a two year storm as a basis. The staff's estimated figures indicate that a 2 year storm drainage system based upon the same general line areas would have cost 10% less than one designed for a 5 year storm and that the line on the basis of a 2 year storm would cost \$10,000 less than a line with various points of entry.

Mr. Ray pointed out that the Council had directed the staff to proceed with a storm drainage line for the Northeast Area Improvement District No. 10 on the basis of five year storm but in order to carry out the other direction it was necessary to determine what the wishes might be and what might develop in studies with Mr. Jorgensen before final determination was made for District No. 10 because of the effect that varied points of entry would have on the storm drain trunk line if this type of method were used and storm drain system designed for five years above that point. Mr. Jorgensen has suggested as a further possible alternative that the city might, if the people wanted it, divide the design for two year storm in one half and produce a reduced estimate of cost. This was not calculated by the staff because it could not recommend it.

Mr. Ray stated that a system designed on a two year storm basis or, if something less was used, would be cheaper with a single point of entry into the McHenry trunk. This means that the point of entry would be only at Griswold Avenue as originally designed and would not affect any other areas above that point.

Mr. Jorgensen filed a letter with the Council which was read in full by the City Manager. Points made in the letter were:

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- 1- His services to the group previously represented have been completed and the points made in his letter concerning storm drainage in Improvement District No. 8 were his own.
- 2- He still considered that if the McHenry Avenue line had been designed differently the cost to this district would have been less.
- 3- With the existing line design for a 2 year storm, it would cost less if District No. 10 were also designed for a 2 year storm, permitting No. 8 district to enter the line at several places rather than only at Griswold Avenue.
- 4- If the people in No. 8 District wished to wait a little while after the peak run-off from the heaviest storms in order for the streets to be dry, they could have drainage at a substantially less cost.
- 5- The use of irrigation canals should not be ruled out. Precedent for their use can be found many places in the valley. Cooperation would be required between city and MID officials, with some minor changes in operating procedure and possibly the installation of some automatic gate controls.
- 6- Design for a five year storm for areas above No. 8 would affect the use of multiple entries by District No. 8 into the McHenry Avenue line.

Councilman Knoles pointed out the importance of considering all areas which would use the McHenry Avenue line in the years to come, both inside and outside the city limits. A storm drain criteria should be established which would be best for the entire area, not for Improvement District No. 8 only.

Councilman VanderWall pointed out that if the storm water did not drain off Improvement District No. 8 for a period of time after the storm, as suggested by Mr. Jorgensen, the people in the area would have to accept that condition. The possibility of change of ownership might cause some problems in the future if this arrangement was approved by the present owners.

Councilman Spaulding pointed out that the city must assume the responsibility for the drain after it is installed and installing a system which would not work properly would be placing the city in jeopardy.

MOTION

That there be only one entry into the McHenry Avenue Storm drain for any future improvement district which may be formed to serve the area proposed under Improvement District No. 8 and that the storm drain criteria be not less than a two year basis.

Moved by Knoles Seconded by Adams Unanimously carried

Mr. Ray noted that this report would complete the staff's study with Mr. Jorgensen, as previously authorized by the Council.

The City Manager recommended that the city does not, in any of the areas, drop below a two year storm. Whether to drop from a five year storm is a different matter, but if it is decided not to go below

two and stick with the original lay out where the storm water would come in at Griswold, this would leave the remainder of the line north for use as originally proposed up to a five year storm basis.

Mr. Ray stated that the original proposal for the Northeast Drainage District included property on both sides of McHenry Avenue, from Floyd to Briggsmore, Sunrise to Tidewater tracks. Plans have been completed for the section west of McHenry Avenue. He recommended that the district be initiated for that section only and the area east of McHenry Avenue be deleted because of the problems of large undeveloped holdings which are not currently planned for development.

In order to accomplish the district for the area west of McHenry Avenue, it would be necessary for the city to advance funds for the construction of approximately one half of the trunk line up to Bowen Avenue. This cost would be picked up by the city when the area on the east was developed. Preliminary estimate of the cost of the trunk line including siphon of the canal MID No. 3 would mean an advance by the city of \$40,200, with the district's cost at \$42,000. There is one condition that is not yet cleared---- the possibility of the state sharing some of these costs. The State has a policy of participation in drainage when benefits can be shown. It is certain that benefits can be shown for this section of McHenry Avenue. The amount of participation is not known at this time, but whatever the amount it would reduce the total cost of the trunk line. The area west of the tracks will include a pumping station as all of the area must be lifted. The estimated cost of the district, including the city's participation of \$40,200 would be \$272,750. The area will include 180 acres and the estimated cost per sq. ft. will be about the same as in District No. 8, less than 4¢. Mr. Ray estimated that the public hearing could be held by the last Council meeting in March or the first meeting in April. Mr. Ray reported that approximately 50% of the proposed improvement district No. 10 had expressed a strong interest for storm drains. Curbs and gutters are not proposed and owners of large areas in the district are in favor of storm drains.

MOTION

That the Public Works Department be instructed to continue with the engineering work for proposed drainage Improvement District No. 10 on the basis that the area to be included within the district will be bounded by McHenry Avenue on the east, Tidewater tracks on the west, MID Lateral No. 3 on the south and Leveland Road on the north and that the design criteria for the preparation of the engineering plans for the district be on the basis of a five year storm.

Moved by Adams Seconded by Spaulding Unanimously carried

Mr. Ray recommended that one-half of the cost of the pumping station site be paid for with city funds as it is proposed that a portion of this property be used for a water well.

MOTION

That it be the intention of the Council to participate in the financing of the construction of the storm drain trunk line from MID lateral No. 3 north on McHenry Avenue to the extent of the cost allocable to the area benefited on the east and that the city indicate its intention to participate to the extent of one-half of the cost of the site for the pumping station.

Moved by VanderWall Seconded by Spaulding Unanimously carried
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MOTION

That the staff be authorized to proceed to obtain the services of Eugene Sturgis as bond counsel for the proposed Improvement District No. 10 in accordance with the agreement for special bond counsel services.

Moved by Adams Seconded by Spaulding Unanimously carried

MOTION

That the City Manager submit a report on provision of city funds to participate in this project.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

APPROVE SEWER SERVICE TO PROPERTY IN DOWNEY VILLA TRACT NO. 2 J.R. KIRKPATRICK

Assistant Director of Public Works Ross Campbell reported that a request had been filed by J. R. Kirkpatrick for city sewer service for lots 11 and 13, Block 1027 and lot 14 in Block 1026 of the Downey Villa Tract No. 2. The property is not contiguous to the city so Council approval is necessary. Mr. Kirkpatrick has agreed to the regular provisions required by the city for this type of service.

MOTION

That the staff be authorized to work out the necessary arrangements for this service as requested by Mr. Kirkpatrick.

Moved by VanderWall Seconded by Knoles Unanimously carried

ESTABLISH PREVAILING RATES OF PER DIEM WAGES AS REQUIRED BY ASSEMBLY BILL NO. 880

Director of Public Works Ray reported that Assembly Bill No. 880 required that the awarding body of each city, the City Council, shall file, annually with the Director of Industrial Relations, its determination of general prevailing rates of per diem wages.

RESOLUTION NO. 60-55

A RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

AUTHORIZE PURCHASE OF NEW REVIEWING STAND FOR PARADES

A report was given by the City Manager on the recommendation of Director of Parks and Recreation that a new demountable steel Monroe Reviewing stand, to be used for parades, be purchased to replace the city's old stand which is in poor condition. The estimated cost is \$600. The City Manager recommended approval of the purchase.

MOTION

That the staff be authorized to proceed on the basis outlined for the purchase of a new reviewing stand for parades.

Moved by VanderWall Seconded by Mayor Hammond Unanimously carried

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INSTALLATION OF TRAFFIC SIGNALSCoffee Road at Downey High School

Director of Parking & Traffic Douglas Carmody reported receipt of a communication from Stanislaus County Road Commissioner Delbon recommending that the city participate on a 50-50% with the County in the installation of traffic signals at Downey High School. The School has been contacted on the possibility of participation but has declined to do so. Mr. Carmody estimated that if approved by the Council bids could be called for within 2-3 weeks.

Paradise Road & Franklin

The City Manager recommended that the city participate 60% and the County 40% in the cost of traffic signal installation at Paradise, Franklin, H and Tuolumne Blvd., but that further study be made on the possibility of doing the work this fiscal year.

MOTION

That the Council indicate its willingness to work with the County to see if these installations can be cleared on the basis of participation recommended (50-50% on Coffee Road and 60-40% on Paradise-Franklin Road).

Moved by VanderWall Seconded by Adams Unanimously carried

Walk-Wait Signal at 11th and I Streets

The Director of Parking & Traffic recommended the installation of walk-wait signals at 11th and I Streets to reduce pedestrian-vehicular conflicts. He estimated the cost of installation to be \$1400. He listed alternative solutions available which were discussed by the Council.

MOTION

That the staff proceed on this basis.

Moved by VanderWall Seconded by Adams Unanimously carried

APPROVE EXTENSION OF TIME FOR FILING FINAL MAP OF YORKSHIRE MANOR

The Planning Commission adopted Resolution No. 580 on February 2, the City Attorney reported, recommending to the Council, the extension of time for filing the final map of Yorkshire Manor Subdivision being developed by Arthur Wylie, Subdivider.

RESOLUTION NO. 60-56

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR FILING FINAL MAP OF YORKSHIRE MANOR SUBDIVISION

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

CITY HALL MATTERS 7-80

None

APPROPRIATION TRANSFERS 7-81

Director of Finance Bird reported on appropriation transfers as follows:

Reviewing Stand-----	\$600.00
Police Department salaries & wages-----	\$550.00
(extra help in licensing bicycles)	

Police Chief Bowers explained procedures used in licensing bicycles at schools, both inside and outside the city, with Patrolmen doing the work. It is desirable to again do this licensing in the schools to permit children to obtain their licenses without riding their bicycles down to the Police Department, but it is recommended that the work be done by extra help instead of Police Department personnel, to reduce the cost to the city.

Salaries and wages, group health insurance compensation insurance, OASDI contribution and SERS contribution-----	\$83,343.00
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RESOLUTION NO. 60-57

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

RESOLUTION NO. 60-58

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,250 FROM LIBRARY RESERVE TO SALARIES AND WAGES, REGULAR TO PROVIDE FOR SALARY ADJUSTMENT

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

REQUEST FOR RESERVED PARKING SPACE IN PARKING LOT ON 13TH STREET
MRS. FAITH DYNAN

Mr. Carmody reported that Mrs. Faith Dynan, operating the Little Folks Shop at 1205 J Street had requested permission to lease one parking space on the city's 13th Street lot at a monthly rental of \$10 to park her own car.

The parking lot demand is not high and vacant spaces are almost always available. Terms of the rental agreement which provides that the owner receives all rental over \$500 per year, and revenue derived from the lot was reviewed.

MOTION

That the staff be directed to prepare an agreement for the leasing of a space to Mrs. Dynan.

Moved by Mayor Hammond Seconded by VanderWall

Mayor Hammond declared that the motion failed to carry and that the matter should be carried over to the next meeting for further discussion. The City Clerk was directed to place the matter on the agenda.

MATTERS FOR THE GOOD OF THE COMMUNITYSelection of Stanislaus County State College Site

Robert Walton, 133 Poplar St. appeared before the Council to ask two questions relating to the selection of the Turlock site for the Stanislaus County State College:

- "1. What is the Modesto City Council's present position on the investigation of the obvious erroneous choice of the Stanislaus State College site? If you are unable to obtain an early audience with the State Public Works Board and obtain specific, adequate and honest answers, are you as the official body of government of the All American City of Modesto, prepared to officially petition Governor Brown, Assemblyman Brown and Senator Donnelly in protest to this outrageous mistake?
- "2. Did the Council appoint a citizen's committee? If so, who are they and why were they not publicized? Why were not some of the more aggressive individuals put on this committee? If you have appointed a citizens committee, what have they done or investigated so far?"

Mayor Hammond reported that the Council Committee composed of Councilmen Knoles, Adams and himself, together with the staff and others, prepared a series of questions which were mailed to the State Public Works Board for answering when the meeting was held. Due to the illness of one of the Board members, the meeting was not held. The city will be notified when the next meeting is to be held.

The citizens appointed to the committee were Pete Johnansen and Ian Hardie. Both of these persons worked on the Chamber of Commerce college site committee and are familiar with the studies throughout the past two years. It was considered that they would have the background to raise questions at the Board meeting in Sacramento.

Mayor Hammond pointed out that this was not a single Modesto problem, as the college was an area college for six counties. It is difficult as to what action the Council will take until after the Boards makes its next step. The next action is up to the Board not the Council.

Dr. Walton pointed out that time was a factor and it was quite apparent that there is a delaying action going on. June 30 is the deadline for the appropriation bill on the college site. If the Council cannot get an audience with the Board shortly, time will run out and the area will be faced with the "old blackmail story" that Stanislaus County will not get the state college. The Council is a democratic organization and it is up to the people of Modesto, with the Council as its elected representatives, to do something about this. If the Council does not do something in a very positive sense regarding this particular matter in an appropriate short time, the citizens themselves will petition Governor Brown with a large number of names. However, it would be more desirable to come directly from the Council, as the governing body of Modesto.

Councilman Spaulding commented that the manner in which the decision was made by the State Board gives the citizens very little confidence in any further decisions it might make. The meeting was postponed last week by the State Board due to the illness of Mr. Savage. The decision was made on the site at a meeting which was not attended by Mr. Savage. This Board evidently does not come under the Brown Act

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as is true of other bodies. Mr. Carr and Mr. Savage not only had a secret meeting on the site, but Mr. Savage even voted on it in secret before the Public hearing was held.

He suggested to Dr. Walton that a citizens committee be formed, as this is not a problem of the City Council of Modesto only, but an area problem. The citizens of the area have a right to demand some reasonable answer from the Board as all the city has received so far from the State Administration is a run-around. The people of the community should rise up in a mass and see that it is investigated further.

Mayor Hammond stated that he believed the area of political decisions had entered into the site selection. This is the reason for the indignation of the citizens of the city as there is strong evidence that the decision was made not on the basis of criteria but on some other evaluation which the Board has not cared to discuss. As with all things, procedure should be made along channels defined. The channels in this case given by Mr. Carr is the opportunity to be heard at the Board's next meeting, which is assumed to be within the next couple of weeks.

City Manager Miller stated that not only were the questions presented to the Public Works Board but also to the State Superintendent of Instruction, Roy Simpson. The Board has also been asked to furnish the city any information which it has available on the basis for the decision. These communications are available for anyone wishing to receive them.

Councilman Spaulding asked that the people in the community recognize the peculiar position in which the Council is placed. It must go along and try to play the game according to the rules. There is no other choice. The people do not have to do this----they are the ones who vote for a representative in the area. The people should be the ones who let the state officials know they are not happy with the actions taken. Political pressure is the only basis upon which action can be materialized. He advised that the people proceed on this basis.

Mayor Hammond suggested that since the Council has organized a committee, any recommendation should be made to this committee. Protests of any kind have to be handled in an orderly manner to achieve the proper weight in the places where it can be felt the most. Disorganized protests have no weight unless it is placed in the proper channels. He recommended that it would be to the advantage of the community to handle this matter in an orderly manner.

The City Manager suggested that the Alameda County committee be contacted to learn of its program for the successful chance to reconsider the site selection.

Councilman Knoles pointed out that "no answer is an answer".

By order of the Council, the City Manager was directed to contact the Secretary of the State Public Works Board to inquire of the plans on the meeting.

REPORT ON WATER STUDY COMMITTEE ON RUTH AND GOING, CONSULTING ENGINEERS,
REPORT ON PRIVATE WATER UTILITIES 11-13

The report by the Water Study Council Committee composed of Councilmen Merrill Adams, Chairman, Leslie Knoles and Thomas Spaulding

on its study of the report of Ruth and Going, Consulting Engineers, on "The Feasibility Study Regarding the Integration of Private Water Utilities with the Municipal Water System for the City of Modesto" was read. The following recommendations were included in the report:

1. It is recommended that the contract of Ruth and Going, Consulting Engineers, be accepted as completed and final payment for the work authorized.
2. The Committee agrees generally with the contents of the report but it does have some questions to clear before making a final recommendation regarding the conclusions reached therein.
3. We have been advised that the National Board of Fire Underwriters will make a grading of this city sometime late in 1960. In view of this, and the effect it may have on insurance rates for this city, we urge that the staff be directed to contact the private water companies regarding the making of improvements as listed in the report, and as recommended by the U.S. Fire Protection Service engineers for providing increased fire protection.
4. We recommend that contacts be made with the private companies regarding their interests in disposing of their water supply utilities with particular emphasis on those portions within the city limits.
5. We recommend that further study be made of areas presently outside the city limits by the engineering firm which has presented this report. This is in connection with the recommendation of the engineers that precise boundaries should be established to cover an area which might be a part of the city within the next 20 to 26 years. We feel that this further study should include discussion with Public Utility Commission officials to determine the desirability and feasibility of the city's establishment of a "zone of influence" in areas presently outside the city's boundaries.
6. We recommend that a legal opinion be obtained from the City Attorney regarding the following questions:
 - A. Lease purchase or option purchase of private water systems.
 - B. Expansion of areas outside the city limits, but within areas which have been established by the Public Utilities Commission as service areas for private water companies.

The Committee felt that it was necessary to have answers to the questions raised before a final recommendation could be made. The Committee concurred with the conclusions reached by the engineers---- that the best interests of the city and the taxpayers within the city could best be served by establishment of an integrated system to provide adequate water supply for both regular use and for fire protection. For the benefit of all concerned the Committee considered that a decision should be reached on the matter of integration of the water system as soon as possible.

The City Manager stated that copies of the U.S. Fire Protection Engineering Service Inc. report on fire grading would be sent to the Council members to consider along with the Ruth and Going report.

RESOLUTION NO. 60-59

A RESOLUTION ACCEPTING THE REPORT FROM RUTH & GOING, CONSULTING ENGINEERS AND AUTHORIZING PAYMENT FOR SERVICES RENDERED

Introduced by Spaulding Seconded by Knoles
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

It was generally agreed that the report should be placed on the agenda for further discussion for the meeting of February 24.

MOTION

That the Council approves the recommendation contained in Paragraphs 3 and 4 of the report by the Water Study Committee and instructs the staff to proceed in accordance with the recommendations.

Moved by Adams Seconded by VanderWall Unanimously carried

MOTION

That the Council approves in principle the recommendation contained in Paragraph 6, that the City Attorney give a preliminary report on matters which would be involved in Paragraph 6 of the report of the Water Study Committee.

Moved by Knoles Seconded by Spaulding Unanimously carried

PERSONNEL MATTERS

The City Manager reported that the Personnel Commission approved the specifications and salary range of the Supervisor of Central Office Services. The salary range recommended to the Council by the Commission is 19.5 \$405-493. This position was included in the budget but has not yet been filled. Duties of the position were outlined by the City Manager.

MOTION

That the Council approves the specifications of this position in principle and the salary range recommended by the Commission and directing the staff to prepare the necessary documents.

Moved by Adams Seconded by Spaulding Unanimously carried

The City Manager reported that the Personnel Commission had recommended to the Council that the specifications for the Assistant City Clerk be changed to correspond to those of the legal secretary. The recruitment for the vacancy which will exist on July 1, 1960, due to the retirement of the present person in that position, be at the salary range, \$367-447.

The City Manager recommended that the present Assistant City Clerk be "Y" rated at her present salary until the date of her retirement. He pointed out that it would be necessary to obtain a replacement as soon as possible due to the "maternity leave" of the Stenographer-Clerk in this department.

MOTION

That the Council approves the revised specifications and salary range for the Assistant City Clerk as recommended by the Commission and that the staff be directed to prepare the necessary documents.

Moved by VanderWall Seconded by Knoles Unanimously carried

The City Manager reported that the Personnel Commission has recommended that a change be made in the set-up of the personnel in the Recreation Department due to the resignation of Kenneth Walts, Recreation Supervisor. It is recommended that there be one Superintendent in the department and two supervisors instead of two superintendents and one supervisor. Mary Grogan is to be retained in her present position of Superintendent, but Mr. Walts' replacement will be on the supervisor level.

No Council objections were offered to this recommendation. The City Manager reported that a further report would be made on the matter of salaries.

FINANCIAL REPORT FOR MONTH OF JANUARY FILED 13-05

The City Manager distributed copies of the financial report of the city for the month of January to the Council members.

REPORT ON TEEN-AGE PARTIES BY POLICE CHIEF BOWERS

Councilman Martin reported that he had received a number of telephone calls regarding the damage done by a teen-age gang which had "taken over" the party being held recently at the William Stensaas home on College Avenue. He asked that Police Chief Bowers give a report on the incident.

Chief Bowers stated that as the department now sees the situation, the damage cannot be pin-pointed to the so called "downtown gang" or to the people who actually attended the party. Four of the police officers on duty were present. Unfortunately the department was not called, when the damage was occurring.

This has since been discussed with Mr. Stensaas. He is holding another party. The department is advising him on what to do. The department cannot furnish guards for him, as requested, nor can they be hired out to him but he was given a suggestion where he can hire guards. Arrangements have been made with Mr. Stensaas to be in close contact with the department.

Councilman Martin considered that the key to this serious matter is the "moving fast". If the supervision of the party is adequate, the moment the party starts to get out of hand the department will be called, as distinct to "when you have big trouble". 90% of this problem is "moving fast" and this should be emphasized constantly to the citizens, to keep this problem at a minimum. A firm position at the start is the crux of the problem.

Chief Bowers stated that the key to the whole problem is supervision. There seems to be reluctance on the part of people to actively supervise these parties. During the past 3 or 4 months there have been approximately two or three hundred parties. There have only been two serious complaints. In the others, which have been actively supervised by adults, there have been no problems. Parents

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and their friends will watch who is coming into the house, are alert to any strangers who are not invited, and if they cannot invite them out, the department is called.

Where the parties are poorly supervised on the inside there is a problem. In the instance of the Stensaas party, periodic trips were made by the residence by the department. There was quite a lot of service for this one particular party because the department was trying to avoid any incident. It was impossible to know what was going on inside the house. Teen-agers were inviting people into the house who had not been given a written invitation. Whenever there is unsupervised activity, these problems occur. The Department is not certain as to how the people got in, whether they were invited by teen-agers themselves, as there were no damages to doors or windows. It is known that some of the damage was done by the invited guests. This was told to the department by guests at the party. Some of the damage was rather extensive---the piano must be refinished. Many things went on there which the department feels could have been minimized, perhaps not prevented, through a good program of supervision on the part of adults.

Answering a question raised by Councilman VanderWall, Chief Bowers stated that to his knowledge there was no running in and out of the house by guests. The big problem was that uninvited guests were allowed to go in without challenge.

Councilman Knoles stated that one of the problems was that the police could not be everywhere at all times in the city. Chief Bowers stated that four officers were there and there were only five officers and one policewoman on duty.

City Manager Miller pointed out that one of the problems involved is that when a party is found to be guilty of damage the parents giving the party will not file a complaint against the teen-ager.

Police Chief Bowers stated that there were two problems involved, 1) the misunderstanding on the part of the citizens as to the power of the police; the police cannot prosecute or arrest in a misdemeanor case not committed in the presence of the police. The victim must sign the complaint and follow through. 2) there is a reluctance to sign the complaint by the citizens.

The only follow through the police are legally allowed to do is to bring the person in, interrogate, warn and turn them loose. If any citizen has suffered trespass for any malicious mischief, they have only to call the police who will arrest the person but the citizen must follow through and sign the complaint. This procedure is urged. If there were 10 or 15 cases where there was complete follow through and the courts disposed of these cases, the whole problem would be controlled. In this particular case there was no trespass because they were not denied entrance.

Mayor Hammond considered that the matter of adult supervision of teen-age parties was extremely important.

APPOINT COUNCILMAN VANDERWALL ON STANISLAUS COUNTY HIGHWAY ADVISORY COMMITTEE 13-110

Mayor Hammond reported that he had appointed Councilman VanderWall to represent the city on the Stanislaus County Highway Advisory Committee.

RECESS TO EXECUTIVE SESSION TO DISCUSS APPOINTMENTS TO VARIOUS
BOARDS 13-111

Mayor Hammond declared a recess at 10:45 P.M. to permit the Council to meet in executive session to consider appointments to various boards and commissions.

RECONVENE COUNCIL MEETING

Mayor Hammond reconvened the Council meeting at 11:00 P.M.

APPOINTMENT TO BOARDS AND COMMISSIONS

RESOLUTION NO. 60-60

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ELECTRICIAN EXAMINERS-
LAWRENCE H. DEWITT

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

RESOLUTION NO. 60-61

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT -
ELWOOD G. SCHROEDER

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

RESOLUTION NO. 60-62

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION - PETER W.
JOHANSEN

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

RESOLUTION NO. 60-63

A RESOLUTION EXPRESSING APPRECIATION TO FRED M. ROSE FOR SERVICES
RENDERED TO THE COMMUNITY WHILE SERVING AS A MEMBER OF THE BOARD OF
ZONING ADJUSTMENT

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata


ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Knoles Unanimously carried

The meeting was adjourned at 11:20 P.M.

ATTEST: 
City Clerk
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Council Meeting
February 17, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Martin, VanderWall, Mayor Hammond

Councilman Knoles arrived at 4:03 P.M.

Councilman Spaulding arrived at 4:10 P.M.

Absent: Councilmen: Arata

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

Rev. A. V. Thurman gave the invocation.

APPROVAL OF MINUTES

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

REPORT ON NEGOTIATION FOR PURCHASE OF RADIO EQUIPMENT FOR FIRE DEPARTMENT 1-12

City Manager Miller reported that the staff had been negotiating for the purchase of radio equipment and requested that the matter be held over for one week for further clearance.

REQUEST OF TIDEWATER OIL COMPANY FOR VARIANCE - YOSEMITE BLVD. & EL VISTA AVENUE 1-16

Director of Public Works Marvin Ray reported that a request for a variance had been received from Tidewater Oil Company regarding the installation of driveways on the Yosemite Blvd. frontage of property at Yosemite and El Vista Avenue. This request was for 1) permission to install two temporary road mix driveways and 2) permission to install two permanent concrete driveways and approaches to be constructed after Yosemite Blvd. has been improved by the State. He reported that the State of California and Stanislaus County are preparing plans for the improvement of this intersection, which include construction of curb and gutter in front of the Tidewater Oil Company property. The company is to then install concrete approaches and concrete sidewalk from curb line to property line. It is anticipated that this work will be performed by the State early in 1960. He recommended that a temporary variance be granted for the driveways, with the provision that a bond be required to guarantee removal after construction is started by the State. He also recommended that permission be granted for two permanent 36' concrete driveways as shown on the plans submitted by the Company on file in the City Clerk's Office, in excess of the 40% limitation of the frontage with the requirement that they be constructed to City standards, and that the other spaces on the Yosemite Boulevard frontage be constructed with a standard 4' concrete sidewalk property line to curb line.

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RESOLUTION NO. 60-64

A RESOLUTION GRANTING VARIANCES TO TIDEWATER OIL COMPANY AT YOSEMITE BOULEVARD AND EL VISTA AVENUE

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Arata, Spaulding

LETTER RE: PASSENGER TRAIN SERVICE ACT OF 1960 1-60

The City Manager read a letter received from the United States Conference of Mayors urging interested cities to express their views to their Senators on proposed Bill S.2935, which would require the railroads to secure affirmative authority from the ICC or an appropriate State agency before there could be a discontinuance of passenger service. No action was taken and the letter was ordered filed.

LETTER FROM RALPH LEE SISK RE: COLLEGE SITE 1-80

The letter from Ralph Lee Sisk, 1316 N Street, Sacramento, pointing out that San Joaquin County had been ignored in the selection of the Turlock site for the Stanislaus State College, was read and ordered filed. The City Clerk was instructed to acknowledge receipt of the letter.

LETTERS FROM FRANK ANDREWS RE: MID ADVERTISEMENTS 1-90

Mayor Hammond briefly reviewed the two letters received from Frank Andrews relating to the costly MID advertisements in the Modesto Bee; objecting to integration of Police and Fire Departments; objecting to the water study being carried on for the City by out of town consultants and the unnecessary high construction cost of the new City Hall. The letters were ordered filed.

LETTER FROM MAYOR OF LOS BANOS RELATING TO THE SAN LUIS WATER PROJECT 1-100

With the unanimous consent of the Council, Mayor Hammond presented a letter received from John Erreca, Mayor of Los Banos, requesting a letter be sent to John F. McFall urging his support of the San Luis Water Project. He suggested that before any action is taken by the Council, the staff be instructed to prepare a report on this project and present it to the Council at the next meeting.

FINAL ADOPTION OF ORDINANCE NO. 366-C.S. REGULATION AND LICENSING OF DOGS 1-110

ORDINANCE NO. 366-C.S. entitled,

"AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND REPEALING ARTICLE 4 THEREOF, RELATING TO DOGS"

introduced on February 10, 1960, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by VanderWall Seconded by Spaulding
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

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FINAL ADOPTION OF ORDINANCE NO. 367-C.S. ADOPTION OF 1958 UNIFORM BUILDING CODE 1-115

ORDINANCE NO. 367-C.S. entitled,

"AN ORDINANCE AMENDING SECTION 9-1.01, 9-1.03.1, 9-1.04, 9-1.06, 9-1.07, 9-1.08, AND 9-1.11.1 OF CHAPTER I OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTIONS 9-1.18 AND 9-1.19 THERETO, AND REPEALING SECTIONS 9-1.05, 9-1.09, 9-1.11, 9-1.12 AND 9-1.13 RELATING TO BUILDING REGULATIONS"

introduced on February 10, 1960, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Adams Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

FALSE AND FICTITIOUS
CONSIDER ORDINANCE AMENDING CODE RELATING TO/REPORTS TO FIRE DEPARTMENT 1-120

The City Manager reported that at the present time there are no regulations in the Municipal Code prohibiting false and fictitious reports to the Fire Department. He recommended the adoption of the proposed ordinance.

ORDINANCE NO. 368-C.S. entitled,

"AN ORDINANCE ADDING SECTION 4-2.22.1 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND REPEALING SUBSECTION (d) OF SECTION 4-2.22 THEREOF, RELATING TO THE FIRE DEPARTMENT"

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

Moved by VanderWall Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

CONSIDER AGREEMENT FOR GANT PROPERTIES INC. FOR SEWER SERVICE 2-10

The City Manager requested that this matter be held over.

CONSIDER LEASE OF PARKING SPACE ON 13TH STREET PARKING LOT 2-15

This matter was held over until all members of the Council could be present.

CONSIDER REVIEW OF BUDGET PROCEDURE 2-20

City Manager Miller briefly reviewed the calendar and schedule of preliminary hearings for the preparation of the 1960-61 budget. He invited the Council members to attend some of the departmental sessions on the budget.

Mayor Hammond suggested that each Councilman could attend the sessions of a department of his choice. The Council indicated their approval of this plan, and Mr. Miller was instructed to contact each Councilman before scheduling sessions.

FURTHER CONSIDERATION OF SALE OF BLACK WALNUT TREES AT THE MODESTO CITY-COUNTY AIRPORT 2-75

The City Manager reported receipt of a resolution from the County Board of Supervisors stating that they were agreeable to the sale of the trees at the Modesto City-County airport and requesting that the City handle the details of the sale. He recommended that the usual procedure be following in calling for bids on these trees.

After Council discussion it was decided to use the regular sealed bid basis with a 10% deposit and a minimum bid to be established by the staff.

MOTION

That the staff prepare the necessary papers to ask for sealed bids for the sale of walnut trees at the Modesto City-County Airport.

Moved by VanderWall Seconded by Adams Unanimously carried

APPROVE MASTER AGREEMENT FOR BUDGETING STREETS & HIGHWAYS CODE FUNDS FOR ENGINEERING ON CITY STREETS 2-115

Director of Public Works Ray requested Council approval of a proposed master agreement with the State Division of Highways for budgeting and expenditure of engineering allocations for city streets under Section 2107.5 of the Streets and Highways Code, which would eliminate the necessity for an individual agreement each year and would require only that a budget proposal be submitted by the city each year.

RESOLUTION NO. 60-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING AND APPROVING THE MASTER AGREEMENT FOR EXPENDITURE OF FUNDS ALLOCATED UNDER SECTION 2107.5 OF THE STREETS AND HIGHWAYS CODE

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

REQUEST OF WILLIAM BIRT RE: PURCHASE CITY PROPERTY 2-125

The City Manager read a request received from William Birt, 119 N. Morton Blvd., requesting permission to purchase all or part of Lot A, located in Block 213, the north end of Fairview Avenue. The matter was referred to the staff for study and report back to the Council.

HEARING ON REZONING OF PROPERTY IN BLOCK 87 AND 90 3-10

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed rezoning of a portion of Block 87 and all of Block 90 from C-1 to C-2.

The City Clerk reported that notice of the hearing had been published on January 31, notices were posted in the area and delivered to homes on Feb. 5, and that no written protests had been filed with the City Clerk. Resolution No. 575, adopted by the Planning Commission on January 19, recommending rezoning of this area as requested, was noted by the Council.

Mayor Hammond asked if there were any oral protests or comments from the audience. No comments were made and the hearing was declared closed.

ORDINANCE NO. 369-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (SECURITY TITLE INSURANCE COMPANY-PROPERTY IN BLOCKS 87 AND 90)"

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

Moved by VanderWall Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

HEARING ON PROPOSED VACATION OF STREET RIGHT OF WAY IN BLOCK 911 3-35

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed vacation and abandonment of a portion of the street right of way in Block 911.

The City Manager reported receipt of the City Clerk's certification that notice of the hearing had been published on January 31, 1960, notices had been posted in the area on Feb. 5, and that no written protests had been received. Resolution No. 573, adopted by the Planning Commission on January 6, 1960, recommending Council approval of the abandonment, was noted by the Council.

Director of Planning George Smeath briefly reviewed the location and reasons for the proposed abandonment. He stated the property was located on the west side of Tully Road south of Princeton Avenue. It is proposed to vacate 20' of the present 40' alley for street right of way and the remaining 20' would line up with the 20' alley across Del Rey Avenue in Block 912. The vacated 20' of property would revert to the adjacent property owners.

Mayor Hammond asked if there were any comments from the audience on this matter. No comments were made and the hearing was declared closed.

RESOLUTION NO. 959-S.P.

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE STREET RIGHT OF WAY IN BLOCK 911 IN THE CITY OF MODESTO

Introduced by Adams Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

CONSIDER INSTALLATION OF PARKING METERS ON L STREET BETWEEN 11th AND 12th STREETS 3-65

Director of Parking & Traffic Doug Carmody reported that at the present time on both sides of L Street between 11th and 12th Streets there is a two-hour limit. There are a substantial number of all day parkers ranging from 25 to 35%. It is proposed to change from a two-hour limit to a two-hour meter. He stated that the proposed change would not only alleviate a critical situation which occurs during the holiday seasons but would decrease the amount of time required of the enforcement officers in checking the area.

RESOLUTION NO. 60-66

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 59-191 ENTITLED
"A RESOLUTION ESTABLISHING PARKING METER ZONES, ONE-WAY STREETS

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AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING ALL PRIOR RESOLUTIONS AND REGULATIONS RELATING THERETO", RELATING TO PARKING METER ZONES, AND RESCINDING RESOLUTION NO. 59-541.

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

CONSIDER PERSONNEL MATTERS 3-85

City Manager Miller briefly reviewed his report on reorganization of the Recreation Division of the Parks & Recreation Department relating to the Recreation Supervisor I, Recreation Supervisor II and the determination of salaries, which had previously been distributed to the Council members. He recommended revising the Position Classification Plan to abolish the classification Recreation Supervisor, create the classification of Recreation Supervisor I, Recreation Supervisor II and Supervisor of Central Office Services and provide the classification for Recreation Superintendent and Parking Enforcement Officer.

RESOLUTION NO. 60-67

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

Introduced by Adams Seconded by Knoles
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

RESOLUTION NO. 60-68

A RESOLUTION AMENDING RESOLUTION NO. 60-27 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

CITY HALL MATTERS 4-05

Consideration of voting system - Council Chambers

City Manager Miller reviewed the proposed voting system providing a nameplate with a voting switch inside to be installed in front of each Councilman in the new Council Chambers. Green and red dome lights would indicate the votes. After the Council votes, it is proposed to have the City Clerk use a master switch and the lights would indicate each vote. The cost of this proposed system would be approximately \$1800 he reported.

Mayor Hammond considered that no time would be saved by installing this system, since the City Clerk would still be required to record each vote. Councilman Martin agreed with Mayor Hammond that the few advantages of the system did not warrant the cost of installation at this time. Mayor Hammond pointed out that the system could be installed at a later time for the same cost if a later Council deemed it desirable.

MOTION

That no further consideration of the voting system be given at this time.

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Moved by Mayor Hammond Seconded by Martin Unanimously carried

Demolition of old MID Building

City Manager Miller reported that the County had vacated the old MID Building and requested permission to instruct the contractor to proceed with demolition of the building and completion of the parking lot.

MOTION

That the staff be instructed to notify the contractor to proceed with the demolition of the old MID Building and completion of the parking lot at the new City Hall.

Moved by Adams Seconded by Knoles Unanimously carried

APPROPRIATION TRANSFERS 4-125

None

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS 4-127

This matter was held over to be considered at the next meeting.

ITEMS CONSIDERED WITH THE UNANIMOUS CONSENT OF THE COUNCIL 5-05

Consider Agreement for Engineering Service for Sewage Disposal Units

The City Manager reported that he had received unofficial notification from the State Pollution Control Board that Modesto would be on the list as eligible for certain federal assistance on the sewage disposal units. In order to receive these funds, the City would have to have plans completed and ready to submit to the State by March 15, 1960. He recommended that an Agreement be entered into with Harry Jenks for completion of the plans and that the remaining bonds be sold after the official notification is given that the money is available.

Director of Public Works Ray reported on the 2 major units which were originally proposed at the time the bond issue was presented, and which would be installed now if these funds were allocated to the City. He stated that after completion of the units, the Treatment Plant would provide for a population basis of 100,000 and a total industrial waste flow of 30,000,000 gallons per day. The ponds would be retained for emergency purposes, he stated. Mr. Ray explained the carry-over of possible city credit in the amount of \$750 in the agreement with Mr. Jenks. He stated that the city would have a credit of \$750 towards the engineering fee for the construction of an additional vacuator, plans of which had been prepared by Mr. Jenks and payment already made.

RESOLUTION NO. 60-69

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY JENKS FOR ENGINEERING SERVICES FOR SEWAGE DISPOSAL UNITS

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

Consideration of Immediate Construction of Trunk/ ^{Sewer} 5-65

The Director of Public Works reported that the Planning Department had received a tentative map for a subdivision north of Lateral No. 3

and west of Carver Road. A tentative map for a subdivision just east of Carver Road had also been received. The Public Works Department must cross the canal before the water is turned in, which will be in approximately 2 weeks. He requested authorization to construct approximately 70' of 15" trunk sewer through Lateral No. 3 with shoulders on each side. The work would be done with City forces for a cost of approximately \$1000.

MOTION

That the staff be authorized to proceed with the construction of trunk sewer through Lateral No. 3 using city forces.

Moved by VanderWall Seconded by Spaulding Unanimously carried

City Manager Report on Attendance to Meeting in San Diego 5-75

City Manager Miller reported that he had decided not to attend the Spring Meeting of the City Manager's Division of the League of California Cities to be held in San Diego, but that Mr. Masonheimer, Assistant City Manager, would attend.

Councilman Martin reported that he and Mr. Masonheimer were planning to attend a meeting in Santa Rosa on Civil Defense and Mobilization early in March.

Consider Matter of Sales Tax Meeting February 19, 1960

City Manager Miller reported that a sales tax meeting was to be held February 19, 1960 by the County to consider the matter of the sales tax rebate to some of the smaller cities. He urged the Council to clarify its position on this matter before this meeting.

MOTION

That the Modesto City Council reaffirm its position that it would not object to the County changing its percentage of city sales tax allocated to the County by other cities providing Modesto remains at 7½% and that this be submitted to the Committee.

Moved by Mayor Hammond Seconded by Martin Unanimously carried

Request of Jack Haugen, representing California Fryers Festival, for use of Legion Park 6-30

Jack Haugen, representing California Fryers Festival, requested permission to use Legion Park on June 11, 1960 for its annual festival. He also asked Council consideration of storage space for approximately 29 4' x 4' racks at the Corporation Yard. It was suggested that he meet with the staff to further study this matter.

RESOLUTION NO. 60-70

A RESOLUTION GRANTING A PERMIT TO THE CALIFORNIA FRYER FESTIVAL COMMITTEE, INC. FOR THE USE OF LEGION PARK ON JUNE 11, 1960 FOR ITS ANNUAL FESTIVAL

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ATTEST:


City Clerk

February 24, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen Adams, Knoles, Martin, Spaulding, VanderWall
Mayor Hammond

Absent: Councilman Arata

The invocation was given by Rev. Paul Miller.

APPROVAL OF COUNCIL MINUTES

Council members having received copies of the minutes of the Council meeting of January 27, 1960 and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM LLOYD GOODIN 1-19

A letter to the Council from Lloyd Goodin with attached copies of letters sent by him to various state officials relating to the selection of the Stanislaus County State College was noted by the Council. Mayor Hammond directed that copies of the letters be sent to the Council members.

LETTER FROM WILLIAM McK. STENSAAS 1-30

A letter was read from William McK Stensaas relating to the staging of parties in private residences.

The City Manager stated the danger of "reprisal" reported in the letter was remote. Without fail people involved in party crashing will not sign a complaint even though they know the people involved. It is not possible for a police officer to charge a person for trespass unless he has actually seen it occur. If the people will only sign a complaint the city will take every possible action, with the help of the District Attorney and courts, to see that the crashers are properly penalized. This is not a problem to be "shrugged off or accepted". Starting with the premise that the first responsibility is on the part of the parents of all the children should be done. Unfortunately all of the crashers are not "kids" but "cheap punk young adults". The Police Department works with the parents, schools and sheriff's department on this matter. Arrangements are now being made to review this matter with the PTA's of the two high schools, student leaders in these schools, sheriff office personnel and interested parents who would be willing to spend some time on the problem.

Mayor Hammond commented that considering the large number of young people invited to the Stensaas party it would appear there were not enough chaperons. One person can only adequately supervise ten people and when there was only 2 adults and part time help for approximately 50 to 60 people it would be impossible to keep proper control. The citizens of this city should not tolerate party crashing. Whatever the city can do should be done to the fullest extent. There should be adequate cooperation from the parents involved to file the necessary complaints. Nothing can be done until complaints are filed. People are not using their citizenship rights properly when they fail to file complaints against those who trespass against them. The laws are set up to operate in this manner

and the fear of reprisal is one of idol boasting generally. If people appreciate the laws of cause and effect in delinquent conduct, and that there will be no "pussy-footing" around about it, these problems will not occur. Youngsters of this age are well aware of the law of "cause and effect". When they know there is a penalty attached for misconduct generally they will guide their conduct in the proper channels. Mayor Hammond stated that the review proposed by the City Manager be conducted to lay out the program that basically party crashing is not going to be tolerated in this community. A community can develop any kind of reputation it tolerates and this is a type of reputation that does not befit this city. Whatever steps are necessary should be taken by the city. The most effective means of prosecuting these things is for the people to sign complaints. It is not the function of the Police Department of this city to serve as "baby sitters" for these parties. This should be brought to the parents attention.

Chief Bowers reported that approximately 1½ years ago there was a rash of "party crashing" incidents. A group of parents, teachers, students, officials of the community met to discuss the problem. The aim of the group was to set up a code of ethics for the youngsters. This was not finalized but the meeting did prove beneficial by bringing the problem out in the open. For a considerable period of time after this conference there were no serious party crashing incidents. All of the people who can assist on this problem will be again contacted to see what ideas can be worked out.

Chief Bowers stated that the department had demonstrated that this will not be tolerated and this will be continued if the department can prove violation of law. The department is an emergency service, dedicated to the enforcement of law, not an organization to build morals and manners into people. This takes other help. The Department will be happy to cooperate in any way it can, within the limit of its authority.

The City Manager stated that the people who crash the parties are known to the youngsters giving the party. They know the people who attend without invitation. This is trespass and if complaints are filed the city can take the problem from there. The problem has been this is not done by the parents.

Answering a question raised by Councilman Knoles, the Police Chief stated that some of those persons who crashed the Stensaas party are known, but the problem is not knowing the names of the persons but is a problem of being allowed in the house by the parties giving the party.

Mayor Hammond stated that the matter would be left in the hands of the staff to continue its program of conferences with interested groups. The City Manager stated a report would be submitted to the Council on the outcome of the conferences.

LETTER FROM WALTER S. GOULD RELATING TO REQUEST FOR WAIVER OF LICENSE 2-102

A letter was read from Walter S. Gould, Public Accountant, requesting that the Council approve a waiver of penalty and interest of \$4.61 on the mill license fee for Floyd Ollenborger. He advised that through error the city's check had been sent to the Federal Government and returned too late to meet the city's delinquent date.

The City Manager stated that the question to be resolved by the Council was whether this would fall under the provisions of Section 6-1.129 of the Municipal Code---"that the failure of taxpayer to pay all taxes due on time was not intentional or by reason of carelessness".

RESOLUTION NO. 60-71

A RESOLUTION APPROVING THE REQUEST OF WALTER S. GOULD, ACCOUNTANT ON BEHALF OF FLOYD OLLENBORGER CONSTRUCTION COMPANY, FOR WAIVER OF PENALTY AND INTEREST CHARGE ON BUSINESS LICENSE TAX

Introduced by Martin Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, Mayor Hammond
Noes: None Absent: Arata

LETTER FROM STAN OTT, DIRECTOR OF ADVANCE PLANNING COMMISSION 3-20

A letter from Stan Ott, Director of Advance Planning Staff, was read expressing appreciation for Council and Planning Commission cooperation. Mayor Hammond stated that a good measure of the success of the Advance Planning program in the county rested with Mr. Ott's ability.

MOTION

That Mayor Hammond be authorized to write a letter of appreciation to Mr. Ott for services rendered the community.

Moved by VanderWall Seconded by Spaulding Unanimously carried

CITY MANAGER REPORTS ON RESIGNATION OF LLOYD LOWREY, DIRECTOR OF PARKS AND RECREATION 3-33

With the unanimous consent of the Council, the City Manager reported that Lloyd Lowrey, Director of Parks and Recreation had accepted a position as Park Superintendent of the City of San Diego, effective April 15.

The City Manager stated that Mr. Lowrey had done a terrific job for the City of Modesto during a period of rapid growth, on the development and acquisition of parks and a street tree program

Mayor Hammond stated that the Council appreciated all of the fine work Mr. Lowrey had done for the city.

LETTER FROM JASON ADAMSON RE: BUILDING A GREATER MODESTO 3-42

A letter from Jason Adamson, 1483 Berkeley Avenue, Turlock, was read suggesting that a committee be appointed to draw up a general plan for making Modesto the central city of Stanislaus County. He considered that Modesto should lead the way in organizing and building a greater Modesto that would bring community harmony and reduce taxes.

The City Clerk was directed to acknowledge receipt of the letter.

LETTER FROM FRANK ANDREWS 3-70

With the unanimous consent of the Council, Mayor Hammond read a letter from Frank Andrews which had arrived too late to be placed on the agenda. Mr. Andrews called attention to the deplorable con-

ition of the pavement and expansion joints on the 7th Street Tuolumne River Bridge, which is a joint city-county bridge.

The City Manager stated that this matter would be checked out by the staff.

AUTHORIZE INSTALLATION OF WATER MAINS WITH CITY FORCES 3-80

Director of Public Works Ray reported that no bids were received on February 23 for the installation of water mains on Tully Road between alley Block 6731 and Rumble Road and on Evergreen Road from West boundary Park Manor Subdivision 600 feet west. He recommended that the city staff be authorized to proceed with the work with city forces. He estimated the cost of the work to be \$2,255.75.

RESOLUTION NO. 60-72

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS ON TULLY ROAD BETWEEN ALLEY BLOCK 6731 AND RUMBLE ROAD ON EVERGREEN ROAD FROM WEST BOUNDARY PARK MANOR SUBDIVISION 600 FEET WEST

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF A SANITARY SEWER IN BLOCK 6000A AND A SUBTRUNK SEWER ON NORTH SIDE OF MID LATERAL NO. 2 TO SERVE MORAN ESTATES 3-90

RESOLUTION NO. 60-73

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR EXTENSION OF SANITARY SEWER FACILITIES; UNIT A-SANITARY SEWER RELOCATION BLOCK 6000A; UNIT B-SANITARY SEWER SUBTRUNK EXTENSION TO MORAN ESTATES

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

The time set for opening the bids was 2:00 P.M. March 7.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR SALE OF WALNUT TREES AT THE CITY-COUNTY AIRPORT 3-98

RESOLUTION NO. 60-74

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE SALE AND REMOVAL OF CERTAIN WALNUT TREES LOCATED ON THE MODESTO CITY-COUNTY AIRPORT

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

The time set for opening the bids was 2:00 P.M. March 8.

FINAL ADOPTION OF ORDINANCES 3-100

ORDINANCE NO. 368-C.S. entitled

"AN ORDINANCE ADDING SECTION 4-2.22.1 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND REPEALING SUBSECTION (d) OF SECTION 4-2.22 THEREOF, RELATING TO THE FIRE DEPARTMENT"

having been introduced on February 17, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Spaulding Seconded by Knoles
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

ORDINANCE NO. 364-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 8 ENTITLED, 'REGULATION OF PARADES' TO TITLE IV OF THE MODESTO MUNICIPAL CODE"

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

Moved by Adams Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

FURTHER DISCUSSION OF THE REPORT FROM RUTH & GOING, CONSULTING ENGINEERS ON WATER STUDY MATTER 3-115

The City Manager reported that the staff had talked with some of the owners of the private water companies relating to improvements of their facilities but further discussions would be conducted. The Director of Public Works has indicated to the City Attorney the general nature of the questions raised by the Council.

The Council indicated that further consideration of the matter be delayed until the staff had completed its assignment from the Council.

REPORTS FROM THE PLANNING COMMISSION 3-127

(b) Report on McHenry Avenue commercial zoning

The City Manager stated that the Planning Commission has approved proceeding on the McHenry Avenue commercial zoning study as outlined in the agenda report to the Planning Commission dated February 16, 1960, copies of which were sent to the Council. No questions were raised by the Council on this procedure by the Commission.

(c) Resolutions extending time for filing final maps

Resolution No. 582 adopted by the Planning Commission on February 16 recommending to the Council the extension of time for the filing of the final map of Westwood Manor No. 2 to February 25, 1961 was noted by the Council.

RESOLUTION NO. 60-75

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR FILING FINAL MAP OF WESTWOOD MANOR NO. 2 SUBDIVISION

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

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Resolution No. 584 adopted by the Planning Commission on February 16 recommending to the Council the extension of time for the filing of the final map of Campus Edge Subdivision to February 24, 1961 was noted by the Council.

RESOLUTION NO. 60-77

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR FILING FINAL MAP OF CAMPUS EDGE SUBDIVISION

Introduced by Martin Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

(d) Naming alley in Block 2088A-Yosemite Boulevard area

The City Manager reported that Mr. Seymour Coey had requested a name for the alley in Block 2088A, running east and west north of Yosemite Boulevard between Santa Cruz and Santa Barbara Avenue. The Planning Commission recommends that although the alley extends both east and north of the block on which offices are located, only the one block need be named. The name of "Shopping Way" is recommended by the Commission.

RESOLUTION NO. 60-78

A RESOLUTION NAMING THE ALLEY IN BLOCK 2088A NORTH OF YOSEMITE BOULEVARD BETWEEN SANTA CRUZ AND SANTA BARBARA IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

(e) Establish fee of 50¢ for copies of street indexes

The City Manager stated that a new street index had been prepared by the Planning Department staff and approved by the Commission which could be made available to the public, together with a small map of the city. It is recommended that a charge of 50¢ be made to assist in paying the cost of reproduction of the report.

The problem of keeping the report up to date as new subdivisions were added to the city was discussed. It was agreed that extra copies of the pages be made available free to the persons who had purchased a street index if they would call at the Planning Department office. No record of the purchasers would be kept by the staff but extra pages would be printed for free distribution and suitable publicity be given that they were available.

RESOLUTION NO. 60-79

A RESOLUTION ESTABLISHING THE PRICE FOR THE PUBLIC SALE OF THE CITY OF MODESTO STREET INDEX

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

(f) Recommendations on Capital Improvements by the Planning Commission 4-76

(1) The Commission has recommended to the Council that approximately 20 acres of land be purchased by the city for a community size park

immediately north of Downey High School. This park could be considered to fulfill the requirement of a neighborhood park adjacent to the three schools in this general area.

(2) The Commission has recommended the acquisition of 15 acres adjacent to the east of the new high school as early as possible.

The City Manager stated that these two proposals were being presented at this time because of the "disappearing land". Maps of the proposed park areas in the city were displayed by Director of Planning Smeath. He pointed out the scarcity of undeveloped land adjacent to schools to carry out the city's policy of developing parks next to schools for joint use of the schools and the city. It is recommended that rather than have these two areas go into subdivisions at this point that they be considered for acquisition for park purposes.

The City Manager reported receipt of a letter from the Schools, dated January 9, asking if the city wished to work out a park area next to the proposed new elementary school in this area. A study resulted in a recommendation to the Commission that this not be done but a larger park be developed in a more central area, adjacent to the Downey High School.

Mr. Smeath reported that tied in with this project was a determination which needs to be made about a major street which is proposed in the general plan which is now under discussion with subdividers in this area, which would be an approximate extension of Brighton Avenue. A further report will be made on this matter.

Since there is a small neighborhood park located adjacent to the Beard School, it is considered that an additional park of 15 acres only is needed adjacent to the new high school between Tully and College Avenue.

The City Manager stated that it was the proposal of the Planning Commission that these two sites be placed in the top priority projects in the program for next year starting July 1. If the Council wishes to give any indication at this time it would be helpful to the staff and property owners, the City Manager stated.

Mayor Hammond stated that favorable consideration should be given at this time on the Downey site but the site near the new high school be deferred temporarily.

MOTION

That the Council indicates that the staff proceed on the basis that a park site near Downey High School be included in the Capital Improvement program for consideration and that the owners be so advised.

Moved by VanderWall Seconded by Adams Unanimously carried

(3) The Commission has generally approved the urgency of a new police building and communications center as the top priority in the building program. The staff has been asked to furnish information regarding costs and proposals.

Mr. Frank Andrews considered that the building of a new police building and communication center was just a "frill" and not necessary. Additional police personnel and fire stations were needed instead.

AGREEMENT WITH GANT PROPERTIES INC. 5-56

The City Manager recommended that the Council authorize the staff to prepare the necessary documents to authorize disconnection of the sewer service to the Gant Properties Inc. located at Franklin and Paradise Roads for consideration at the next meeting unless by this time a signed agreement has been executed by the owners.

MOTION

That the staff be directed to prepare the necessary documents for Council action discontinuing sewer service for the next meeting, unless the agreement has been cleared in the meantime.

Moved by VanderWall Seconded by Spaulding Unanimously carried

HOLD OVER MATTER OF LEASING PARKING SPACE ON 13th STREET PARKING LOT 5-70

This matter was held over until the next meeting.

APPROVE SPECIAL RATES FOR TEAM MEMBERS OF HIGH SCHOOLS AND JUNIOR COLLEGE FOR PLAY AT DRYDEN PARK MUNICIPAL GOLF COURSE AND MUNICIPAL GOLF COURSE

The City Manager reported that the staff had been working on some of the problems at the new golf course. A report on revenues from the two courses will be submitted shortly.

Andy Silva, Golf Professional, reported that the Modesto Junior College, Modesto High School and Downey High School have requested that their student golf team members be permitted to practice 2 hours each day, except Saturdays, Sundays and holidays, between the hours of 2:30 and 4:30 P.M. and play in one meet each week at the Dryden Park Municipal Golf Course at no charge. Only bona fide team members will be permitted this privilege. During match plays there will be no specified limit on total time but free play will be limited to the match play. Schools will issue identification cards to the team members. Visiting teams from other schools should also be permitted during this meet at no charge. No practice session will be granted visiting teams.

The City Manager recommended approval of the requests as it would permit free practice of the teams at a time which would not create any conflicts and not effect the use of the course in any way. The only free time would be for members who had made the team and are actually in competition. Practice sessions for students trying to get onto the teams would be at their own expense.

MOTION

That the staff be directed to prepare the necessary document to incorporate the above listed conditions granting free play to students of the golf teams of the high schools and M.J.C.

Moved by VanderWall Seconded by Spaulding Unanimously carried

CLEAR AUTHORIZATION TO CERTIFY COMPLETION OF DELEUW, CATHER REPORT ON RELOCATION OF TIDEWATER SOUTHERN RAILWAY 5-129

The City Manager reported receipt of a letter from the State Department of Finance requesting that the Council certify that the work has been completed by DeLeuw, Cather & Company on the study for

the relocation of Tidewater Southern Railway so that their invoice could be paid by the State, as provided by the contract between the city and the state.

RESOLUTION NO. 60-80

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CERTIFY ACKNOWLEDGMENT OF COMPLETION OF SERVICES OF PLANNING CONTRACTOR IN A MANNER SATISFACTORY TO THE CITY OF MODESTO (DeLEUW, CATHER & COMPANY CONTRACT NO. LPO-P15-CS-3 --- RELOCATION OF TIDEWATER SOUTHERN RAILWAY)

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

The City Manager stated that the report would be reproduced by the city, as provided in the contract, for distribution to all interested parties. Copies will be sent to the railroad companies involved, Chamber of Commerce and other interested parties.

PROPOSAL TO ELIMINATE TRUCK TRAFFIC ON J STREET BETWEEN 9th - 14th STREETS 6-20

The City Manager reported that this matter had previously been generally discussed with the Council. The State had been requested to approve the elimination of through truck traffic on J Street from 9th to 14th Streets.

MOTION

That the staff be authorized to submit a draft of an ordinance to the Division of Highways to eliminate J Street from 9th to 14th Street from the city's truck routes.

Moved by VanderWall Seconded by Spaulding Unanimously carried

CITY HALL MATTERS

The City Manager reported that the City Hall was nearing completion and estimated that the move could be made to the new quarters by March 15. Studies are underway on the actual moving and a proposal will be submitted shortly for Council consideration. Parking facilities will not be available for some time yet due to demolition of the old MID building and the construction of the parking lot.

APPROPRIATION TRANSFERS 6-60

ORDINANCE NO. 370-C.S. entitled

"AN ORDINANCE APPROPRIATING ADDITIONAL REVENUE IN THE SPECIAL FUND FOR CAPITAL OUTLAYS FOR THE 1959-60 FISCAL YEAR "

was adopted and ordered printed and published as provided by the Charter.

Moved by Spaulding Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

The sum of \$45,000 estimated to be received from sales tax and \$15,000 received from the sale of walnut trees was transferred from the Special Fund for Capital Outlays to Special Capital Outlay Reserve.

The City Manager reported on the proposal to transfer \$128,500 from the Special Capital Outlay as follows:

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City Hall and parking garage-----	\$70,000
Traffic signal, Tuolumne & Paradise---	7,440
Walk-Wait Signals, 11th & I-----	1,600
Traffic Signal, Coffee & Fairmont-----	3,500
Aerial and Base maps-----	4,000
Storm Drainage-McHenry Ave. Ext.-----	40,000
Pedestrian Bridge, Virginia Ave. & MID Lateral No. 4-----	2,000

From General Reserve to Water-construction material 1,500

RESOLUTION NO. 60-81

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by Adams Seconded by Spaulding
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

The City Manager recommended and the Council offered no objections that the lease-purchase arrangement on city hall furnishing not be considered.

PROCEDURE FOR CLEARING PLANS FOR COMMUNICATION CENTER AND PRELIMINARY STUDY OF POLICE BUILDING 6-110

The City Manager stated that arrangements will be needed to make the engineering and architectural services possible in connection with the communication center. The Council has provided \$10,000 for Police Station preliminary study and \$45,590 for communication center. He asked the Council to decide on the method to be used in obtaining these services. He pointed out that the communication center could be constructed now and be a part of the police building ultimately. This will have to be determined by an architectural study.

Councilman Martin suggested that the communication people might be contacted regarding the selection of an architect or engineer experienced in this special line of installation, and some of the communities where similar installation had been made. The City Manager pointed out that a further report would be submitted.

Frank Andrews stated that as a taxpayer he objected to the construction of a communication center, as it was not practical for this size town. There were too many other things needed in the city besides "these frills".

The City Manager pointed out that this would not be "frills" but the moving of the fire alarm system in a sound, safe building which is required if the city is to maintain any kind of reasonable fire rating.

Mayor Hammond directed the staff to review similar installation in other communities and consult with the communication concerns and report back to the Council.

NOTICE OF MEETING OF PUBLIC WORKS BOARD IN SACRAMENTO 7-47

A notice from H. C. Vincent, Jr. Administrative Secretary of the State Public Works Board was read relating to the meeting of the Board at 2:00 P.M. Wednesday, March 2 in Sacramento to consider the inquiry from the Modesto City Council regarding selection of site for new State college in Stanislaus County.

FURTHER DISCUSSION ON IMPROVEMENT DISTRICT NO. 10 7-62

With the unanimous consent of the Council, Marvin Ray, Director of Public Works, brought up the question of timing of the public hearing on the proposed improvement district No. 10 - storm sewers for the Northeast area.

The time necessary for the completion of the plans and work for this district is very critical in order to hold the public hearing on the last Council meeting in March. He asked that the hearing either be held on April 6 or a special Council meeting scheduled during the latter part of March or March 30, the fifth Wednesday in the month which is not a regular meeting night.

The City Manager suggested since the project could not be completed in time to afford storm drainage for this season that sufficient time be taken to be certain that everything was in order.

Councilman Spaulding pointed out that the Council had agreed that before any more proceedings were instituted for storm drainage that the people in the area bring in a petition requesting the Council to do so. This should be done before the Council goes through improvement district proceedings and then find out that the majority of the owners do not want the improvement. The same "old stuff" is starting out in this area as was started in Improvement District No. 8. These people should be told that until the Council has a signed petition from these people requesting the service the Council should delay proceedings.

MOTION

That the staff be instructed to contact interested property owners in the area and notify them that the Council will proceed as soon as it receives a petition signed by a substantial number of property owners requesting the Council to proceed.

Moved by Spaulding Seconded by VanderWall Unanimously carried

Answering a question raised by City Attorney Grimes, the Council indicated that this was a "stop signal" on the proceedings. No other funds should be spent until the property owner interest is secured.

Mayor Hammond pointed out that since the last action of the Council on this particular district opposition was being expressed. Before additional city funds are expended the people in this area should indicate their position. The situation is now in the hands of those persons who have actively supported the drainage district. They should step forward and finish the job. This is a means of helping the district, not hindering it.

REQUEST FROM MILTON HARTNICK FOR AMENDMENT TO MUNICIPAL CODE RELATING TO COMMERCIAL ADVERTISING BY SOUND AMPLIFYING EQUIPMENT 8-67

Mr. Milton Hartnick, operating "Kool Kar" Ice Cream vending trucks in the city, asked that the Modesto Municipal Code be amended to permit the continuance of the amplifying chime device on the trucks. He reported that the Police Department had stopped the use of the device last week, as it was classified as amplifying equipment in residential areas which was prohibited under the Code.

MOTION

That the staff investigate and report back to the Council.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

Councilman Adams asked that the report include the possibility of limiting the number of these types of trucks on the residential streets.

Mr. Hartnick was advised that his business license would not give him the right to operate this type of amplifying chime equipment in the residential streets of the city. Mayor Hammond told Mr. Hartnick that it would be well for him to abide by these regulations until the Council makes its decision.

MAYOR HAMMOND RECESS COUNCIL MEETING 9-60

Mayor Hammond declared a recess at 6:30 P.M. so that the Council could meet in executive session to consider two new appointments to the Personnel Commission created by Ordinance No. 362-C.S. increasing the membership to seven.

Mayor Hammond reconvened the Council meeting at 6:47 P.M. Action on the appointment of additional members was postponed.


ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Adams Seconded by VanderWall Unanimously carried

ATTEST:


Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond
Absent: Councilman Knoles

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

Rev. T. A. Litov gave the invocation.

City Manager Ross Miller being absent, Assistant City Manager Bill Masonheimer acted in his place.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of January 20, 1960, and the same being available for public inspection and there being no objections; the minutes were approved.

LETTER FROM ROY E. SIMPSON, DIRECTOR OF EDUCATION RE: SELECTION OF STANISLAUS STATE COLLEGE SITE 1-20

A letter from Director of Education Roy E. Simpson relating to the site for the Stanislaus State College was read and ordered filed.

It was reported that Councilman Knoles and City Manager Miller were absent because they were attending a meeting of the State Public Works Board to present questions relating to the selection of the Stanislaus State College. Copies of the statement being made by Councilman Knoles before the Board were distributed to the Council members.

PRESENTATION OF WALKER SAFETY AWARD TO MODESTO POLICE DEPARTMENT 1-37

Mayor Hammond presented Police Chief Bowers with the Walker Safety Award honoring the city in the field of traffic safety for the year 1959. The Police Chief accepted the award on behalf of the department. Mr. Masonheimer commented upon the part played by Director of Parking and Traffic Douglas Carmody and his department, in winning the award.

LETTER FROM FRANK ANDREWS

With the unanimous consent of the Council, Mayor Hammond read a letter from Frank Andrews relating to the city's fire rating survey. The letter was ordered filed.

FINAL ADOPTION OF ORDINANCE NO 369-C S. REZONING BLOCKS 87-90

ORDINANCE NO. 369-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SECURITY TITLE INSURANCE COMPANY-PROPERTY IN BLOCKS 87-90)

introduced on February 17, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Adams Seconded by Spaulding
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

FURTHER DISCUSSION ON SEWER SERVICE TO GANT PROPERTIES INC.

The meeting was opened for further discussion on the continuance of furnishing city sewer service to Gant Properties Inc. property located outside the city on the southwest corner of Franklin and Paradise Road.

Attorney J. P. Mower spoke on behalf of Gant Properties Inc. He outlined the views and position of his client as follows:

The provision of the agreement for a commitment on the part of the Company to annex to the City of Modesto is not satisfactory. The Company feels that at such time as annexation is proposed for that area, the Company will at that time and under the circumstances then existing consider whether or not to protest or agree to annexation. They do not wish, at this time, to be committed in advance. The condition of requiring an agreement for annexation is not a proper or valid condition to impose in consideration for the continued use of a city sewerage system.

The property owners will agree to comply with the provisions of the Municipal Code relating to the payment of fees for city sewer service, to pay the rates applicable for out-of-city use. The Company will also agree to provide the city with the required information. Under these conditions Gant Properties, Inc. feel that it should be entitled to the continued use of the city sewer service.

Mr. Mower stated that as he interpreted the Municipal Code it would appear at least arguable that there is a uniform provision for inside and outside use except for the matter of rates. The Company is willing to go along on the rates charged for outside service.

This Company has been a user at the present location, both residential and commercial since 1923. Based upon the Municipal Code provisions and the prior use granted by the City Council, the Company feels that it is entitled to continue to use the service without having conditions proposed. He pointed out that all of the conditions in the proposed agreement are now acceptable to the Company except the one relating to annexation. He asked that this provision be deleted from the agreement. Mr. Mower called attention to the possible legal problem concerning the Company's right to this service, without conditions. Any dispute or litigation can be avoided if the Council sees fit to authorize the execution of the agreement without the annexation commitment at the present time.

Mayor Hammond pointed out that the Council had established outside rates for sewer service only for the interim period that sewer service was provided to properties that were not contiguous to the city or pending annexation proceedings. He stated that the City is not in the business of passing bond issues and "ponying up" for the cost of furnishing utilities for people outside the city. One of the requirements for furnishing utilities outside the city has always been annexation.

Mr. Mower contended that this situation was different since service has been provided by an existing line to this parcel since 1923. This raises a legal question--does this have to be resolved now because of a policy now in effect? He considered

that it would be better for everyone to continue the situation as it is now as long as the owners pay the prescribed rates for outside use. He made this proposal "in the interest of economy, time and also good relationship".

Councilman Spaulding stated that since the matter of a possible legal question has been raised, the best way to resolve the question is to take it to the courts for a ruling.

In answer to a question by Councilman Arata concerning additional time to work out an agreement, Acting City Manager Masonheimer pointed out that some time would elapse between the authorization to file an action and the time the papers were prepared by the City Attorney and filed with the court, so there would be time for further negotiations. This case has been under consideration for almost two years, and many compromises have been made by the city as the property owner raised objection after objection. The clearing of one merely resulted in the raising of another. This is the first time the question of annexation has even been raised by Mr. Gant, though the provision has been a part of every contract draft considered.

MOTION

That the City Attorney be directed to prepare papers for filing in court to enjoin the property owner from unlawfully using the city sewer system.

Moved by Spaulding Seconded by VanderWall Unanimously carried

HOLD OVER REQUEST FOR LEASE OF PARKING SPACE ON CITY PARKING LOT 2-95

The request of Faith Dynan for permission to lease a parking space in the city's parking lot on 13th Street was held over until a full membership of the Council was present.

APPROVE REDUCTION OF BOND FOR YORKSHIRE MANOR SUBDIVISION NO. 1 2-100

A recommendation was made by the Public Works Department that the bond of \$23,000 filed by Arthur J. Wylie to guarantee the improvements in Yorkshire Manor No. 1 be reduced to \$2500 to cover the remaining work (construction of alleys and two temporary dry wells).

RESOLUTION NO. 60-82

A RESOLUTION AUTHORIZING THE REDUCTION OF GLENS FALLS INSURANCE COMPANY PERFORMANCE BOND FILED BY ARTHUR J. WYLIE TO GUARANTEE IMPROVEMENTS IN YORKSHIRE MANOR NO. 1 SUBDIVISION TO \$2,500

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

APPROVE REDUCTION OF BOND FOR GREGORY GARDENS NO. 3

Director of Public Works Ray reported that all the improvements in Gregory Gardens No. 3 Subdivision had been completed by Lance E. Ellis, with the exception of the construction of sidewalk on the north side of Schulenberg Avenue and the removal of an irrigation box in the alley right of way in Block 6630. A schedule for the completion of the remaining work has been worked out. He recommended that the bond be reduced from \$76,000 to \$10,000 to cover the remaining work.

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RESOLUTION NO. 60-83

A RESOLUTION AUTHORIZING THE REDUCTION OF GLENS FALLS INSURANCE COMPANY PERFORMANCE BOND FILED BY LANCE E. ELLIS TO GUARANTEE IMPROVEMENT IN GREGORY GARDENS NO. 3 SUBDIVISION TO \$10,000

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

APPROVAL OF COMPLETED CONTRACT FOR IMPROVEMENT OF McHENRY AVENUE 2-127

Director of Public Works Ray reported that the State Division of Highways has requested a letter from the City of Modesto indicating that the work on McHenry Avenue has been completed to its satisfaction. He reported that the work had been completed except for a few minor details of clean-up which are now in progress. The State would like to be able to clear this project as soon as possible so that it may accept the work. It was suggested that the City Manager be authorized to send the letter requested when the work is completed.

MOTION

That the City Manager be authorized to write a letter to the State Division of Highways indicating that the work has been completed to the satisfaction of the city when so certified by the Director of Public Works.

Moved by Arata Seconded by VanderWall Unanimously carried

AUTHORIZE ACQUISITION OF NEW AERIAL PHOTO MAPS 3-20

Planning Director Smeath reported that as authorized by the Council, informal bids were received on the furnishing of aerial photo maps. Fairchild Aerial Surveys Inc. has submitted the lowest bid of \$3240.

MOTION

That the City Attorney be directed to prepare an agreement for the services with the Fairchild Aerial Surveys Inc. for Council consideration.

Moved by Spaulding Seconded by Adams Unanimously carried

HOLD OVER REQUEST OF LOIS LANE (RED TOP TAXI) TO PURCHASE JOE'S TAXICAB COMPANY 3-37

Acting City Manager Masonheimer stated that the request for the transfer of cabs and taxi stands belonging to Joe's Taxi Company, had been withdrawn at the request of Lois Lane, owner of Red Top Taxi Company, the prospective purchaser. It was reported that Mr. Sequeira, owner of Joe's Taxi, had passed away yesterday, and the request would now have to clear through the estate.

APPROVE REQUEST OF M AND M AUTO PARKS INC. FOR CANCELLATION OF LEASE AGREEMENT 3-40

A letter from Jack D. Morrison, operating the M & M Auto Parks, Inc. was read requesting that the lease for the 15th Street Parking Lot be cancelled as of March 1, 1960 as the revenue would not meet the annual rental. He stated that he had expended \$1300 in improvements

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on the lot for paving, driveways and wooden bumpers around the perimeter of the lot. He stated that he would be willing to forfeit the last month's rent of \$250 if the lease was cancelled. He asked for permission to remove the bumpers or leave them for the return of the \$250 advance rental deposit.

Director of Parking & Traffic Carmody stated that he doubted that the bumpers were worth \$250. Comments from the Council and staff were:

- 1- In the interest of justice since the property was not paying off, that the lease should be cancelled.
- 2- That the Director of Parking & Traffic should negotiate further with the lessor to determine a value of that portion of the bumpers installed by him.

Mr. Carmody reported that he had conferred with Carl Hamilton, Librarian, regarding the cancellation of the lease, since one half of the leased property is owned by the Library. Mr. Hamilton took a position similar to that of the Council, that the lease should be cancelled if the alternative is to force the lessees into bankruptcy.

MOTION

That the staff prepare the necessary papers to effect cancellation of the lease as of March 1 with the forfeiture of the advance month's rental fee of \$250, and that the staff be directed to determine with Mr. Morrison for the purchase the true value of the wooden bumpers installed by him.

Moved by Spaulding Seconded by Arata Unanimously carried

Answering a question raised by Mr. Carmody, the Council agreed that the parking fees collected so far in the month of March should be retained by Mr. Morrison.

Alternative suggestions for the operation of the lot by the city were presented by Mr. Carmody:

- 1- To install a parking gate and charge a nominal fee (10¢ or 15¢ per day). The revenue would be approximately \$2000 per year initially, going to \$4,000 over the next 4 to 5 years.
- 2- Install a City owned ticket vending machine which was used on the 11th Street lot. More enforcement time is required.
- 3- Leaving the lot as is.

Mr. Carmody recommended that if the property is not to be developed within 4-5 years, the best choice would be to install parking gates at an approximate cost of \$1500 to \$2000. Gates would require minimum enforcement. He stated that the manual operation of the lot would be unsatisfactory.

Councilman Adams recommended that the lot be returned to free parking as the demand was not sufficient for any other type of operation at this time.

It was agreed that no Council action would be taken on the type of operation for the lot until after the matter was cleared with the Library Board of Trustees, but pending that clearance, no fee would be charged for parking.

CITY HALL MATTERS 3-05

Acting City Manager Masonheimer reported that a meeting has been scheduled on March 3 with Ron Fiske Construction Co., general contractor on the city hall, other prime contractors, the architect and city staff to discuss the completion date, moving date, etc. It is possible that some arrangements will have to be worked out for conditional acceptance of the work because of some delays beyond the control of the contractor. A report on arrangements for moving will be presented for Council consideration soon.

APPROPRIATION TRANSFERS

None

REVIEW OF POLICY ON STREET IMPROVEMENTS 3-20

Director of Public Works Ray reviewed the city's present policy on street improvements for Council information. He stated that a question had been raised on the policy of developing the two center lanes on streets being developed for four traffic lanes and two parking lanes. This has been done in the city for many years in order to stretch the available gas tax funds to provide some surfacing on major arterials, and because of the lack of storm drainage facilities. In some areas storm drains were already proposed for some future date and it is more economical to tear up an oiled shoulder than a paved surface.

At the present time the city's gas tax funds, based on the estimate for the coming year, will total \$113,000, of which 40% is used for maintenance, leaving approximately \$67,800 for construction from the 5/8¢ gas tax fund. On a four lane street, such as College Avenue, the cost per foot for two lane paving is \$14.15, based on last year's bids with a 5% increase factor. This includes engineering and construction of curb and gutter, but not right of way cost. This means that the cost for this type of construction is ~~\$74,700~~ ^{about} per mile. The City's revenue this year is enough to do approximately 9/10th of a mile of work at the two lane standard. If the same street were paved for the full width from curb to curb, the cost is ~~\$104,000~~ ^{about} per mile and the city's gas tax revenue enough to construct .65 of a mile or cover a little over one-half mile. This does not take into account any right of way cost, but does take care of the average cost for clearing by contractor.

Mr. Ray cited a typical example: both Tully and Orangeburg are proposed for 64 feet between curbs. Within the city limits this would total 3.7/8ths miles. For two lane paving construction and oiled shoulders, it would take all of the city's gas tax construction money for a period of four years, at the present rate of income. To pave the entire width would take all of the gas tax construction allocation for six years. This policy of two lane paving has not been applied to other streets, certified for gas tax construction funds, that are two lane collector streets. The basic problem is trying to stretch this money, to construct to reasonable standards as much as possible of the many miles of arterial streets in the city.

One change has been made in the policy in recent years; prior to this time even on the streets 40 feet between curbs, only two center sections were paved. This was not economical, because the narrow shoulder section was difficult to construct and maintain, and to pave at a later date. Recently projects of this nature have been paved the full width. Examples are Granger, Roseburg, Miller and a portion of LaLoma.

He stated that where four traffic lanes are needed now, it is not recommended that only the two center lanes be paved.

Answering a question from Councilman VanderWall, Mr. Ray stated that the cost for 4 lane improvement on College Avenue would have been one-half again as much, or approximately \$22,000 more.

Mayor Hammond pointed out that the difficulty which has arisen on College Avenue is the fact that there has continued to be either mud or dust. Mr. Ray stated that this condition can be corrected by May if the ground is sufficiently warm to apply the coating. Again he reminded that the work was done on this street when the weather turned cold and rainy in the midst of the construction. In the future the staff will recommend the city not yield to pressure like we did and start a project too late in the year.

Councilman Spaulding stated that the people will soon have to face the fact that they will have to spend some money if they want paved streets and we apparently have not reached that point yet.

Mayor Hammond stated that the city's policy on paving two lanes should continue because of the fund situation.

Councilman Arata concurred in this recommendation as it would be costly to tear up paved streets to install storm drains and until these were installed paving would not be held up. The Council agreed that to take no action would indicate the present policy would continue.

MATTERS FOR THE GOOD OF THE COMMUNITY 4-108

Grant permit to BPOE-Elks Lodge #1282 to use Del Webb Field

Dick Willey, speaking on behalf of the B.P.O.E. Elks Lodge #1282, requested permission to use Del Webb Field to hold its annual charity circus on May 26, 1960. He stated clearance has been obtained from the Modesto Reds on the use of the park.

The Council indicated approval of the request on the same basis as previously approved and directed the staff to work out arrangements with the permittee.

RESOLUTION NO. 60-84

A RESOLUTION GRANTING PERMIT TO BPOE ELKS LODGE #1282 TO HOLD ITS ANNUAL CHARITY CIRCUS AT DEL WEBB FIELD ON MAY 26, 1960

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

PETITION FILED FOR STORM DRAINS IN IMPROVEMENT DISTRICT NO. 10

Dr. C. G. Duke, 405 Northwood Drive, reported that as indicated by the Council at its last meeting, the property owners had circulated petitions in District No. 10 to obtain an expression of desire for the storm drainage district. He reported that during the four day period signatures representing 54% of the area and 57% of the total estimated assessment were obtained on a petition requesting the drainage district. He pointed out that time precluded contact with a large number of the owners who were not at home on the initial call. Several large owners of parcels of land indicated they would not sign the petition, but they would not protest the district. Many other land owners wanted to read the information, but the circulators did not have time to go back for their signatures. They expressed the feeling that they would not protest.

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With this percentage of desire expressed on the part of the property owners, Dr. Duke asked that the Council expedite the district proceedings as rapidly as possible.

Director of Public Works Ray stated that April 13 could be established as a hearing date on the District.

MOTION

That the staff proceed with the improvement district proceedings for Improvement District No. 10.

Moved by Spaulding Seconded by VanderWall Unanimously carried

Dale Smith, 302 Normandy Drive, not protesting the drainage district, but rather a design feature of the plans, read and filed a letter, opposing the proposed location of the pumping station on Bowen Avenue, south of his property located in Block 6822, Lot 17. He asked that the pumping plant be relocated in an area outside of the single-residence zone or at least where homes had not been completed.

Dr. Duke stated that Dr. Husted, residing near the proposed site for the pumping station, would also oppose its location.

Mr. Ray stated that the Public Works staff would meet with Mr. Smith and Mr. Warren Giddings to try to work out a satisfactory solution on the location of the pumping station. A report will be brought back to the Council. It is possible that relocation would result in some minor delay on completion of the plans, he reported.

Approve extension of provisional appointment in Fire Department

With the unanimous consent of the Council, Acting City Manager Masonheimer was permitted to bring up a matter not on the agenda--- extension of provisional appointments to positions in the Fire Department.

MOTION

That the City Council approves extension of the provisional appointments of Al Oliveria, Acting Assistant Chief, Wayne Everett, Acting Fire Marshal and Richard Near, Acting Fire Lieutenant be extended for an additional 60 day period to May 1, 1960.

Moved by Adams Seconded by Spaulding Unanimously carried

REPORT ON FILING OF CLAIM AGAINST CITY BY CLARENCE AND ANNA L. ROMAN 5-108

The City Attorney reported that a claim had been filed by Clarence H. Roman and Anna L. Roman against the city and certain of its officials. The claim is for alleged damages in the amount of \$45,000, as the result of the stop order issued by the city in connection with the use of the property involved in an illegal lot split. (Wilken property on Florida). The City Council took no action on the claim.

REPORT ON GOLF COURSE REVENUES, EXPENDITURES AND OPERATION 5-116

Copies of a report from Director of Parks and Recreation Lloyd Lowrey dated March 1, 1960 on "Revenue and expenses-Dryden Park Municipal Golf Course and the Nine-Hole Municipal Golf Course" were distributed.

Mr. Lowrey suggested that the report was submitted for consideration and any discussion of it might be held over until the City Manager is present. He stated that the staff had been working on some type of clubhouse arrangement for the Dryden Course, and when accommodations are available, even on a temporary basis, there should be considerable improvement in the over-all play on the 18 hole course.

Mayor Hammond stated that it looks as though some serious study will have to be given in the budget to cut down the expenditures so that they will align with revenue derived. The Council has considered that this type of recreation must be self supporting from an operating standpoint.

Mr. Lowrey stated that he could anticipate no decrease in expenditures in maintaining two courses. There is a possibility of increasing revenue by raising greens fees and charges at the Nine Hole Course. He doubted that it would be desirable to increase the fees at the new Dryden Park Course, as the fees were on a par with other courses.

Councilman Arata suggested that the \$15,000 received from the sale of walnut trees on Dryden Course be set aside for the construction of a clubhouse. Councilman Spaulding pointed out that the period covered by the report was not the best part of the year revenue-wise and that an improvement should result in the next few months.

Mr. Lowrey stated that some of the golfers had requested the city work out some means of reimbursement of advance greens fees paid during the construction of the new course by issuing tickets and permits to play. Approximately \$2200 was contributed. He proposed for Council consideration, that the city reimburse advanced funds through issuance of monthly individual tickets, which would normally cost \$10 and which would be good for play on both courses on an unlimited basis. There are some odd amounts, such as \$15, which would not fully cover the issuance of two tickets, but in these cases the city could issue either daily greens fees to make up the odd amounts or permit the individual to provide supplementary funds for another monthly ticket.

Mr. Lowrey stated that if the Council approved the general idea a more precise report would be made at a later meeting. General agreement was expressed by the City Council.

The City Attorney reported that as requested by the Council, he had prepared for consideration a resolution which would permit free practice sessions and matched play for student golfers.

RESOLUTION NO. 60-85

A RESOLUTION AUTHORIZING FREE PRACTICE SESSIONS AND MATCHED PLAY FOR STUDENT GOLFERS AT DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Spaulding Seconded by Arata
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

HOLD OVER REPORT ON RADIO EQUIPMENT FOR FIRE DEPARTMENT 6-77

At the request of Acting City Manager Masonheimer, this matter was held over for one week in order to clear certain matters.

MAYOR HAMMOND DECLARES RECESS 6-85

Mayor Hammond declared a recess at 5:25 P.M. so that the Council could meet in executive session to consider appointments to the existing vacancies on Boards and Commissions.

RECONVENE COUNCIL MEETING

Mayor Hammond reconvened the Council meeting at 5:35 P.M.

RESOLUTION NO. 60-86

A RESOLUTION APPOINTING ALBERT E. OHANIS A MEMBER OF THE MODESTO CITY BOARD OF PLUMBING EXAMINERS

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

Term of the appointment would be until January 1, 1961 to fill out the unexpired term of George Hansen.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by VanderWall Unanimously carried

ATTEST: 
CITY CLERK

Modesto City Council
March 9, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilman Adams, Arata, Knoles, Martin, VanderWall,
Mayor Hammond
Councilman Spaulding arrived at 8:03 P.M. and left at 9:25 P.M.

Absent: None

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

Rev. A. P. Gregory gave the invocation.

APPROVE REQUEST FOR FREE OFF-STREET PARKING ON MARCH 19-
MODESTO RETAIL MERCHANTS ASSOCIATION 1-25

A request was filed by the Modesto Retail Merchants-Downtown Divison asking that the Council permit free parking in all city off-street parking lots on Saturday, March 19, 1960, normal time limit on parking to be retained. The Association would place printed paper bags over the meters advertising the "Spring in Modesto" promotion sale and employees would be requested to use other parking areas during this day.

Darrel Schach, representing the Association spoke on behalf of the request.

RESOLUTION NO. 60-87

A RESOLUTION SUSPENDING THE PARKING RATES ESTABLISHED BY RESOLUTION NO. 59-9 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. 58-127", TO ALLOW FREE PARKING IN ALL CITY PARKING LOTS ON SATURDAY, MARCH 19, 1960.

Introduced by Councilman Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

Councilman Knoles recommended that the program be evaluated, after it was tried, to determine if it was worthwhile.

LETTER FROM J. GREENBERG & COMPANY, INC. RESERVE PARKING SPACES ON N STREET
BETWEEN 9-10 STREETS 2-03

J. Greenberg & Company, Inc., 1326-32 Ninth Street, filed a request for permission to reserve the street parking spaces on the southeast side of N. Street, between 9th Street and the alley adjacent to its building on Wednesday, March 30, 1960. The Armstrong Cork Company will have a large truck and trailer visiting Modesto to display its line of linoleum and floor covering to local builders, floor layers and architects.

Director of Parking and Traffic Douglas Carmody reported that these spaces were used rather heavily. Mayor Hammond considered that the display was not of general interest and the reservation request should be denied. He recommended that the company make arrangements for the use of a vacant lot for this purpose, such as the City's 15th Street parking lot.

MOTION

That the request be denied and
That the staff work with Mr. Greenberg to provide a suitable
location.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

LETTER FROM ROBERT M. HUSTED RE: LOCATION OF PUMPING STATION
FOR IMPROVEMENT DISTRICT NO. 10

A letter from Dr. Robert M. Husted, 221 Bowen Avenue, was read objecting to the proposed location of the pumping station of Improvement District No. 10, next to his residence. He asked that the original site proposed be used instead.

Director of Public Works Ray reported that the staff was clearing out this matter. Upon the return of Richard Giddings a report will be submitted to the Council.

NOTICE OF MEETING REGARDING ANNEXATION LAWS - ASSEMBLY INTERIM
COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT 2-40

A letter from the Assembly Interim Committee on Municipal and County Government was read advising that a hearing will be held in Oakland on May 5-6. The purpose of the hearing was for the Committee to continue its review of the present annexation laws and procedures to determine if changes are needed in this field.

The Committee asked that if the city could not send a representative that it send a statement of its views to be read into the record.

Mayor Hammond asked that the matter be referred to the Planning Commission and staff, for study and report to the Council.

LEAGUE OF WOMEN VOTERS REQUESTS USE OF SIDEWALK INSTALL REGISTRATION
TABLE 2-60

A letter from the League of Women Voters of Modesto was read requesting permission to install a registration table on the sidewalk area at 10th and J Streets and other suitable locations to register voters preceding the June primary election.

MOTION

That the request be granted on condition the matter of precise locations and time ^{be cleared} with the Chief of Police and Director of Parking and Traffic.

Moved by Arata Seconded by Adams Unanimously carried

HOLD OVER LETTER FROM THE TRAFFIC CONTROLS, INC. RE: USE OF TRAFFIC
CONTROL ATTACHMENTS TO EXISTING PARKING METERS 2-70

In view of the length of the agenda this letter was held over until the next Council meeting. Copies of the letter and a brief staff report were to be sent to the Council members.

LETTER FROM LOIS RITTER, COORDINATOR PUBLIC EMPLOYEES' WEEK 2-72

The letter asked that the Council give special recognition of the Public Employees' Week being held March 7-13 and notice of such recognition released to news media. The state theme is "Working for Better Public Service" and the local "Good Government Demands the Intelligent Interest of Every Citizen".

The City Manager reported that panel discussions had been held at the two high schools before a special assembly composed of students who chose to attend because of their special interest of the possibility of making governmental service a career. Ken Norris, Executive Director of Stanislaus County Taxpayers Association, Jack Veneman from the Stanislaus County Board of Supervisors, Joe Good from the Chamber of Commerce and himself were on the panel.

MOTION

That the Council takes recognition of Public Employees' Week and special recognition of the public spirited citizens serving without compensation on various boards and commissions and authorizing Mayor Hammond to acknowledge Mrs. Ritter's letter.

Moved by VanderWall Seconded by Arata Unanimously carried

LETTER FROM WARD BULL, PRESIDENT-CENTRAL DIVISION OF LEAGUE OF CALIFORNIA CITIES 2-100

Mr. Bull asked that Mayor Hammond appoint a member of the Council to the Executive Committee of the Central Valley Division of the League of California Cities to attend a meeting in Gustine on April 28.

The City Clerk was directed to advise Mr. Bull that the Mayor had been appointed a member and the Vice Mayor as alternate.

PRESENTATION OF CODE OF ETHICS ADOPTED BY THE MODESTO CITY EMPLOYEES ASSOCIATION 2-105

Howard Wells, President of the Modesto City Employees' Association, presented a copy of the Code of Ethics adopted by the Association and asked permission to place it, suitably framed, in the Trophy case in the new City Hall.

MOTION

That the code of Ethics be accepted from the Association and ordered placed in the Trophy Case in the new City Hall.

Moved by Arata Seconded by VanderWall Unanimously carried

The City Manager expressed his appreciation to all of the people working for the City, including the Council members and members of the various Boards and Commissions. He stated that he was "happy to be a member of this team".

Mayor Hammond expressed appreciation on behalf of the Council for the excellent service rendered by the city employees.

REPORT ON PURCHASE OF RADIO EQUIPMENT 3-1

Copies of a report on "Radio Equipment Bid Analysis", dated March 9, 1960, were distributed to the Council members which indicated informal bids received by the staff, as directed by the Council from the Motorola Company and General Electric Company. This equipment is to replace equipment in the Fire Department, which is necessary because of the change over in wave length.

The following alternatives were available (net prices after trade-in allowance):

1. G. E. Base - 10 Motorola Mobiles-----\$5,564.70
2. Motorola Base - 11 G E Mobiles with test unit----\$6,033.00
3. All Motorola Base Station and 10 mobiles-----\$5,724.70
4. All G.E. Base station and 11 mobiles with test unit-----\$5,602.00

Ray Gada, Director of Public Works, ^{Ray} and Bill Nye (General Electric Co.) answered questions raised by the Council on the differences in the equipment offered.

Mayor Hammond considered that since this equipment was for one department that the advantage of changeability of units with other departments, which are equipped with Motorola equipment, would be minor. In keeping good faith with the city's bidding procedure since bids were obtained from these two companies, the lowest bid submitted by General Electric should be accepted.

The City Manager suggested that the bid of \$5,564.70 for the G E Base station with 10 Motorola Mobiles be accepted as these mobile units would be exchangeable.

MOTION

That the purchase of item 4 be approved (G.E. Base Station and 11 mobiles with test unit - \$5,602.00)

Moved by Mayor Hammond Seconded by Martin Unanimously carried

HEARING ON PROPOSED ANNEXATION OF Y. M. C. A. ADDITION 3-32

Mayor Hammond declared the hearing open on the proposed annexation of the Y. M. C. A. Addition to the City of Modesto at 8:00 P.M.

The City Clerk certified that the notice of the hearing had been published in the manner required by law, notices mailed to persons owning property in the addition, and that no written protests had been filed.

Resolution No. 578 adopted by the Commission recommending to the Council the commencement of proceedings for the annexation was noted.

Mayor Hammond asked if anyone wished to file an oral protest or make any comment.

William R. Mitchell, 231 Buena Vista, President of the Board of Directors of the Stanislaus County Y. M. C. A. spoke briefly on the plans for the development of the property to serve the community. He asked that the property be rezoned to permit the construction of its facilities as soon as possible.

Mayor Hammond closed the hearing at this time.

ORDINANCE NO. 371-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE Y.M.C.A. ADDITION TO THE CITY OF MODESTO"

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

Introduced by Martin Seconded by Adams
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall
 Mayor Hammond

Noes: None Absent:None

The City Attorney pointed out that until the annexation was approved by the Secretary of State rezoning of the property could not be considered. By next week approval of the Secretary will be obtained and at this time action can be taken on the interim zoning of the area.

APPROVE LEASE OF PARKING SPACE ON 13th STREET PARKING LOT TO FAITH DYNAN 4-73

Pursuant to delaying action on the request of Faith Dynan for permission to rent a parking space for her own use on the City's leased parking lot on 13th Street, at a monthly rental of \$10.00, until a full membership of the Council was present, this matter was considered.

Director of Parking & Traffic Douglas Carmody reviewed the background of the request and the rental arrangements with the property owner. He recommended approval of the request on a month to month basis

MOTION

That the City Attorney be directed to prepare an agreement for rental of the space on a month to month basis.

Moved by Martin Seconded by VanderWall
Mayor Hammond declared that the motion carried.

REPORT ON MEETING OF STATE PUBLIC WORKS BOARD IN SACRAMENTO ON MARCH 2
RE COLLEGE SITE

Councilman Knoles, a member of the Council Committee on the State College, was complimented by the Mayor and members of the Council for his presentation of Modesto's questions before the State Public Works Board in Sacramento on March 2. Councilman Knoles reported that the questions prepared had been asked, and that the Public Works Board had preferred not to answer them individually nor to answer any of them until all of the presentations on the matter had been heard. He said that from the answers received his own personal conclusion was that the principles established by the state, which we had thought were to be used as a basis for the site selection, had been used only as a broad, general guide, and that the specific information presented by this community in conformance with those principles had been swept aside as irrelevant. He noted that Modesto's argument relating to the provision of Junior College facilities had apparently also been considered irrelevant because of the change in state apportionment of funds to junior college districts for out-of-district students, but said he had made it clear that for a good many years, until the '50's, the major support of higher education in this area had been by the taxpayers in the Modesto Junior College District, which exists only within the Modesto High School District. His general conclusion was that "the rules were changed in the middle of the game" without our knowledge.

Councilman Spaulding reported that he had not attended the meeting in Sacramento but had heard the radio broadcast of the proceedings, and he read into the record the following statement of his position in the matter:

"First of all, I would like to make it clear that I have no personal axe to grind in this matter. My children will be out of college before this new institution becomes a reality, and I have no real estate holdings which could influence my sentiments.

"Secondly, I would like to say again that we have no quarrel with the people of Turlock. Our concern goes to the basic principles involved and the fact that our faith in the integrity of governmental processes has been severely shaken.

"Thirdly, from the standpoint of the City Council, obviously the simplest thing to do is just forget it. There is no doubt at all that not having the college in Modesto will save us a lot of problems. But the issues at stake here are far more important than what plot of ground one college occupies. This Council's opposition to the site selected, and that of virtually all the others who have taken a position in this matter, has been based on the failure of state departments to honor established principles and on their apparent willingness to make decisions which are not supported in any way by the facts presented. We have heard that our sentiments in this matter are strongly shared in other areas where such decisions have appeared to be equally arbitrary. I hope that our protests, joined with all the others, will hasten the day when citizens will have some reasonable recourse. Certainly I think it has been our duty to make the protest.

"In this case, the decision has been made by the State Public Works Board, and apparently it will stand. I think it would be in order for Mayor Hammond to write to the Board, on behalf of the City Council, and say that although we appreciate their courtesy in giving us some time we disagree heartily with the conclusions they have reached and are unable to find any justification whatsoever for those conclusions in the facts presented to the Board. I think that letter might point out one fact which I consider

significant--that the Board has never at any time cited a single aspect of the Turlock site which was superior. Its only effort at justification has been to say defensively that it did consider everything, and the only explanations it offered were pitiful. Mr. Carr stated that costs had swayed him, yet others on the Board conceded that in a matter of this magnitude the initial difference in cost is inconsequential. Mr. Savage gave no reason at all for almost influence. Mr. Bradford told us that his decision was based Education entirely on the recommendation of the Department of came to the next item on the Board's agenda last Wednesday, selection of a site for the North Bay college, the Department of Education recommended one site and the Public Works Board voted unanimously for another. We haven't heard Mr. Bradford's explanation of that one.

"Nor have we had any answers at all from the Department of Education. You remember that we asked them to attend our public meeting here in Modesto, and were told it would be impossible. We conceded that the time had been short, and urged either Simpson or Vasche to meet with Modestans here at their own convenience, to answer questions and explain the Department's recommendation--and they wrote that they saw no point in further discussion. We submitted to them by mail several pages of questions and the reasons why we asked them, and they replied saying nothing--with their usual graciousness. As a private citizen I find it most disturbing to discover that the agency responsible for the education of our children in California has become so completely arbitrary that it cannot be reached by the citizens of this state--nor apparently by anyone else. And I am frankly appalled by the report now being circulated in Sacramento that the person slated to become the first president of our new state college is Dr. Burton Vasche, the man we believe to be responsible for both the phrasing and the spirit of the brush-offs we have received from the Department of Education. Surely the people living in the area to be served by this college would most vigorously protest such an appointment.

"In summary, then, the Department of Education ignored us; the Public Works Board, although it produced no reasonable justification for its stand, at least received our representatives with courtesy and was generous with its time; and only an advisory member of the Board, our own elected representative, Assemblyman Ralph Brown, found it necessary to belittle and ridicule the people of Modesto. This, of course, merely conforms with and confirms the established pattern of his performance in this whole college site matter, but on behalf of all the citizens of this area I resent it, and I believe it should at least be noted for the record.

"We have, throughout, honored Mr. Brown's stated position of neutrality, but Mr. Brown himself has not, and to many of us neither his busy alibiing with a different story on every street corner nor his ill-conceived efforts to be funny at the expense of Modesto citizens has seemed appropriate or forgivable. We have been unable to see what an Assemblyman could hope to gain by sneering at the honest efforts of the citizens he represents to get honest answers to questions that trouble them. It would appear that Mr. Brown's involvement in politics at a so-called higher level have caused him to overlook the fact that before he can stand for another term as Speaker of the Assembly he must first be reelected. It also seems quite likely that the people of this area have had their attention directed sufficiently to Mr. Brown's frenetic dissembling that they are apt to remember it when they vote. It is not easily within our power as individuals to influence the membership of appointments to our state boards or commissions. But every citizen has a certain voice in selecting our local legislative representatives, and it behooves us to be sure we vote for men who do represent

"At all events, while this has been a losing battle, still it has been heartening to be reminded of how many, many people there are who aren't ordinarily heard from who stand up to be counted when matters of basic principle are involved. They believe, as we do, that it's everybody's duty to stand ready to support and reaffirm the fundamentals of government we believe in. There is an Edmund Burke quotation which says, "All that is necessary for the triumph of evil is that good men do nothing." And I think that this is true. And if perhaps it does not follow that right will always prevail if citizens support it, at least it must be true that right is strengthened by expressed allegiance. In this particular matter, we failed to change anybody's official position. But it is always possible that in the matter of principles more may have been accomplished than we know. I'm glad we tried."

Mayor Hammond considered that the work done by the community during the past two years on the selection of the site had given the citizens a better understanding of the manner in which the State Government functions. He approved Councilman Spaulding's sentiments that the Department of Education not only needed a lesson in public relations but one in instruction and adherence to principles. The decision of Assemblyman Brown to remain neutral in the matter has handicapped this City considerably to get its point expressed in the Capitol building. Questions raised by this City before the Department of Education and State Public Works Board are matters which our State Representatives should take before the Legislature and ask for a review of future events so that this will not happen again. The criticism against these representatives, in not seeing that the Department of Education and State Public Works Board function according to their principles and rules adopted, is justified as they are not doing the job for which they were hired.

Mayor Hammond felt that the matter of site selection for Stanislaus County College had been finalized, although it is a decision which is not unanimously approved, and it cannot be accepted on the basis of the rules established by these bodies. It must be recognized that there is a degree of compromise in politics. His own personal opinion was, he stated after working 2 years on the project, that the decision to locate it in the south end of the County was made quite some time ago. The citizens should accept the existing situation and drop the matter.

Councilman Knoles stated that he would go along with Councilman Spaulding's request that the City at least has the last word as far as closing the matter on the basis of better State Government. The Council has a responsibility because there has been "a bending of principle". The citizens of the area should not sit by and not take official notice of this. The citizens should urge that "we have a rebirth of democratic principles so that we can know what to expect from our elected and appointed officials on the State level. Perhaps we should drop it but we should drop a missile in their pockets too".

Mayor Hammond considered that the Council and community has fulfilled its obligations to bring as much "fresh air" into the review of the principles as was possible. This was accomplished by the request for a rehearing which was granted by the State Public Works Board. Nothing further can be gained by continuing on this matter.

Mr. John Feltes, Chairman of the West Modesto College Committee, commended Mr. Knoles on his presentation before the Board. He recommended that the Council avail itself of the last recourse, Governor Brown. He read a letter which his committee proposed to send to Governor Brown and asked that the Council concur in the letter and sign it.

Mary Walton, 133 Poplar Avenue, suggested that the Council should go to Governor Brown with this problem as the State Officials involved had been appointed by him.

Councilman Arata stated that he would go along with Councilman Spaulding's statement. He recommended that this statement be forwarded to the Governor and to the boards which he had appointed. These boards, have wasted the time of a lot of people in this community on this project. Modesto "has been brushed aside".

Sam Courtney recommended that a copy of this statement be sent to every registered voter in Stanislaus County, Governor Brown, members of the State Assembly, and Senate.

Dr. Robert Walton, 133 Poplar Avenue congratulated Councilman Knoles on his magnificent presentation before the Board. He stated that he agreed 100% with the statement read by Councilman Spaulding at this meeting. He suggested that the Council, by majority vote, send an official protest to Governor Brown.

Councilman Spaulding moved the adoption of a resolution of protest on the manner in which this decision was reached, for transmittal to Governor Brown.

Mayor Hammond stated that he concurred in Councilman Spaulding's thinking that "we have had a snow job" but he stated that it should also be recognized that there is a degree of futility in any further action on this matter.

Councilman Knoles seconded Councilman Spaulding's motion.

Mayor Hammond stated that the Council had fulfilled its obligation to this community and its people by its protest action. The City has exhausted its resources and it is futile to make a protest to the Governor. This is a state-wide matter, the City of Modesto is a small portion of the State. In other localities where decisions have been changed, it has been where a lot more votes could be counted on a state-wide basis. The areas of political compromise which exist in our society must be recognized. This is one of them.

Councilman Spaulding objected to dropping the matter and "let them think for one minute that we have been sufficiently snowed by their snow job to accept what they have given us up there". The City should officially make a protest.

Mayor Hammond considered that the City had already made its protest by asking for a rehearing before the State Public Works Board.

Councilman Knoles considered that the Council would not be out of order in letting the Governor or the rest of the people know how it feels about it. If it is the Council's wish that "we accept the answers as final and sufficient, that is one thing but I for one do not feel that we should accept them like that".

Councilman Martin agreed with Mayor Hammond's statement as far as the effect of the location of the State College. However, as suggested by Councilman Spaulding, the protest due is to furnish some evidence of deterioration in the area of State Government. In this sense, a protest is a thing which could well be made and should be made.

Councilman Knoles stated that there was one thing which Assemblyman Brown had not discussed at the Council's public hearing on the selection of the college site, the principle of checks and balances. There was no check or balance in this case and if it is not present in the State, it is up to this Council to point that out.

Mayor Hammond stated that a community's connection with the Capitol Building was through its legislative members. Until "we can get the degree of cooperation required from the legislative members of this area, it is futile to continue this program".

Councilman Spaulding stated that he still felt very strongly, that in deference to the many good people in this community who, voted this Council into office, "that we owe them the courtesy at least to comply with their desires in this thing and not let the matter drop without lodging a protest with the Governor. Let him know that we have not accepted this thing". He again moved the adoption of a resolution of protest. The protest should refer to the manner in which this decision was made, the fact that the criteria which the State set up itself was not followed in the decision, and the manner in which our questions about this was handled by the State Department.

Councilman Arata considered that the Governor would be happy to have the City lodge a protest so that something like this would not happen in any other community. A thing like this should be stopped. The Governor should realize that the board which he has appointed has made a mistake. Maybe he should replace them.

Mayor Hammond stated that if the Council wishes to make a protest that it is important enough that it clearly define and think out the nature of the protest. It would be unwise to continue a protest on the location of the State College. It might be in order to file a protest against the kind of procedures that were used in the selection but it is unwise to continue any further any discussion on the selection of the site itself.

Councilman Spaulding asked for Council approval to prepare a protest to be sent to the Governor on behalf of the Council. Before it is sent, it would be cleared individually with every member of the Council, to see that it does coincide with their thinking in the matter.

Mayor Hammond contended that there was no degree of urgency in the matter as the site was not being protested, but only procedures.

Councilman Spaulding withdrew his previous motion and Councilman Arata his second.

Answering a question raised by Mayor Hammond, Councilman Knoles stated that the degree of urgency depends upon how serious the Council thinks it is.

Answering a question from John Feltes on whether the Council would take some action on his request, that it sign his letter of protest to the Governor, Mayor Hammond stated that the Council only takes action on those documents which it prepares.

Hugh Barton, 941 Wellesley Ave. stated that there was a great deal of urgency involved in this matter, due to the fact the Legislature was meeting in an Extraordinary Session pertaining to education. If the college site was not chosen on the basis of principle, it is a great misjustice and it is the Council's duty to protest this misjustice. The protest should be made at this time, not necessarily on the location of the college but on the fact that it was located not on a basis of principle as established by the Legislature or by the facts which applied to those principles.

Mayor Hammond pointed out that this problem was not Modesto's problem only but was an area wide problem, a state matter. The decision on the site has been of concern only to the people of Modesto. The outlying communities are not concerned about this matter. The City's legislators in Sacramento do not evidence any concern.

MOTION

Councilman Spaulding and members of That/the Council College Committee be authorized to prepare a draft of protest and provide copies to all members of the Council and that the matter be considered by the Council at a subsequent meeting.

Moved by Adams Seconded by Arata
 Mayor Hammond and VanderWall voted no.
 Mayor Hammond declared that the motion carried.

The City Manager recommended that a copy of the tape of the State Public Works Board ^{hearing} be made a part of the records of this City. He recommended that it be transcribed and filed with the City Clerk and copies be made available to any interested party. He asked for Council authorization.

Mayor Hammond objected to this procedure and stated that nothing could be gained by adding this document to the already cluttered files on this matter.

The City Manager pointed out that the City of Modesto had spent between \$5,000 and \$10,000 worth of time on this project and the answers made by the Board to the city's questions would be helpful to have in the record.

By order of the Council this matter was held up until Council action on the protest.

CLEAR QUESTION ON AIRPORT MANAGEMENT AND OPERATION 9-20

Mayor Hammond asked that those persons who wished to make a protest on the airport management do so at this time. No protests were made.

The City Manager stated that an article had appeared in the Modesto Bee on February 14, reporting certain objections on the airport management and operation. This followed a discussion with two persons who had called at his office to file a complaint with him and the Director of Public Works. They indicated that they were generally supported by the people who used the airport. The article stated some of the matter raised with the city staff:

1. That Airport Manager Harry Sham should not draw a salary and also sell and charter planes;
2. That gasoline prices are set up on a scale favoring the big plane flyer;
3. That only one repair shop is available, ^{operated by} one interested only in the owners of new planes.

The City Manager stated that the two persons who had called at his office had been asked to notify the other dissatisfied persons the staff would be happy to talk with them and help clear these matters. They indicated that they would do this. Over a month has elapsed and no other complaints have been received. It is reported that a petition was being circulated request/^{ing} that Mr. Sham be replaced as Manager. This petition has not been filed but there has been one application filed for this job. The original protestants were asked to be here at this meeting. The City Manager reported that the staff had given the following answers to the complaints:

1. The Council has just approved the terms under which the Airport Manager is hired. This was done in open public session and no objections were registered. This results from the fact that Mr. Sham came in on a \$1.00 a year basis to get this airport on a better basis. He did and since that time he has been paid somewhat more, but not a full scale salary. This is one of the considerations of his employment. By specific action of the Council Mr. Sham is permitted to carry on these other activities. This can be changed only by the Council.
2. It is the normal practice for gasoline companies to set its prices favoring the larger users. This price is not set by the city. Even the city in its purchase of gasoline gets at least two prices, one for small deliveries and the other for larger. The staff offered to check this with the dealers, if the protestants wished, to determine if there is an inequity.
3. It is true that there is only one repair shop at the airport. This is not an exclusive privilege granted by the city. From the standpoint of operation if two shops could operate it would be agreeable to the city. This was tried but was unsuccessful. If anyone is interested in putting another shop at the airport the staff would be happy to talk with them. Up to this point it has not been feasible.

The City Manager suggested that if anyone has any complaints they can be presented at any future meeting by requesting the matter be placed on the Council agenda.

The City Manager stated that the city was fortunate in having such a capable manager as Mr. Sham. He has done a terrific job of building up the airport, with the help of the flyers and the business concerns operating out of the airport.

Mayor Hammond stated that the Council meets four times a month and that at any time anyone having any complaints can be heard under the item "Matters for the Good of the Community". He asked again if there was anyone present in the audience who wished to file a complaint on the operation and management of the airport. No comments were made.

Mayor Hammond read a letter filed by The Grange Company expressing its approval of the management and highly commending Mr. Sham.

John Zentner, representing the Federal Aviation Agency, General Safety District Office at Fresno, thanked the citizens of the city for their fine airport and the cooperation given this agency. There are no specific problems here, he stated, except those which might pertain to the continued progress of the airport. The city's advisors in aviation matters have served the city well, he stated.

William Howe, local user of the airport, reviewed the background of aviation fields in the city. He commended Mr. Sham on his excellent management.

A letter from Dr. Raymond Shearn was read. He considered

that the management was competent and facilities above average. The safety record of the field speaks for itself and the field pays its own way from several revenue sources.

The City Manager stated that a notice had been posted on the field inviting the users of the airport to attend this meeting.

Mayor Hammond stated that in view of the fact that no one had appeared to publically make a protest the matter would be terminated.

Councilman Martin asked that before the matter was terminated that Mr. Sham be commended by the Council on the fine job he had done.

MOTION

That Harry Sham be commended on his management of the Modesto City-County Airport and that the Council acknowledges the splendid service he is rendering this community.

Moved by Martin Seconded by Knoles Unanimously carried

COMMUNICATION RE: FEDERAL AID FOR CONSTRUCTION OF CONTROL TOWER AT CITY-COUNTY AIRPORT 10-96

The City Manager reported receipt of a telegram from Senator T. H. Kuchel and a letter from the Federal Aviation Agency relating to the allocation of \$64,800 for the construction of a control tower at the Modesto City-County Airport. He pointed out that a project application must be filed by March 1, 1961. A further report, indicating action to be taken, will be given at a later date.

MATTERS RELATING TO DRYDEN PARK MUNICIPAL GOLF COURSE 10-110

- (a) Consider method of reimbursement to persons who paid advance greens fees

Director of Parks and Recreation Lloyd Lowery stated it is proposed to reimburse those persons who had paid advance greens fees for the Dryden Park Municipal Golf Course, by the issuance of monthly individual tickets. This proposal was generally agreeable to the members of the Golf Clubs. This procedure would not be suitable for contributors who have moved out of town. A tentative deadline of 24 months has been set for clearing this matter. In addition to the monthly tickets, it is proposed that some extended period of time be provided for those who wish to play on a daily basis, to take out credit for the advanced greens fees. It has also been proposed that instead of keeping extensive records, all of the monthly individual tickets be issued for those who wish them to completely cover the total greens fees being paid.

The City Manager reported that further checking would be made with interested parties and a report made to the Council.

- (b) Review financial statement on golf course operations

The City Manager noted that this statement had been previously filed with the Council. He commented on the factor that so much of the play had remained on the 9 hole course. He attributed this to the fact that there was a clubhouse on this course.

Mr. Lowery pointed out that the city had been through the worst 3½ months of the year's operation and that the five best months were now approaching.

The City Manager stated that the operation of the two courses by Golf Professional Andy Silva had presented some problems for him. It is obvious that this type of operation has hampered him and increased his problems. The City Manager asked that Mr. Silva's contract, providing for the monthly payment of \$210, be amended to increase the monthly payment to \$550 to permit him to employ an additional employee pending clearance of the clubhouse at the new course.

E. R. Curran, 415 Tuolumne Boulevard, commented on the loss of business to Mr. Silva on the present joint management arrangement. He estimated this loss to be at least 40%.

NOTION

That the staff be authorized to prepare an amendment to the agreement with Mr. Silva and bring it back for Council approval.

Moved by Arata Seconded by VanderWall Unanimously carried

(c) Review of clubhouse proposal

The City Manager displayed a drawing of a clubhouse which was proposed for construction at the Dryden Course by the Modesto Golf Club. He pointed out that the Council had previously indicated that this clubhouse was the type it would like to have at the course. He reviewed the previous Council discussion on proposals for financing the building. The possibility of using a temporary structure owned by Mr. Durand was explored and abandoned as not being feasible. Building of only the lower floor of the clubhouse with the assistance of voluntary help with labor and materials promised by the golfers was discussed with the Golf Club and the Planning Commission. It is suggested that this plan be approved. \$15,000 could be placed in the Capital Improvement Program on the basis that the golfers assist in the construction of the first floor..

Councilman Arata considered that this plan would be in the right direction, as a temporary building would be a waste of money and be undesirable because of the construction of the new SOS Clubhouse close by.

Gene Lelush, 509 N Norton Blvd. spoke on behalf of the Modesto Men's Golf Club. He asked that the \$15,000 received by the city on the sale of the walnut trees be earmarked for the clubhouse facility. He asked what the golfers could do to hasten the construction of the clubhouse.

The City Manager reported that the SOS Club has indicated that a small space might possibly be made available to the city for temporary use in its new clubhouse.

The Council offered no objections to the Council Committee and staff working out arrangements along the line outlined by the City Manager on the construction of a portion of the clubhouse jointly with the Golfers and report to the Council.

The City Attorney stated that one point to be kept in mind in considering the general proposal, is that the city cannot construct the building with its own forces.

Ed Curran asked that the triangle area at the Dryden Course, where the walnut trees were removed, not be used for any other city purpose than golf course purposes without first notifying the golfers. It is being proposed, he stated, to install 3 holes in this area which would connect onto six holes of the present golf course to make 27 holes operable from one clubhouse. The vineyard land along the side hill would also be needed for this plan.

Mayor Hammond stated that any use of the land would be up for public discussion before any decision was made by the Council.

A letter was read from Leon Lafaille, Health & Physical Education Department of MJC, expressing thanks to the Council for permitting the varsity golf teams to use the Dryden Course without payment of greens fees.

ITEMS RAISED WITH THE UNANIMOUS CONSENT OF THE COUNCIL 12-46

- (a) Grant permit to California Fryer Festival to use storage area in Beard Brook Park

Paul Turner spoke on behalf of the California Fryer Festival requesting the temporary use of the empty house at Beard Brook Park to store its racks which are used in the preparation of the meal for the Festival. After the festival is held this year, other arrangements will be made for storage of the racks.

Mr Lowery stated that there was no immediate problem but the group has been advised that at such time as the Children's Park is built, the building would be removed to make space for parking.

MOTION

That the California Fryer Festival be permitted to use the building on a temporary basis, as outlined.

Moved by Martin Seconded by Knoles Unanimously carried

- (b) Request for improvements at the Del Webb Field 12-60

Jerry Pepelis, Business Manager of the Modesto Reds Baseball Team asked that the following improvement be made at the Del Webb Field:

- 1- Surfacing at the entrance to the ball park be improved by the installation of blacktopping (\$528);
- 2- Cost of chairs \$104;
- 3- Installation and painting (\$575).

The City Manager reported that the ball club had made payment for prior services.

RESOLUTION NO 60-88

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1207 FOR IMPROVEMENTS AT THE DEL WEBB FIELD

Introduced by Arata Seconded by VanderWall

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

(c) Consider sale of bonds for sewer treatment plant 12-106

The City Manager reported receipt of a letter from the California State Water Pollution Control Board regarding the allocation of funds. The plans for the sewage treatment plant are proceeding. He recommended that immediate arrangements be made for the bond sale due to the favorable interest rate at this time. He recommended that all of the bonds be sold at one time.

MOTION

That the staff be authorized to make arrangements for the bond sale and that all the bonds be sold at one time.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

(d) Announcement from Santa Fe Springs

An invitation from the City of Santa Fe Springs to attend its All America Award ceremony on March 12, was read.

MOTION

That Mayor Hammond send a telegram congratulating the City of Santa Fe Springs on receiving this award.

Moved by Martin Seconded by VanderWall Unanimously carried

HOLD OVER AWARD ON SANITARY SEWER 13-10

Director of Public Works Ray reported that five bids had been received for the construction of sanitary sewer in Block 6000A and extension of sub-trunk to Moran Estates. He asked that the award be held over until the developers had paid their share of the cost.

REPORT ON CALL FOR BIDS FOR PURCHASE OF WALNUT TREES AT MODESTO CITY COUNTY AIRPORT 13-15

The City Manager reported that no bids had been received for the purchase of the walnut trees at the Modesto City-County Airport. He recommended that any further plans for the sale of these trees be held over until next fall. He stated that a check would be made with the County on this recommendation.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INSTALLATION- WATER MAINS IN SARATOGA MANOR SUBDIVISION NO. 1 13-26

RESOLUTION NO. 60-89

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN SARATOGA MANOR SUBDIVISION NO. 1

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

The time set for the opening of bids was 2:00 P.M. March 28.

HOLD OVER RELEASE OF PERFORMANCE BOND TO JOHN QUARESMA 13-29

Director of Public Works Ray asked that the release of performance bond of \$1,600 filed by John Quaresma to guarantee improvements in Quaresma Tract No. 1 Subdivision, be held over.

REPORT ON TRAFFIC SIGNALS 13-28

Director of Parking and Traffic Carmody reported that bids have been received by the State for the installation of traffic signals for Yosemite-LaLoma, South Santa Cruz intersections and 12th and J Streets but award has not been made. Completion of the installation is estimated to be June 15. The city's share of the total cost of the three jobs will be \$9,400.

APPROVE AGREEMENT WITH FAIRCHILD AERIAL SURVEY INC. FOR PURCHASE OF AERIAL PHOTOGRAPHS 13-38

RESOLUTION NO. 60-90

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FAIRCHILD AERIAL SURVEYS, INC.

Introduced by Adams Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

APPROVE TERMINATION AGREEMENT WITH M & M AUTO PARKS INC. 13-40

RESOLUTION NO. 60-91

A RESOLUTION APPROVING TERMINATION AGREEMENT BETWEEN THE CITY OF MODESTO AND M & M AUTO PARKS INC.

Introduced by Martin Seconded by Arata
Ayes; Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

Mr. Carmody reported that the termination of the agreement had been checked and approved by the Library Board. He reported that, as directed by the Council, he had discussed the possible purchase of the bumpers installed by this company on the 15th Street lot. These bumpers are not worth \$250, the last month's rental/should not be waived, he recommended.

APPROVAL OF FINAL MAP OF SARATOGA MANOR NO. 1 SUBDIVISION 13-45

RESOLUTION NO. 60-92

A RESOLUTION APPROVING THE FINAL MAP OF THE SARATOGA MANOR NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF GROVE AVENUE 13-67

The City Manager reported that Resolution No. 569, adopted by the Planning Commission, recommended the closing of a portion of Grove Avenue at Block 706.

RESOLUTION NO. 960-S.P
RESOLUTION OF INTENTION NO 272

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF GROVE AVENUE AT BLOCK 706 IN THE CITY OF MODESTO

Introduced by Martin Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

The hearing date was set for 4:30 P.M April 6.

Councilman Adams temporarily left the Council meeting

APPROVE AGREEMENT WITH SOUTHERN PACIFIC COMPANY FOR TRAFFIC SIGNAL COORDINANCE AT 7th & B STREETS 13-75

RESOLUTION NO 60-93

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY 7th & B STREETS TRAFFIC SIGNAL COORDINATION (B-113.6-MODESTO, CALIFORNIA)

Introduced by Mayor Hammond Seconded by Arata
Ayes: Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Spaulding

Councilman Adams returned at this time.

CITY HALL MATTERS 13-80

The City Manager reported that the steel shortage had delayed delivery of some of the city hall furnishings. The staff is checking on the possibility of moving in before this arrives but the general feeling is that the move should not be made "piece-meal". The Council concurred in this recommendation and that the move be delayed until all departments could be moved.

A report was made on the informal bids received from three companies for moving from the old to the new city hall.

MOTION

That the staff be authorized to work out arrangements for moving into the City Hall under the joint offer submitted by Jensen-May Companies.

Moved by VanderWall Seconded by Knoles Unanimously carried

The City Manager estimated that the moving cost would be approximately \$500.

Mr. Ray reported receipt of a request from the contractor for extension of time for the completion of the contract on the construction of the City Hall. The contractor has made a request for 31 days. It is recommended that only 30 days be granted based on the following:

- 20 days because of the parking structure
- 5 days for delay caused by steel strike
- 5 days due to changes in retaining wall, etc.

If approved this would make the new completion date, March 25. Mr Ray stated that the city staff concurred with the Architect and recommended this extension.

RESOLUTION NO. 60-94

A RESOLUTION GRANTING AN ADDITIONAL EXTENSION OF TIME FOR THE COMPLETION OF CONTRACTS FOR THE CONSTRUCTION OF THE MODESTO CITY HALL

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

APPROPRIATION TRANSFER 14-25

The City Manager recommended the following appropriation transfers

- FROM: Reserve to Consulting Services, sewage plant design-----\$10,000
- FROM: Reserve to McHenry Avenue widening----- 10,000
- FROM: McHenry Ave. subtrunk sewer to 7th & B St. turn signals-- 420

RESOLUTION NO. 60-95

A RESOLUTION APPROVING APPROPRIATION TRANSFERS FOR MCHENRY AVENUE WIDENING: CONSULTING SERVICES FOR THE SEWAGE PLANT DESIGN: AND THE 7TH AND B STREET SIGNAL

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

REPORT ON HEARING BEFORE THE PUBLIC UTILITIES COMMISSION-BUMGARDNER WATER COMPANY REQUEST FOR RATE INCREASE 14-37

The City Manager reported receipt of the notice of the hearing. By order of the Council this matter was referred to the staff for investigation and action if necessary.

REPORT ON OUTSTANDING YOUTH ACTIVITY

Councilman VanderWall reported that Judy Pascoe of Ceres and Diane Howell of Modesto had been invited to attend the YMCA Youth Conference being held in the Netherlands in August, 1960. Only 220 youths throughout the nation are selected and this area was fortunate to have two selected. The girls will tour England, parts of Europe, attend the Olympics in Rome, Italy besides attending the conference.

Councilman Knoles reported that Steve Collins, former student at MJC, now attending COP has been invited to attend the Golden Anniversary White House Conference on Children and Youth being held in Washington D.C. during the last week in March. Several service clubs, including the Rotary Club, have made this trip possible for him.

MOTION

That commendation letters be prepared by Councilman Knoles and the staff for transmittal to these students, as provided by Resolution No. 59-545.

Moved by VanderWall Seconded by Arata Unanimously carried

REPORT ON GARBAGE AND GARDEN REFUSE DISPOSAL 14-70

Mr. Ray stated that due to the late hour a written report would be sent each Councilman during the week.

REPORT RECEIPT OF FEDERAL PARTICIPATING FUNDS FOR LOCAL GOVERNMENT RADIO SYSTEM 14-80

The City Manager reported receipt of \$2,372.75.

APPROVE SETTLEMENT OF CONDEMNATION SUIT FOR ACQUIRING RIGHT OF WAY

The City Attorney noted that a memorandum report on the subject "Condemnation Proceedings to Acquire Right of Way at Tully and Roseburg: City of Modesto vs. John Quaresma et al", dated March 7, 1960 had previously been distributed to the Council members. After conducting negotiations, Mr Quaresma's Attorney advised that Mr Quaresma would consider settlement of the case upon payment to him of the sum of \$8,400. The City Attorney reported that attempts to settle for less were unsuccessful. He recommended acceptance of the offer for the reasons outlined in his report, a copy of which is on file in the office of the City Clerk.

ORDINANCE NO. 372-C S

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM JOHN QUARESMA AND BERNICE QUARESMA"

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

Moved by Mayor Hammond Seconded by Arata
Ayes: Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: Adams Absent: Spaulding

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF FEBRUARY, 1960

Copies of this report were distributed to the Council members by the City Manager.

CLEAR RECORD RELATING TO EARLIER PROPOSAL FOR APPOINTMENTS TO BOARD OF PLUMBER EXAMINERS AND BOARD OF ELECTRICIAN EXAMINERS

The City Manager stated that if there were no objections, the staff would now consider its assignment to work out a different method for handling these examinations completed since the Council is proceeding with the established procedure.

RECESS DECLARED

Mayor Hammond declared a recess at 11:00 P.M. so that the Council could meet in executive session to consider appointments to the existing vacancies on the Board of Electrician Examiners and Board of Plumber Examiners and the appointment of two new members on the Personnel Commission.

RECONVENE COUNCIL MEETING

Mayor Hammond reconvened the meeting at 11:15 P.M.

RESOLUTION NO 60-96

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF PLUMBER EXAMINERS
R. M. GOODMAN, JOURNEYMAN PLUMBER

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO 60-97

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ELECTRICIAN EXAMINERS-
RONALD B. CAMP, ELECTRICAL CONTRACTOR

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 60-98

A RESOLUTION APPOINTING MEMBERS OF THE PERSONNEL COMMISSION-
HUGH P. BARTON AND ALVIN H. TURNER

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned
Moved by Arata Seconded by Adams Unanimously carried
The meeting was adjourned at 11:30 P M

ATTEST: 
City Clerk

The Council of the City of Modesto met in special session this date at 12:00 noon, as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding, to consider matters relating to the State College.

The City Clerk called the roll and there were:

Present: Councilmen: Adams, Arata, Knoles, Spaulding, VanderWall,
Mayor Hammond

Absent: Councilman: Martin

Statement by Mayor Hammond

Mayor Hammond stated that in continuing the discussion on the selection of the college site the Council should keep in mind that this was a state matter, not just a city matter. He listed the following things which he believed the Council should consider:

- 1- The city had been unable to get any support from the local Board of Supervisors, State Legislative members from Stanislaus County, State Legislative members from other six counties involved;
- 2- There has been active public support from the legislators from Merced and San Joaquin Counties for the Turlock site;
- 3- The city has been unable to generate any support from any local organized groups, such as the Chamber of Commerce, merchants' association, service club groups and school board;
- 4- This city will be working with various state departments for years to come and it is important that Council actions should not "sow the seeds which could influence future discussions."

Mayor Hammond stated that he considered that Councilman Spaulding's statement of last week represented the feelings of this Council.

He stated that based on the lack of support generated, nothing could be accomplished by continuing to object to the state. Governor Brown reversed the decision of the State Public Works Board on the other college sites based on appeal from legislators for the area, Chambers of Commerce and other organized groups of citizens. Since Modesto does not have this support it is different from other areas. The Council has done everything possible to reverse the decision, without success.

Statement by Councilman Adams:

Councilman Adams stated that he had felt during the past few weeks that the City could not gain by trying to change the site itself, but his main concern had been with the procedure. During the past week, after conferring with certain persons, he stated, that he was not sure that the letters of protest proposed for transmittal to Governor Brown and other state officials would help the city's cause. All it can do is to widen a breach that will occur between Modesto and other communities.

The Council should recognize that it was a political decision to put the college in Stanislaus County in the first place, and it is a political decision on the choosing of the site. The Council does not have to like it but not much can be done about it at this point. The way for citizens to express their opposition to procedures is to vote at the polls next time for those persons who will carry out the desired procedures.

Councilman Adams suggested that this matter be dropped at this point, with no further correspondence. If there is to be more correspondence, that a short letter be sent to the Governor expressing the Council's opposition to the procedure. The City of Modesto wants to get in back of the site selected and assist the college in becoming established as soon as possible. If there is any assistance or encouragement which the City can give toward legislation which will do this, even as early as next fall on some temporary basis, this is the approach to take rather than trying to stir up more trouble and widen the breach between the state and other cities.

Statement by Councilman Spaulding:

Councilman Spaulding disagreed with statements made by Mayor Hammond and Councilman Adams. He stated that he was not optimistic that the proposed letters would change the college site and that he had not raised the matter with that idea in mind. The location of the college was not important to him, but the manner in which it was selected meant a lot to him. There are times when principles involved become more important than a little inconvenience. The easy thing for the Council to have done a long time ago was to drop the entire matter. But to drop it now after virtually promising approximately 100 people at the last meeting that it would protest the matter, and now since these people are not here, to drop the whole thing would be breaking faith with those people who elected the Council. He considered that the Council should "sign off" with a formal protest to the way in which the site was selected for whatever value it may be to future decisions made by these boards. He considered that the letters should be sent.

Statement by Councilman Knoles:

Councilman Knoles stated that his thinking had not changed any since the last Council meeting. He considered that the sending of the letters would be the "sign off." If no comment is made upon the results of this report to the Council, it will indicate that there is no concern.

Statement by Councilman Arata:

Councilman Arata stated that he had not changed his mind -- "...we should stand up and fight, not lay down." The Council would not be doing this city any good if it was scared to send these letters. This letter should go to Governor Brown so that there will be no mistakes like this in other parts of the state. As far as the college being constructed in Turlock, he stated, was immaterial to him because much of the trade would still be in Modesto. The Council is representing the Modesto area and the state made this city spend approximately \$6,000 on the site selection project. The Council should not "lay down on a deal like that."

Statement by Councilman VanderWall

Councilman VanderWall stated that he had not changed his position on the matter. The City is not getting anywhere by doing anything further, is making more of a breach with other outlying areas in the County. Nothing could be accomplished by sending additional letters of protest.

Statement by Mayor Hammond on behalf of Councilman Martin who was absent from the City:

Mayor Hammond reported that Councilman Martin had asked him to report his position on this matter as he could not attend this meeting. Councilman Martin feels that the city will not gain anything by sending the letters but he still feels there is nothing noxious in the letters and they could be a "sign-off statement."

Discussion on the wording of the letters

Councilman Knoles believed that the Council had committed itself to completing this matter when the public hearing had been called, when the letters were written to the state offices, and when the city representatives attended the hearing before the State Public Works Board. All that is being proposed now is "..signing it off."

State Public Works Board letter:

Mayor Hammond recommended that the second sentence of this letter should be changed to read "While we still disagree vigorously with the Board's decision, and the procedures used to arrive at your decision, we appreciate your considering our questions."

MOTION

That the change in the wording of the letter to the State Public Works Board recommended by Mayor Hammond be approved

Moved by Arata Seconded by Knoles
Mayor Hammond declared that the motion carried

The City Manager noted that copies of this letter would also be sent to Governor Brown, State Department of Education and H. C. Vincent, Jr.

Letter to State Department of Education:

Mayor Hammond considered that it was useless to send a letter to this department, but if it was sent he proposed the following change in the wording: Delete the words "..and we believe the answers given fail to justify it.." from the second sentence.

MOTION

That the letter not be sent to the State Department of Education

Moved by Mayor Hammond Seconded by Adams

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Mayor Hammond declared that the motion failed to carry. He stated that the result had been a tie vote and since the majority of the Council members at the last Council meeting had favored sending the letters, it should be done.

MOTION

That the deletion of the words ".and we believe the answers given fail to justify it" from the second sentence in this letter be approved

Moved by Councilman Spaulding Seconded by Knoles

Mayor Hammond declared that the vote resulted in a tie. He changed his vote to "aye" on account of the majority vote last week and declared that the motion carried.

Letter to Governor Brown:

Mayor Hammond recommended that the words "protest formally" in the first sentence be changed as it is acknowledged by the Council that there is nothing to be gained in the relocation of the college. All the Council wants to tell the Governor is that the city does not like the decision.

Councilman Spaulding suggested the elimination of the word "formally" only so that it would read "The City Council of the City of Modesto wishes to protest the manner..."

Mayor Hammond stated that Councilman Martin feels that points one and two should be reversed. He also suggested that the wording in the last paragraph be changed to read "We believe it to be in the interest of sound state government that you investigate this matter, and we would appreciate a report from your office regarding your findings."

Mayor Hammond thought the entire paragraph should be left out.

Councilman Adams recommended that the Council should sign off with a different tone to the effect that the Council was in back of the program and would do everything possible for its success. No action was taken on this suggestion.

Mayor Hammond asked that the Council agree that after these letters are sent that it will terminate any further discussion by the Council unless some legislators or the Board of Supervisors and other groups want to consider the college site, procedures, etc. No objections were voiced to this suggestion.

MOTION

That the letter to Governor Brown be sent as amended

Moved by Mayor Hammond Seconded by Knoles
Mayor Hammond declared the motion carried.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned .

Moved by Arata Seconded by Knoles Unanimously carried

ATTEST: 
REX E. GAILFUS
City Clerk

Modesto City Council
March 16, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen Arata, Martin, VanderWall, Mayor Hammond
Councilman Adams arrived at 4:03 P.M.
Councilman Knoles and Spaulding arrived at 4:15 P.M.

Absent: None

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

Rev. John Becker gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of February 3, 10, 17, 24 and March 2, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MRS. LOIS M. STAFFORD RE: TELEPHONE SOLICITATION 1-22

A letter was read from Mrs. Lois M. Stafford, 1001 Whittier Avenue, asking that legislation be adopted to prohibit telephone solicitation for business purposes.

Points brought out in the Council discussion were:

- 1- This is an area which would be difficult to legislate against;
- 2- This type of advertising can act unfavorably on the companies using the telephone;
- 3- That it be checked out in other cities to determine if prohibitive legislation existed;
- 4- The City Attorney stated that he had been unable to find any court rulings on the legality of prohibiting this, nor any ordinances regulating this type of activity. He questioned the validity of attempting to prohibit altogether commercial solicitation by telephone in residential areas.
- 5- The problem arises on what would be annoyance to one person may be welcome to another.
- 6- It is largely in the hands of the companies which employ this means of selling to determine its effectiveness.

MOTION

That the City Attorney be authorized to acknowledge receipt of Mrs. Stafford's letter explaining that as far as the policy of the Council is concerned, it believes that this is not an area in which regulation would be feasible.

Moved by Adams Seconded by VanderWall Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND SUBMISSION TO THE STATE WATER POLLUTION CONTROL BOARD FOR CONSTRUCTION OF SEWAGE TREATMENT PLANT UNITS 1-75

Assistant Director of Public Works, Ross Campbell, reported that the plans and specifications for the construction of Sewage and Industrial Wastes Treatment Works Enlargements were completed by Harry Jenks, Consulting Sanitary Engineer, and checked by the Department of Public Works.

The City Manager asked for authorization from the Council to submit the plans and specifications to the State of California Water Pollution Control Board for the purpose of allocation of Public Law 660 Funds.

Mr. Jenks stated that the plans and specifications for the new units had been based on actual local experience in the treatment of the waste in the pilot plant constructed at the plant a number of years ago. The units proposed will be a definite improvement in the plant capacity as well as showing a higher degree of treatment. It is a step forward toward eliminating some of the ponding area. He reported that the plans will be reviewed by the State Board and certified and forwarded to the U. S. Public Health Service to check.

RESOLUTION NO. 60-99

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF SEWAGE AND INDUSTRIAL WASTES TREATMENT WORKS ENLARGEMENTS IN THE CITY OF MODESTO SEWAGE TREATMENT PLANT

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles and Spaulding.

RESOLUTION NO. 60-100

A RESOLUTION AUTHORIZING CITY MANAGER ROSS MILLER TO SUBMIT THE PLANS AND SPECIFICIATIONS FOR CONSTRUCTION OF SEWAGE AND INDUSTRIAL WASTES TREATMENT WORKS ENLARGEMENTS IN THE CITY OF MODESTO SEWAGE TREATMENT PLANT TO THE STATE OF CALIFORNIA WATER POLLUTION CONTROL BOARD

Introduced by Martin Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles and Spaulding

Mr. Jenks reported that the estimate of the cost of the project at this point was \$495,000. This includes a contingent item of 6% which the federal government requires be included in the application (project contingency). The actual basic estimate is \$469,000 which represents what one would suppose should cost on the basis of the \$400,000 previously determined, plus about 5% per year inflation, increased cost over the last four years. It is possible the government might "ante up" a little more to cover any increased cost over and above the original estimate -- that the city might receive more than the \$120,000 already granted. (Councilmen Knoles and Spaulding arrived at 4:15 P.M.)

EMERGENCY ZONING ORDINANCE FOR Y. M. C. A. ADDITION 2-42

The City Clerk reported receipt of official notice of annexation from the Secretary of State for the Y.M.C.A. Addition.

The City Manager stated that it would now be in order to adopt an emergency ordinance providing the interim zoning proposed.

ORDINANCE NO. 373-C.S.

"AN ORDINANCE AMENDING SECTION 16 OF THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY (Y.M.C.A. ADDITION)"

was adopted and ordered printed and published as provided by the Charter.

Moved by Spaulding Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROVE TRANSFER OF JOE'S TAXICAB TO RED TOP TAXI (LOIS LANE) 2-55

The City Manager reported that the problems relating to the transfer of Joe's Taxicab Company to Lois Lane had been legally cleared.

RESOLUTION NO. 60-101

A RESOLUTION AUTHORIZING THE TRANSFER OF SIX CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS FROM JOE'S TAXI TO RED TOP TAXI

Introduced by VanderWall Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

Mr. Carmody stated that all the spaces and certificates of Joe's Taxi will be used by the Red Top Taxi. If experience indicates that all certificates will not be needed, Mrs. Lane can come before the Council to have the number changed.

ACCEPT BID OF W. M. LYLES CO. FOR EXTENSION OF SANITARY SEWERS 2-70

RESOLUTION NO. 60-102

A RESOLUTION ACCEPTING THE BID OF \$10,592.08 FROM W. M. LYLES CO. FOR EXTENSION OF SANITARY SEWER FACILITIES

Introduced by Mayor Hammond Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 372-C.S. 2-80

ORDINANCE NO. 372-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM JOHN QUARESMA AND BERNICE QUARESMA"

introduced on March 9, 1960 and having been printed and published

as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Spaulding Seconded by Arata
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: Adams Absent: None

REPORT ON COST OF WATER LINES IN MONTGOMERY VILLAGE NO. 3
 SUBDIVISION 2-82

The City Manager stated that the total cost for installation of water lines by city forces in Montgomery Village No. 3 Subdivision had been \$3,202.97, 2% above the estimate for installation by the city forces.

REQUEST FOR EXTENSION OF FRANCHISE ON BUS BENCHES - TRANSADTISE
 COMPANY 2-87

A letter from the Transadtise Company was read asking that its franchise for bus benches be extended for a period of five years until January 19, 1966.

A letter from Willis Kleinenbroich, operator of the Modesto Bus Company, was read advising that the service furnished during the past years by this company had been helpful. He stated that the maintenance was satisfactory and the bus schedules printed on the back of the benches had been of assistance to his company. He asked that the Council give favorable consideration to the renewal request filed by W. R. Thomsen, Director of Transadtise Company.

The City Manager stated that a summary report on the benches will be sent out to the Council.

LETTER FROM TRAFFIC CONTROLS INC. 2-103

The City Manager noted that a copy of the letter had been previously sent to each Council member. This company proposes to install a device on the city's parking meters which would cancel unexpired time when the motorists leaves the space.

The City Manager suggested that at this point the city not get involved in any further complications on the collection of parking meter money.

MOTION

That no action be taken on this matter at this time.

Moved by Arata Seconded by Martin Unanimously carried

AUTHORIZE RELEASE OF PERFORMANCE BOND ON QUARESMA TRACT NO. 1
 SUBDIVISION 2-110

RESOLUTION NO. 60-103

A RESOLUTION AUTHORIZING THE RELEASE OF GENERAL INSURANCE COMPANY OF AMERICA PERFORMANCE BOND FILED BY JOHN QUARESMA TO GUARANTEE IMPROVEMENTS IN QUARESMA TRACT NO. 1 SUBDIVISION

Introduced by Martin Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

The Director of Public Works reported that Mr. Quaresma had posted a cash bond in the sum of \$100 to cover the cost of constructing the alley approach when weather permitted.

CONSIDER MATTER OF CREDIT FOR ADVANCE GREENS FEES AT GOLF COURSE 2-116

The City Manager reported that the staff had further discussed the method to be used for giving credit to those persons who had advanced greens fees for the Dryden Park Municipal Golf Course. A credit card system is being proposed. There are a few problems yet to be cleared and a further report will be submitted.

The subject of whether the cards could be transferable was discussed by the Council and staff. The Council offered no objection to providing that the cards be transferable.

REPORT ON EXPIRATION OF GARBAGE FRANCHISES 3-05

The City Manager reported that the franchises issued by the city to the Modesto Garbage Company, Sanders Salvage Company, Airport Garbage Service for the collection of garbage and the franchises issued to Rudy Bonzi and American Hog Company for the collection of swill would all expire on June 30, 1960.

A summary report and a copy of the ordinance providing the procedure for granting these franchises will be sent to the Council, the City Manager stated.

REPORT ON AGREEMENT FOR LEASING OF PARKING SPACE IN 13th STREET LOT BY FAITH DYNAN 3-17

The City Manager stated that Mrs. Faith Dynan has advised that she has made other arrangements for the parking of her personal car and no longer requests the rental of one parking space in the city's 13th Street parking lot.

REPORT ON GARDEN REFUSE DISPOSAL 3-22

The City Manager noted that the Council members had been furnished a copy of a report entitled "Report on Garbage and Garden Refuse Disposal", dated March 14, 1960.

Points in the report discussed by the Council were:

- 1- It is estimated that ash will be removed about once a month and hauled to the garbage disposal location.
- 2- Mayor Hammond considered that the proposed method for disposal of the garden refuse was the proper approach at this time but it is still a temporary measure which will have to be corrected in the future by installing a full scale incinerator to handle both the garbage and garden refuse.

- 3- Director of Public Works Ray pointed out the staff agreed with this premise but there were factors about garbage incinerators which must be cleared. The unit presently proposed is similar to a regular sawmill burner but much larger.
- 4- The possibility of making a charge for the collection of garden refuse was discussed.

Recommendations in the report were as follows:

- 1- That an incinerator for the burning of garden refuse be constructed as soon as possible.
- 2- That we closely follow the operation of the incinerator proposed for Stockton when it is placed in operation.
- 3- That this city plan for purchase of additional land for cut and cover garbage disposal operations, or for construction of an incinerator on existing land before the present land is used up.

MOTION

That the staff be authorized to prepare plans and specifications in order to call for bids for the burner.

Moved by Adams Seconded by Mayor Hammond Unanimously carried

APPROVE AMENDMENT TO AGREEMENT WITH ANDY SILVA, GOLF PROFESSIONAL 3-110

RESOLUTION NO. 60-104

A RESOLUTION RELATING TO THE COMPENSATION PAYABLE TO ANDREW J. SILVA AS GOLF COURSE PROFESSIONAL AND MANAGER OF THE MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Spaulding Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CLEAR RIGHT OF WAY AGREEMENT FOR FUGITT PROPERTY ON COFFEE ROAD 3-115

The City Manager reported that Arthur T. Fugitt and Esther F. Fugitt had approved an agreement which would give the city the right of way on Coffee Road and permit construction of certain curb cuts. Arrangements are also being made for an alley around this commercial development.

RESOLUTION NO. 60-105

A RESOLUTION APPROVING THE RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR T. FUGITT AND ESTHER F. FUGITT (WIDENING OF COFFEE ROAD)

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

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here

REVIEW OF OPERATIONS AND PROJECTS PARKS AND RECREATION DEPARTMENT 4-1

The City Manager stated that since Director of Parks and Recreation Lloyd Lowrey will be leaving the employ of the city by April 15, a review of the activities in this department with the Council prior to this time would be helpful to the staff.

The City Manager listed the pending projects which should be discussed; 1) the park plan is essentially completed and will be presented to the Council for some discussion soon; 2) budget for 1960-61; 3) capital improvement program (This is now before the Planning Commission); 4) golf course matters; 5) Thousand Oaks Park (The staff has been doing some work on this, and a copy of the background will be sent to the Council members relating to the restricted deed provisions.); 6) master street tree plan (A lot of the planting has been made in accordance with the suggestions in the plan but this would formalize the plan for street tree planting in this town before Mr. Lowrey leaves.); 7) Tuolumne River park plan (Special help has been authorized on this. The staff now has preliminary proposals for the way this area along the airport and river might be developed in the future.); 8) Trees to be planted on McHenry Avenue; 9) After-school recreation funds (The circumstances change from year to year on school participation. Since Mr. Corson will soon be leaving too, it is recommended that this be reviewed.); 10) Organization of the department (There are some matters to be cleared on this.)

A meeting has been held with the McHenry Avenue property owners and it is recommended that the city make arrangements to plant some trees at selected locations along this street, the City Manager reported.

Mr. Lowrey stated that the city's right of way is too narrow for such planting and trees must be planted on private property. The city will have to obtain planting easements. The owners contacted have expressed agreement with this. It is proposed that the city plant and maintain the Ginkgo trees. Approximately 100 trees will be planted on an intermittent basis. The cost for securing the legal easements will be considerable as both the property owner and tenant must be contacted, and easements prepared.

The City Manager recommended that if this could be worked out that it be done. Mr. Lowrey stated that it was not proposed to plant trees on vacant property if the development plans are not finalized. He pointed out that the planting would not be complete because of the disposition of buildings along the street. They will be placed to clear store signs. Due to the broad expanse of some of the frontages, the spacing would be variable to meet these conditions. The owners would not only be required to furnish the planting easement but to clear any pavement which might be in the way and to provide protection for the trees. The entire program would not be done at one time but as the owners request the trees.

MOTION

That the staff be authorized to proceed with tree planting on McHenry Avenue on a request basis.

Moved by Martin Seconded by VanderWall Unanimously carried

Mayor Hammond stated that he would like to discuss the budget, capital improvement program and general park plan with Mr. Lowrey before he leaves. He asked that some preliminary information be sent to the Council members before these were discussed at the meeting.

The City Manager stated there were also some questions which had been raised about some of the various phases of the recreational program which the staff would be happy to review with the Council or any of the members.

SET DATE FOR HEARING ON PROPOSED ANNEXATION OF CALIFORNIA-FRANKLIN ADDITION 4-97

RESOLUTION NO. 60-106

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 CALIFORNIA-FRANKLIN ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION

Introduced by Arata Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

The time set for the hearing was April 27 at 8:00 P.M.

REFER PETITION FOR ANNEXATION OF PARK MANOR ADDITION TO THE PLANNING COMMISSION 4-103

RESOLUTION NO. 60-107

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

Introduced by Martin Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

REPORTS FROM THE PLANNING DEPARTMENT 4-108

- (a) DeLeuw-Cather and Company on Railroad Relocation
- (b) Model Zoning Ordinance
- (c) Model Subdivision Ordinance
- (d) Major street and traffic study
- (e) Blight report.

The City Manager stated that these were being submitted to the Council members for study and when they wished them discussed they would be placed on the Council agenda.

Answering a question raised by Councilman Adams, Director of Planning Smeath indicated that the report on the railroad relocation should be considered first.

AUTHORIZE STAFF PREPARE DOCUMENTS RELATING TO CONSTRUCTION OF CURB AND GUTTER ON NINE HUNDRED BLOCK ON HACKBERRY AVENUE 4-02

Mr. Ray reported that, in line with Council policy, on February 11 letters were sent to two property owners in the 900 block on Hackberry Avenue informally requesting construction of curb and gutter as they were the only remaining properties without this improvement. This was done after a complaint had been received on February 7 regarding the lack of these improvements. These improvements have not been made as requested within the 30 day period.

Mr. Ray read a letter from one of the property owners, Mrs. Ray Delle Floyd, 920 Hackberry Avenue, advising she was unable to have the work done at this time due to financial problems, otherwise she would be glad to do so.

Mr. Ray pointed out that the problem involved with this property was appearance and up-grading of the street, as it was located in the middle of the block and drainage was no problem.

The City Attorney stated that when 50% of the curb and gutters on one side of the block has been installed, the Council has the authority to require the balance to be constructed. If this is not then done the city does the work and the cost is placed as a lien on the property.

MOTION

That the staff prepare the necessary documents to provide that these improvements be made in line with Council policy.

Moved by Spaulding Seconded by Mayor Hammond Unanimously carried

MATTERS RELATING TO CARPET FURNISHED IN NEW CITY HALL 5-81

The City Manager reviewed the Council action which resulted in the issuance of a change order to Ron Fiske Construction Company, general contractor for the new City Hall building, providing for the substitution of carpeting for the original hard surface floor covering in the offices of the Mayor and his secretary on floor one, and certain offices on the third floor. He stated that after this carpet was installed some questions had been raised; 1) why the contract for the carpeting was not given to a local company; and, 2) relating to the quality of the carpeting installed by the contractor.

Al Dandy, operating a carpet service at 510 G Street, stated that as soon as he had learned that the carpet had been installed he had raised these questions with Council members and the staff. He questioned why the carpeting had been handled by the general contractor as it is normally considered a furniture item. He considered that the general contractor should have allowed a refund on the hard surface floor covering and then the city obtain bids from local operators for the carpet. He stated

that the small credit allowed for the replacement and the high price charged for the carpet brought the total cost too high and that the carpet furnished is an inferior type of carpeting and is not a commercial type. The cost to the city, figuring credit allowed, would be approximately \$14.55 a yard for carpet which could be furnished locally for \$11.50.

MOTION

That a transcript of this discussion be made by the City Clerk's office and forwarded to the Architect to clear the questions raised

Moved by Arata Seconded by VanderWall Unanimously carried

APPROVE AGREEMENT WITH ROBERT W. BOMBERGER - PERIMETER SEWER SHERWOOD MANOR SUBDIVISION 6-55

RESOLUTION NO. 60-108

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT W. BOMBERGER, RELATING TO PERIMETER SEWER INSTALLATION IN SHERWOOD MANOR SUBDIVISION

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CITY HALL MATTERS

None

APPROPRIATION TRANSFERS

None

MATTERS FOR THE GOOD OF THE COMMUNITY 6-66

Mayor Hammond, with the unanimous consent of the Council, noted receipt of a letter from Frank Andrews relating to the water shortage being experienced in the San Joaquin Valley.

REPORT ON AUTHORITY OF THE CITY TO EXTEND ITS MUNICIPAL WATER SYSTEM OUTSIDE THE CITY LIMITS 6-70

The City Attorney noted that copies of his opinion No. 60-1, dated March 4, 1960 on the subject "Authority of the City to Extend its Municipal Water System Outside the City Limits" had been previously sent to the Council.

He stated that the second aspect assigned to him by the Council on the use of the lease-purchase agreement would be furnished to the Council members shortly.

REPORT OF ACTION BY BOARD OF SUPERVISORS ON PROPOSAL TO DEFER SALE OF WALNUT TREES ON AIRPORT PROPERTY 6-76

The County Board of Supervisors indicated informally that it agreed to delaying the sale of the walnut trees on the

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Modesto City-County Airport property until the fall season.

REPORT BY CITY MANAGER ON BUDGET SCHEDULE 6-80

The City Manager, with the unanimous approval of the Council, reported on the proposed budget hearings scheduled for the week beginning March 18. He asked the members to express at this time those sessions which they wished to attend.

Councilman Knoles stated that he would be present on Friday, March 18 when the Fire Department Budget was considered. Mayor Hammond wished to attend the Finance Budget meeting; Councilman Adams the Engineering-Administration.

The City Manager asked that the Council members check with the office before attending any of the meetings to be certain that the time had not been rescheduled as this is often necessary.

CLEAR LOCATION OF COUNCIL MEETING 6-100

Answering a question raised by City Manager Miller, the City Attorney stated that unless a new ordinance was adopted it would be legally impossible for the Council to meet in the Council Chamber of the new City Hall before the occupancy of the building by the city.

REPORT ON CLUBHOUSE CONSTRUCTION AT DRYDEN PARK MUNICIPAL GOLF COURSE 6-116

With the unanimous approval of the Council, Councilman Arata reported that the Council Committee on the Golf Course had met with a committee of the Modesto Golf Club on the proposed construction of the clubhouse at the Dryden Course. It was informally agreed that before any program is started that a set of plans must be available to determine the cost so that the contractors can submit bids. The estimated cost of these plans would be \$800.

MOTION

That the staff be authorized to take whatever action is necessary to get plans for the clubhouse and report to the Council.

Moved by Arata Seconded by VanderWall Unanimously carried

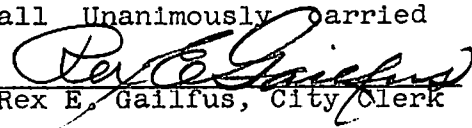
ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Unanimously carried

ATTEST:


Rex E. Gailfus, City Clerk

March 23, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen Adams, Arata, Knoles, Martin, VanderWall
Mayor Hammond

Absent : Councilman Spaulding

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

A few moments of silent prayer were observed.

LETTER FROM SYLVAN UNION ELEMENTARY SCHOOL

A letter from the Sylvan Union Elementary School District was read asking that arrangements be made for the city to furnish water for its new 12 classroom school being constructed on Tokay Avenue. The Boundary Commission has already been petitioned regarding annexation of the 10 acre school site to the City of Modesto. With unanimous consent of the Council the letter was referred to the staff for study and report.

City Manager Ross Miller reported that the District was offering to sell a portion of the school site to the City for park purposes at the same price paid for the property.

LETTER FROM CALIFORNIA RELAYS - PAYMENT OF BUDGETED FUNDS

A letter was read from Tom Mellis, Chairman 1960 California Relays Executive Committee, requesting payment of the sum of \$2,000 budgeted by the city for this activity. This year's meet will be held on May 28 at the Modesto Junior College Stadium. The Committee also requested that allocation of funds be made in the 1960-61 fiscal budget for this activity.

MOTION

That payment of \$2,000 budgeted to the California Relays in the 1959-60 budget be authorized.

Moved by Arata Seconded by Knoles Unanimously carried

LETTER FROM JAY PATTEE, GOLF COACH

A letter from Jay Pattee, Golf Coach of the Modesto High School, was read expressing appreciation for the Council action permitting the varsity golf team free play on the Dryden Golf Course.

MATTERS RAISED WITH THE UNANIMOUS CONSENT OF THE COUNCIL

Mayor Hammond was granted unanimous consent of the Council to read the following letters received too late to be placed on the agenda:

(a) Sharon Mendenhall

Sharon Mendenhall, age 13, student at Roosevelt School, requested

that tennis courts be placed in the Whitmore Park located on College and Bowen Avenues.

This letter was referred to the staff for acknowledgment advising Sharon of the program proposed for this park.

(b) Captain Charles W. Engelhardt, Unit Advisor,
U. S. ARMY RESERVE CENTER

Captain Engelhardt asked that the Council assist in the selection of a name for the new U.S. Army Reserve Center in Modesto by submitting names of deceased patriotic citizens from Modesto or Stanislaus County who had served in the U.S. Army. This matter was referred to the staff for the necessary action.

(c) Frank Andrews

Mr. Andrews called attention to the meeting called by Congressman Moss's Committee in Sacramento March 24-26 relating to electric power distribution.

This letter was referred to the staff by Mayor Hammond.

(d) Goodin-Reid

This letter relating to the selection of the State College site was briefed by Mayor Hammond. The City Clerk was directed to have copies sent to each Councilman.

INSTALLATION OF WATER MAINS IN SARATOGA MANOR TO BE DONE WITH
CITY FORCES 1-110

The City Manager reported that no bids had been received for the installation of water mains in Saratoga Manor on March 21.

REPORT ON FUNDS EXPENDED FOR WATER LINE EXTENSION

Director of Public Works Ray reported that since the beginning of the fiscal year, \$153,000 has been transferred for water line materials and improvements in the water system. It is now recommended that an additional transfer of \$24,000 be made for water line materials only. It is possible that it will be necessary to appropriate additional funds before the next fiscal year to provide water service for new subdivisions and the new high school on Tully Road.

The City Manager reported that the total expenditure for this year for water purposes will be approximately \$400,000. It appears that subdivision development will be slower next fiscal year.

The Director of Public Works estimated the cost of installing the water mains in Saratoga Manor Subdivision No. 1 with city forces to be \$628.65.

RESOLUTION NO. 60-109

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

Introduced by Adams Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

RESOLUTION NO. 60-110

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR WATER LINE AND
 HYDRANT EXTENSION AND RIGHT OF WAY, TULLY AND ROSEBURG AVENUES

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR
 IMPROVEMENT OF TULLY ROAD 2-35

RESOLUTION NO. 60-111

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
 THE CALLING FOR BIDS FOR IMPROVEMENT OF TULLY ROAD BETWEEN 99
 HIGHWAY AND STODDARD AVENUE

Introduced by Knoles Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

The time set for the bid opening was April 4 at 2:00 P.M.

Director of Parking & Traffic Douglas Carmody reported that plans for the installation of traffic signals for the intersections of P Street, Kansas Avenue and Tully Road were in the hands of the Division of Highways. The Headquarters office in Sacramento has advised the Division office that plans should provide for the widening of the MID bridge on Lateral No. 4 on the 99 Highway to permit extra stacking lanes. This will require the resubmission of the plans and it cannot be ascertained that the signals will be installed prior to July 1. It is possible that while the surfacing is open on Tully Road conduit for the signals could be installed.

APPROVE CLOSING OF 11th STREET DURING DEDICATION OF THE NEW
 COUNTY COURTS BUILDING 2-60

Ronald Bates and Merv Mattos, representatives from the Native Sons, asked that the Council approve the closing of 11th Street between H and I Streets on Saturday April 23 between the hours of 8:00 A.M. and 3:00 P.M. during the time the dedication program for the new County Courts Building was in progress.

RESOLUTION NO. 60-112

A RESOLUTION AUTHORIZING TEMPORARY CLOSING OF 11th STREET
 BETWEEN H AND I, SATURDAY, APRIL 23rd, BETWEEN 8:00 A.M.
 AND 3:00 P.M.

Introduced by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

The possibility of delaying the dedication ceremony until the new City Hall was occupied was discussed. Mr. Bates stated that arrangements had already been made for state officers of the Native Sons to be present and it would not be easy to change the date.

HOLD OVER MATTER OF SOCIAL SECURITY CONTRIBUTION

At the request of the City Manager this item was held over.

APPROVE AGREEMENT WITH PHIL HUMPHREYS- PERIMETER SEWER HACIENDAS DEL OESTE SUBDIVISION 2-95

RESOLUTION NO. 60-113

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PHIL HUMPHREYS FOR PERIMETER SEWER IN THE HACIENDAS DEL OESTE SUBDIVISION

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR J. WYLIE FOR SUB-TRUNK AND PERIMETER SEWER IN THE YORKSHIRE MANOR SUBDIVISION NO. 1 2-115

RESOLUTION NO. 60-114

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR J. WYLIE FOR SUB-TRUNK AND PERIMETER SEWER IN THE YORKSHIRE MANOR SUBDIVISION NO. 1

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

PERIMETER SEWER TO SERVE PROPERTY LOCATED ON COLORADO AVENUE

With the unanimous consent of the Council, the Director of Public Works was permitted to raise a matter not on the agenda installation of perimeter sewer to serve property in the city on Colorado Avenue. The perimeter sewer is involved because the land across the street is out of the city limits and there is no way for the owners to participate at this time. The city's cost is \$295. After discussion this matter was held over for further staff clearance.

INSTRUCT SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG 900 BLOCK OF HACKBERRY AVENUE (Block 719) 2-127

RESOLUTION NO. 60-115

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 VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

April 13 at 8:00 P.M. was set as the time for the hearing of protests.

CLEAR PROPOSAL FOR COMPLETION OF PLANS FOR FIRE STATION ON
ORANGEBURG AVENUE NEAR McHENRY AVENUE 3-15

The City Manager reported that funds for the completion of plans for the fire station to be constructed on Orangeburg Avenue near McHenry Avenue had been included in the fiscal budget. The Board of Fire Underwriters and the report by the U. S. Fire Protection Engineering Service Inc. generally indicate the need for this station. The estimated construction cost for the station is about \$30,000 and an equal amount annually will be required to operate the station.

The points to be gained in the fire rate by the construction of the station were discussed. Members of the Council requested further information as to the need and desirability of this station.

The City Manager stated that a summarized report would be prepared on the matter and recommended that further discussion be held after its preparation.

IMPROVEMENT DISTRICT NO. 10 - STORM DRAINAGE IN NORTHEAST AREA 3-60

RESOLUTION NO. 961-S P

A RESOLUTION OF PRELIMINARY DETERMINATION THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CONSTRUCTION OF A STORM DRAINAGE SYSTEM WITH APPURTENANCES IN IMPROVEMENT DISTRICT NO. 10, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA, DESCRIBING SAID PROPOSED WORK AND IMPROVEMENTS AND SETTING A TIME AND PLACE OF HEARING UPON THE QUESTION OF THE PUBLIC CONVENIENCE AND NECESSITY OF SAID IMPROVEMENT

Introduced by Martin Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 962-S P

A RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

The plans and specifications were filed by the Director of Public Works.

RESOLUTION NO. 963-S P

A RESOLUTION ADOPTING PLANS AND SPECIFICATIONS

Introduced by Knoles Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 964-SP
RESOLUTION OF INTENTION NO. 273

IN THE MATTER OF THE CONSTRUCTION OF A STORM DRAINAGE SYSTEM WITH APPURTENANCES IN IMPROVEMENT DISTRICT NO. 10 CITY OF MODESTO, STANISLAUS COUNTY, STATE OF CALIFORNIA

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding
The time set for the public hearing was April 13 at 7:30 P.M.

The City Manager expressed appreciation for the work of the property owners in the area who had been instrumental in getting the project started.

PARK AND RECREATION MATTERS

The City Manager noted that the Council has been furnished with a list of the projects in the Parks and Recreation Department which were to be discussed prior to the departure of Director Lloyd Lowery from city service.

(a) General Park Plan: The Planning Department is working on this project and report will be submitted shortly.

(b) Master Street Plan: This is under preparation.

(c) Tuolumne River Park Plan: Preliminary sketch plan was displayed which had been prepared by Landscape Architect Hafely, indicating the nature of development which might someday be developed along the river. This is a joint city - county project, south of the airport.

The plan is subject to revisions but is a beginning plan upon which the city and county can work. There is no immediate proposal for development. A lot of cleaning up could be done by prison labor, Councilman Arata suggested. Access roads into the portion of the park close to the airport were discussed and Mr. Lowery pointed out that these would be subject to change depending upon the extension of the airport runway and other matters.

(d) City Hall landscaping plan: A plan for the plantings to be made in the planter areas at the city hall were displayed by Mr. Lowery. Types of trees and shrubs proposed were discussed. The type of fountains and the number to be installed were briefly discussed. Mr. Lowery reported that the department had budgeted two hour's time for one man each day to pick up litter and care for the shrubbery.

MOTION

That the proposed landscape plan for the city hall be approved.

Moved by Arata Seconded by VanderWall Unanimously carried

Answering a question from Councilman Martin, Mr. Lowery stated that the type and construction of the fountains proposed would be checked out further.

DENY REQUEST OF WILLIAM C. BIRT TO PURCHASE CITY PROPERTY IN
BLOCK 213 5-30

The City Manager reported that the request of William C. Birt to purchase a portion of Block 213, owned by the City of Modesto, had been reviewed with the staff and Planning Commission. It is recommended that this property not be sold until the street pattern in the area has been precisely determined.

MOTION

That Mr. Birt be advised by the City Clerk that the city does not desire to sell the property at the present time.

Moved by Adams Seconded by VanderWall Unanimously carried

APPROVE AGREEMENT WITH PHILIP MORAN FOR RENTAL OF AIRPORT PROPERTY
5-38

Terms of the agreement for the seasonal rental of the walnut orchard on the Modesto City - County airport property by Philip Moran were outlined by Director of Public Works Ray. The rental is \$200, one half of which is paid to the county.

RESOLUTION NO. 60-116

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO
AND PHILLIP MORAN FOR THE RENTAL OF AIRPORT LAND

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

ORDINANCE AMENDING CODE RE: CHANGES IN TAXICAB REGULATIONS 4-52

Director of Parking & Traffic Douglas Carmody reported that the proposed changes in the taxicab regulations had been sent out to the taxicab operators and approved by them.

The City Attorney outlined the proposed changes. These changes related to the posting of certificates, posting of fares, sealing of taxicab meters, size and location of signs; and examination of taxicab drivers.

ORDINANCE NO. 374-C S entitled

"AN ORDINANCE AMENDING SECTIONS 4-6.206.1, 4-6.306, 4-6.402, 4-6.404, 4-6.703 and 4-6.707 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 4-6.402.1 THERETO, RELATING TO TAXICABS

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

Moved by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

REPORT FROM PLANNING COMMISSION 5-97

The City Manager reported that the Planning Commission indicated that it intended to appoint a committee of citizens, developers, etc. to assist in an analysis of zoning problems. This will be helpful in getting a broader look at some of the general zoning procedures. It is proposed that the County also have representation on the committee.

CITY HALL MATTERS 5-107

A report will be made on the carpet matter at a later meeting.

Some of the furniture for the new city hall is arriving, Assistant City Manager Masonheimer reported. Some delays in deliveries are being experienced.

STATE LEGISLATIVE MATTERS

The City Manager noted receipt of bulletins on state legislative matters from the League of California Cities. SB⁴, if adopted by the Legislature, would exempt from both state and local sales tax uses, medicines of every type and description, orthopedic, dental, ocular and similar devices. It is estimated that if this bill is approved it would reduce local sales and use tax revenue by approximately \$16,000,000 or 2% of the amount the City would normally expect to receive. No protest action was taken by the Council.

MATTERS FOR THE GOOD OF THE COMMUNITY 6-03

The Assistant City Clerk reported the birth of a baby girl, Janice Anne, weight 6 pounds, to Dolores Murphy, Stenographer in the City Clerk's Office. Mother and daughter doing fine.

CLEANING UP RIGHT OF WAY FOR FREEWAY

Answering a question raised by Councilman Arata, Director of Public Works Ray reported that the State had called for bids for the cleaning up of the State freeway right of way.

ADVERTISING ON BUS BENCHES

Councilman Martin reported that protests had been filed with him objecting to the bench advertising, especially the bench located near the new Bank of California Building at 12th and J Streets. The City Manager stated that a report would be made on this matter.

Councilman Arata pointed out that the benches and the schedules printed on the back of the benches had been very helpful to the patrons of the bus. The Council is trying to do everything to keep the bus operating also. The City should not get into the expensive business of furnishing and maintaining bus benches.

APPLICATION OF GEORGE BUMGARDNER TO THE PUBLIC UTILITIES
COMMISSION FOR RATE INCREASE 6-42

The City Manager briefed a report from the Director of Public Works on the application of George Bumgardner to the P U C for a rate increase. It was recommended that no Council action be taken.

REPORT ON APPOINTMENT OF GEORGE VOLKER AS CITY ADMINSTRATOR
OF TURLOCK 6-55

The City Manager reported that the city's half-time planning department employee, George Volker, has now been appointed Administrator of the City of Turlock. He read a letter of resignation received from Mr. Volker. James Schroeder, former advance planning staff member has also been appointed in the planning department by the City of Turlock, the City Manager reported.

REPORT ON TEEN AGE DANCES

The City Manager reported that the city had broken even financially on the teen age dances which had been given under the supervision of the Police Department between July, 1959 and February, 1960

Police Chief Bowers reported that the department had already begun plans for the next summer season dances which will start in June. It has been concluded that to hold the dances after September is not practical or desirable as there are so many other youth activities at schools. The program showed a net gain of \$150 over expenses.

MOTION

That approval of the teenage dance program for the next summer season be given by the Council at this time so that plans can go forward.

Moved by Adams Seconded by Knoles
Councilman Arata voted "no". Mayor Hammond declared that the motion carried.

REPORT BY CITY ATTORNEY ON AUTHORITY OF THE CITY TO ACQUIRE
PRIVATE WATER SYSTEMS UNDER LEASE PURCHASE AGREEMENT 6-112

The City Attorney reported that this report was being submitted as the second part of the Council assignment regarding the water study. The ruling of the opinion indicates that the validity of a lease-purchase agreement to acquire a private water system would depend upon the terms and conditions of the agreement and that without knowing the specific terms of the agreement it is not possible to state whether it would be valid. Even if complete information were furnished as to the terms and conditions of such an agreement it would still be impossible to state categorically that such an agreement would be valid. The reasons for it are expressed in the report.

Councilman Adams stated that the Water Council Committee would take this report under consideration in its study.

ITEMS RAISED WITH THE UNANIMOUS CONSENT OF THE COUNCIL 6-120

(a) Termination of lease for rental of City Attorney's office in Carleton Building

MOTION

That the City Attorney be authorized to notify the Bank of California that the lease for the rental of his office should be terminated as of May 1, 1960

Moved by VanderWall Seconded by Adams Unanimously carried

(b) Report on Holiday Pay Litigation 7-26

A report dated March 23, 1960 from the City Attorney on the subject "Holiday Pay Litigation: Adams, et al, City of Modesto" was read in full and filed.

The City Attorney stated that the two principle defenses which the city's special counsel had relied on 1) statutes of limitation and 2) filing of the claims and the fact that the resolutions did not expressly provide for compensatory time off were unsuccessful.

He pointed out that one basic question to be determined by the trial court is the rate of compensation which is to be used in determining the amount due-that in effect at the time the holidays were worked, or the rate of compensation in effect at the time of termination of service.

The City Attorney pointed out that Opinion No. 53-9 rendered on November 18, 1953, his office concluded that the proper rate of compensation payable would be that in effect at the time of the officer's separation from service. This would logically follow if the cause of action accrued at the termination of service and the city gave compensatory time off at the time, the officer's replacement would be paid the rate of salary in effect at the time.

The City Attorney pointed out that an alternative to proceeding with the trial is to negotiate a settlement. He pointed out that the Director of Finance had prepared a report on the holidays worked and amounts due if the claims were valid. The city's figures vary substantially from the amounts included in claims presented by the plaintiffs which considerably exceed those shown by the city's tabulation. It would appear advisable that a careful audit of the city's tabulation should be obtained immediately by an outside auditor so that the city will have the best possible record of the extent of the claims of plaintiffs and a computation of the amount of any compensation that may be due. After the review and audit of the records has been completed, with this information the city will be in a position to consider negotiations for settlement if this is deemed desirable or to use this data for trial purposes if the matter is tried.

The City Attorney stated that although the court held that those police officers who remain in the city's employ do not have a cause of action until they separate from the service, it would be in the city's interest to settle these claims, either through the grant-

ing of compensatory time off, or by cash settlement. The risk involved in not satisfying these claims is that the amount of the city's liability will increase as additional salary increases are granted if the proper rate of compensation is held to be that in effect at the time of the officer's termination rather than that payable at the time the holiday was worked.

Mayor Hammond considered that the city's liability should be determined by the court. He also considered that an audit should be made by an outside auditor, as recommended in the City Attorney's report.

Councilman Arata objected to the Council taking the responsibility for negotiating a settlement---the courts should make this decision.

The City Attorney stated that most of the legal issues except the amount due, have been settled in favor of the police officers in the Supreme Court's decision. It has interpreted the resolutions of the Council to mean that the officers are entitled to be paid for the holidays on which they worked for which they did not get compensatory time off.

Mayor Hammond stated that without regard to the outcome of an independent audit there was no course open to the Council but to proceed with the legal machinery to get an answer from the court. The City Attorney pointed out that the information from the independent auditor will be needed for trial purposes. It could also provide a basis for consideration of settlement if the Council wishes to proceed on that avenue, he pointed out.

The City Manager stated that it might well be that at that point if the parties could agree on an amount on some basis it would be better than fighting the case through all the courts.

Mayor Hammond believed that the amount to be paid should be ruled on by the court.

Answering a question raised by Councilman Arata, the City Attorney stated that as far as a legal suit is concerned the Supreme Court of California having stated that the police officers have a cause of action, the settlement of a cause of action against the city would not subject the Council members to liability. There would be no Council risk, either as individuals or in their public offices if they came to some settlement, because it has been decided in court that there is cause of action.

The City Attorney stated that he would proceed with the trial of the case unless directed otherwise.

MOTION

That the hiring of C. D. Nattinger to audit the claims of the police officers be authorized.

Moved by VanderWall Seconded by Adams Unanimously carried

(c)
DISCUSSION ON BOND SALE 8-47

The City Manager reported, as directed by the Council, that the Director of Finance had checked with the R. H. Moulton Company, San Francisco regarding the sale of the city's bonds for the expansion of the sewer facilities. The Director of Finance displayed the type of brochure which must be prepared for the sale of the bonds, which must be prepared by an independent, financial consultant whose statements about the city are accepted by people who buy bonds.

The estimated cost for the brochure would be somewhat less than the last one (\$840) because many of the necessary statistics are available from the City Hall bond sale.

Mr. Bird stated that the bond consultant had recommended that the life of the bonds be between 20 and 25 years as they would be more desirable for the current market. The City Manager recommended that the term be 25 years.

Answering a question raised by Mayor Hammond, Mr. Bird stated that a report was being prepared for the Council on the revenue derived from sewer services. It would appear that there is adequate sewer service fees to retire the bonds but not sufficient fees for both the sewer operation and retiring the bonds.

The City Manager pointed out that the bond market was in a favorable situation at this time. If the sale can be made on April 20, it would get the city in ahead of a big sale scheduled for a week later for 20 million dollars worth of California bonds going on the market. If the city's sale can be scheduled ahead of this large sale it will receive better attention.

Mayor Hammond asked that he be furnished with information on the savings between the 20 and 25 year bond schedule.

The City Manager stated that due to increased costs in all fields that it would be impossible for the city to pay the costs of the sewer operation and the sewer bonds out of the present sewer rental charges. In order to retire these bonds, there ^{must} be an increase in sewer rates or property tax or something else.

The best figure now available on interest is 3.75% or 4% on the general obligation bonds, the City Manager stated. It is hoped that the operation of the sewer plant can be placed on a self-supporting utility basis. He considered that the 25 year term should be used for the bonds as the people who will be using the plant will help pay some of the costs.

Councilman Martin asked that the Council be furnished data on the life depreciation placed on a similar private utility plant as the sewer plant.

The Council discussed holding over action until the next Council meeting so that information would be available to make its decision on the term of the bonds, as follows:

(1) Tabulation of revenues and receipts and analysis of the city's general situation.

(2) Schedules for 20 or 25 year term bonds showing different rates of interest.

(3) Schedule showing annual payments.

(4) Depreciation information on the sewer plant.

(5) Growth pattern of revenue as related to disbursement.

When this information has been prepared the City Manager is to check with the Mayor to determine if a special Council meeting will be called.

MOTION

That the staff be directed to prepare the requested information and prepare a report for the Council and approving the appointment of a temporary Council committee of Councilmen VanderWall and Arata.

Moved by Arata Seconded by Adams Unanimously carried

TERMINATE STATE COLLEGE COUNCIL COMMITTEE 9-116

MOTION

That the State College Council Committee be terminated.

Moved by adams Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Adams Seconded by VanderWall Unanimously carried

ATTEST:


Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen Arata, Knoles, VanderWall, Mayor Hammond

Absent: Councilmen Adams, Martin, Spaulding

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

Reverend L. B. Lewis gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of March 9, 14 and 16, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTERS FROM CONTRACTORS RE: OCCUPATION OF NEW CITY HALL 1-30

(a) Ron Fiske Construction Company.

City Manager Miller read a letter from Ron Fiske Construction Company indicating that construction of the new city hall was substantially completed and authorizing the city to occupy the building. The letter said that occupation of the building would not interfere with work to be completed and would in no way be deemed as acceptance of the building.

(b) Industrial Electrical Company.

City Manager Miller said the letter from the Industrial Electrical Company was substantially the same concerning occupation, but indicated that repair for any damage to the building as the result of occupation before acceptance would be at the expense of the City.

(c) Baker-Newman, Inc.

City Manager Miller read a letter from Baker-Newman, indicating that their work on the new city hall was complete and the building was ready for occupancy.

Mr. Miller reported that these letters result because the City agreed to hold up construction of the garage to accommodate the courts until the new county building could be occupied. The contract was written so we could occupy the building when it was ready but the contract would not be complete until the garage was finished. In effect, the building would still be theirs and we would be responsible for any damage.

MOTION

That receipt of the letters be acknowledged, the City Clerk be instructed to notify the companies, and also inform them of the date of occupancy.

Moved by Arata Seconded by Knoles Motion carried

MATTERS RELATING TO CARPETS FURNISHED IN NEW CITY HALL 1-60

With the consent of the Council, the Mayor reported there were some gentlemen present who wished to be heard on the matter of the carpets for the new city hall.

City Manager Miller reviewed that in order to provide maximum opportunities for bidding, the Council decided to have segregated contracts for general construction, electrical and mechanical contracts for the city hall, the latter being awarded to local firms as the result of low bids.

Four local groups joined in a master furnishing plan and offered to buy furnishings, etc., at manufacturers' cost plus.

Originally vinyl tile was proposed for the whole building. The furnishing people recommended that the Mayor and his secretary's office, and one wing on the top floor be carpeted. This was presented to the Council, discussed a number of times, samples of carpeting generally proposed were reviewed with the Council, costs were obtained through the architect, including credit for whatever was in the original contract, and additional costs for the carpet and the pad under it.

Some questions have been raised about this -- whether it was handled properly, whether the carpet was the proper quality, and regarding the price.

The City Manager read a letter from the architect reviewing the procedures followed in changing the floor covering from tile to carpet, with a breakdown of cost figures. The architect reported they were requested to secure costs if carpeting installed was similar to BelAir Nylon, manufactured by Hollytex Carpet Mills, and to show difference if carpet was laid over 40 oz. felt or "Airlite" rubber pad.

A credit of 30¢ per square foot, or \$870, was allowed for installing 2,900 square feet, or 321 square yards of carpet over the "Airlite" pad.

The carpet was that which was requested and it was considered satisfactory for use in the designated areas which will be subject to relatively light traffic.

Al Dandy reported that since appearing at a previous Council meeting, he had looked into all the floor covering at the new city hall and said he was not satisfied with the information he had been able to obtain. He felt: (1) Sufficient credit was not given for the change; (2) The architect's figures on yardage were incorrect; (3) The price paid was too high; (4) The bidder should not include in his expenses the cost of bidding (since all bidders face this expense); (5) Changing an order is a simple process, and extra cost is not merited; and, (6) 3/32nds inch vinyl tile was installed in the building where the contract specified 1/8 inch tile.

Mr. Dandy asked the Council who decided which carpet would be installed in the new city hall.

Mr. Charles Griffith, representing the Harold W. Thompson Company in Stockton, which installed the floor covering, said Mr. Dandy had made some serious charges. He said he could answer any questions concerning the carpet, but that their commercial estimator, Mr. Larry Heller, was out of the State today and was the man who would know about the hard floor covering.

Mr. Griffith said their company is the sub-contractor for the job and is directly responsible to Ron Fiske & Company. He said he knew their profit was well within reason and volunteered to make any of their records available.

He generally defended the company's figures as to yardage and cost, but said he would like to confer with Mr. Heller and some other people before attempting to answer specific questions on the floor tile situation.

Mr. Griffith pointed out that Mr. Dandy had also charged the carpet was inferior and asked if he would like to elaborate and explain what he means.

Mr. Dandy said he would back up what he said -- that it is ". . . an inferior piece of carpet for the area it's in." He passed a sample of the carpeting to the Council and explained its construction. He also asked how long this piece of carpet has been on the market and whether or not it had been tried commercially.

City Manager Miller reported that the Council looked at samples of carpet for the quality and indicated what they were willing to pay. He said the matter was considered several times at public meetings, and if a mistake was made in picking the carpet it was made right here. Mr. Miller pointed out it would have been helpful to have had any questions as to quality raised then.

City Attorney Grimes indicated he had looked at the documents involved in the change and could find no basis for any fraud, misrepresentation or anything else. The City has a legal obligation to the contractor since it specified the type of goods it wanted and what it would pay.

In answer to a question from Mr. Dandy, the Mayor considered that the reason local merchants had not been able to bid on the job was it came under the Construction Contractor.

The representative of Hollytex Carpet Mills which manufactured the carpet reported that the Industrial Rayon Corporation of America and the Dupont Company make the yarns from which the carpet is constructed; and the Armstrong Company makes the backing. He said the company places a ten-year wear guarantee on the carpet in a residential area, regardless of traffic; that it has been on the market for seven and a half years with no complaints of wear; and felt the City would tire of the carpet before it wears out.

Mayor Hammond considered that principally the staff should check on the installation of 3/32 inch tile, as against 1/8 inch being specified in the contract.

Mr. Dandy emphasized that the 3/32 inch tile had been installed and pointed out, in addition, that the Armstrong Company does not advocate putting rubber tile on or below grade. He said rubber tile has been installed in the basement rooms.

Assistant City Manager Masonheimer considered that Mr. Dandy

had added the extra cost item of \$450 twice in arriving at his total.

By order of the Chair, the staff was directed to prepare a report on the tile installation, 3/32 inch against 1/8 inch, and to review with the contractors the quality and cost of materials used.

HEARING ON THE PROPOSED VACATION OF A PORTION OF GROVE AVENUE 4-55

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed vacation of a portion of Grove Avenue.

The City Manager reported receipt of the City Clerk's certification that notice of the hearing had been published on March 16, 1960, notices had been posted in the area and mailed to property owners on March 23, 1960, and that no written protests had been received. He noted that the Planning Commission had recommended that this portion of Grove Avenue be abandoned.

Mr. Alvin Wallace, 618 Geer Court, spoke in opposition to the closing of Grove Avenue and offered a petition signed by several property owners.

He said he tried to find out if it was a problem of the people in the area; a city problem; one of traffic; or whether the City Council would vote on the basis of the Planning Commission recommendation.

Mr. Wallace reported he had found out the Fire Department wanted the street left open, although both the Police and Planning Departments would like to have it closed.

Director of Planning Smeath pointed out that the Planning Commission had made a study of McHenry Avenue and found a particularly closely grouped series of streets. A number of property owners in the Court have repeatedly discussed with the Planning Department and Planning Commission the desirability of once and for all determining that the depth of the commercial use from McHenry Avenue would not be carried over to face on their homes on Geer Court. It had been established that one part of the property is intended for an apartment building where the other would have residential uses. If the street is not needed, it was felt that it could well be used for tax paying and private productive purposes.

The Planning Commission voted unanimously to recommend the closing to the Council and set the following conditions under which this would be done. They would require the two adjoining property owners to whom the land would revert at their own expense to:

- (1) Construct a 6' concrete walkway (out to McHenry Avenue);
- (2) Put a bumper curb stripping on each side of the walkway if area is adjacent to or used for parking purposes;
- (3) Put a full curb and gutter along the end of Grove at McHenry to match those now there;
- (4) Put a concrete sidewalk along the McHenry Frontage;
- (5) Put a masonry wall across the end of this street to be closed 42" high, except for opening in sidewalk; and,
- (6) Provide a 20' wide easement for sewer and water lines (no buildings to be permitted).

In answer to a question by Mayor Hammond, Mr. Smeath said that both of the two lots adjoining the area could be used for any reasonable use permitted under C-2 zoning.

Mr. Smeath considered it would be illegal for trucks to go around through Geer Court for delivery. Goods would have to be delivered from the front or side entrances to a business, the same

as with other businesses on McHenry where there is no alley. He said trucks frequently now pull up to the side of a corner business, leave the truck in the street and then because they can't turn around, pull through a residential area and out.

Mr. Darby, 125 Grove, opposed the street closing on the grounds that police and fire protection of the area would be lowered and because property owners would suffer a valuation loss. He also felt that should an establishment serving liquor be developed on either of the lots, residents in the area would have all the noise until after 2:00 A.M.

Mr. Wallace considered that if the street is closed, people employed by the commercial establishments and parking in the area will have to come in on Grove and go out the same way, thus causing more traffic than now.

Carl Ulrich spoke in opposition to the closing since this would give Griswold Avenue more traffic and would affect real estate values because of the uncertainty of what will happen to Griswold.

Mayor Hammond declared the hearing closed.

In answer to a question by Councilman VanderWall, City Manager Miller considered that the closing would not make one point difference in the fire rating.

Councilman Arata considered that this additional traffic on Griswold would also affect traffic on other already crowded streets.

Mayor Hammond indicated he felt this was not the time to consider making the change on Grove.

Councilman Knoles indicated he felt the Planning Commission should be supported on their studies in the area.

RESOLUTION NO. 965-S.P.

A RESOLUTION REJECTING THE RECOMMENDATION OF THE PLANNING COMMISSION FOR THE VACATION AND ABANDONMENT OF A PORTION OF GROVE AVENUE AT BLOCK 706 AS RECOMMENDED BY PLANNING COMMISSION RESOLUTION NO. 569

Introduced by Arata Seconded by VanderWall
 Ayes: Arata, VanderWall, Mayor Hammond
 Noes: Knoles
 Absent: Adams, Martin, Spaulding

In order that the issue be settled and not be carried over, Councilman Knoles said he would change his vote to "aye".

Attorney Grimes reported that in this event it would be proper for the Chair to rule that the Resolution passed.

LETTER FROM GOVERNOR BROWN RE: COLLEGE SITE 7-62

City Manager Miller, in commenting on the letter from Governor Brown, and on the attitude of some of the others involved, said that it seemed to be that "we got a college we didn't deserve so we shouldn't object if they put it where it doesn't belong."

The letter was ordered filed.

LETTER FROM MANUEL F. BRANCO RE: SITE OF STANISLAUS STATE COLLEGE

City Manager Miller read the letter from Mr. Branco commending Councilman Spaulding, and the delegation who represented Modesto, for their stand on the state college and their presentation at the Sacramento meeting.

The letter was ordered filed.

LETTER FROM WARD BULL, PRESIDENT, CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES RE: CANCELLATION OF APRIL QUARTERLY MEETING

City Manager Miller reports that this letter cancels the April quarterly meeting and announces the next meeting will be in Modesto in July.

LETTER FROM GREATER MODESTO CHAMBER OF COMMERCE RE: VISIT OF THE STATE HIGHWAY COMMISSION TO MODESTO ON JUNE 24 AT 2:15 P.M. 7-78

City Manager Miller reported the highway officials will make Modesto its only stop in a six county area, will be here for about half an hour and arrangements have been made for a "coffee break" at the M.I.D. Auditorium.

The City Clerk was asked to remind Council members of the date of this visit.

LETTER FROM GREATER MODESTO CHAMBER OF COMMERCE RE: 1960-61 APPROPRIATION - \$11,000 - 7-84

City Manager Miller reported the Chamber of Commerce had requested the same amount (\$11,000) be placed in the 1960-61 budget, as in previous years.

The City Clerk was asked to put this request back on the Agenda at the time the budget was considered.

LETTER FROM MODESTO RETAIL MERCHANTS ASSOCIATION RE: REQUEST FOR 1960-61 APPROPRIATION \$3,000 - 7-89

City Manager Miller reported the Retail Merchants Association is also requesting the same amount (\$3,000) be placed in the 1960-61 budget as last year.

The City Clerk was asked to put this request back on the Agenda at the time the budget was considered.

LETTER FROM KENNETH K. KAESTNER, ARCHITECT, RE: ARCHITECTURAL SERVICES 7-90

City Manager Miller read the letter from Mr. Kaestner asking that their firm be considered for architectural services for future building the City may be contemplating.

The letter was ordered filed.

REPORT ON BIDS FOR IMPROVEMENT OF TULLY ROAD BETWEEN 99 HIGHWAY AND STODDARD AVENUE 7-95

Director of Public Works Ray reported there were three bids received, the lowest from M. J. Ruddy & Son in the amount of \$14,939.

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He referred the Council to a tabulation of the bid results which had been previously distributed, and indicated the low bid exceeded the City Engineer's estimate by 18½%.

Bids were called at this time of year in order to correlate the improvement with proposed installation of traffic signals at Tully and 99 Highway. Therefore, even though bids are high, the staff recommends that we proceed with a contract.

Mr. Ray reported this is a gas tax fund and requires approval of the Division of Highways. We have written for this approval in anticipation that the Council would approve proceeding with the project, but have not received an answer yet.

MOTION

Directing staff to proceed to clear the matter with the State and bring it back for Council consideration

Moved by Arata Seconded by VanderWall Motion carried

FINAL ADOPTION OF ORDINANCE NO. 374-C.S.-REGULATION OF TAXICABS

ORDINANCE NO. 374-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 4-6.206.1, 4-6.306, 4-6.402, 4-6.404, 4-6.703 and 4-6.707 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 4-6.402.1 THERETO, RELATING TO TAXICABS"

introduced on March 23, 1960, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by VanderWall Seconded by Arata
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Martin, Spaulding

CONSIDER ORDINANCE AUTHORIZING SALE OF PROPERTY TO ROBERT C. WATSON - ALMA AVENUE AREA - 7-122

City Attorney Grimes reviewed for the Council that in connection with the McHenry Avenue project and the relocation of an alley behind certain properties, the City acquired title to some property.

Robert C. Watson has held an option to purchase the land that is owned by the City which lies behind his property for \$1,000 and this agreement would exercise the option.

ORDINANCE NO. 375-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO ROBERT C. WATSON, AN INDIVIDUAL"

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

Moved by Arata Seconded by VanderWall
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Martin, Spaulding

HOLD OVER MATTER OF WATER SERVICE TO THE NEW SYLVAN SCHOOL ON
TOKAY AVENUE

The City Manager requested this item be held over.

FURTHER CONSIDERATION OF THE MATTER OF BUS BENCH FRANCHISE 8-4

City Manager Miller reported that the present holder of the bus bench franchise had requested that the Council extend the franchise for another five (5) years on the same terms. The franchise does not expire until January 19, 1961, but the request is made at this time in order that the company may plan ahead.

Mr. Grimes considered that Mr. Carmody's memo explains some of the background, and he pointed out the issues were: (1) Does the Council want to continue with the bus benches with advertising? (2) If it does so, does it want to just give the contract to the present holder: or, (3) Does it want to call for bids for extension of the franchise?

W. R. Tomson, of the Transadtise Company, which holds the present franchise, protested the calling for bids on the grounds that this had all been considered when the present franchise was granted. He considered he could bid as high as another company, but said only so much profit could be made.

In answer to a question by Councilman Arata, Attorney Grimes reported that the Council would not have to go to bid, but that it could negotiate legally.

Councilman Arata considered that the City hadn't had any difficulty with Mr. Tomson and reported he was in favor of re-granting the franchise.

MOTION

Directing the staff to investigate the matter and report back to the Council as to the advisability of calling for bids or negotiating

Moved by Hammond No second

City Manager Miller reported the staff had reviewed the matter and recommends calling bids if the present plan is to be continued. He pointed out that although the City has the right to examine the books of a company in these cases, this has not been done. He considered that negotiation can be extremely difficult.

Mr. Grimes reported that his office had dealt with Mr. Tomson on numerous occasions and Mr. Tomson knew what he had to do to comply with the Code.

Mr. Miller considered that if this is to be done for revenue the City should get all it can.

Mayor Hammond withdrew his first motion and introduced a

MOTION

That the bus bench franchise be put up for bids and that the benches be continued with advertising in the commercial area and without advertising in the residential areas

Moved by Hammond Seconded by Knoles Motion carried

Mayor Hammond said the Council would consider the working of the local company, and its relationship to the bus company at the time bids are awarded.

REQUEST BY THE E. & J. GALLO WINERY FOR AN INDUSTRIAL WASTE LINE ON AIRPORT PROPERTY 8-105

Director of Public Works Ray read a letter from the E. & J. Gallo Winery requesting the right to construct, maintain and operate a 24" underground sewer line for industrial waste. The company proposed to utilize an M.I.D. right of way running east and west across airport property -- the City is involved in respect to an easement 15' in width running north and south from the M.I.D. right of way.

The staff would recommend that the easement be granted subject to specified conditions which Mr. Ray read to the Council. He also reported that they had written to the Federal Aviation Agency to see if they might impose any conditions which the City was not aware of, but had not yet received an answer.

In answer to questions by staff and Council members, Mr. Ray reported that: (1) The land over the sewer line could continue to be used for agricultural purposes, except in two places where it would be necessary to install pressure manholes; (2) This is a "clear zone" area and buildings could not be erected; (3) This would be an indeterminate easement and only if the lines were abandoned would the rights revert to the City.

The City Manager suggested that consideration be given to an escape clause for the City should the airport property be put to some other use.

MOTION

Approves request in letter and instructs staff to prepare necessary documents

Moved by Arata Seconded by VanderWall Motion carried

CONSIDER CURB CUT VARIANCE - TRAVELODGE MOTEL, NEEDHAM & VIRGINIA

Mayor Hammond reported that developers of the Travelodge Motel are requesting permission to install 36' curb cut on Needham Avenue in lieu of a 30' curb cut.

Director of Public Works Ray reported the staff recommends that this be granted.

RESOLUTION NO. 60-121

A RESOLUTION GRANTING A VARIANCE TO TRAVELODGE MOTEL FOR 36' CURB CUT AT NEEDHAM AND VIRGINIA STREETS

Introduced by Arata Seconded by VanderWall
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Martin, Spaulding

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CONSIDER CANCELLATION OF PARKING AGREEMENT - POLICE DEPARTMENT WITH STANISLAUS IMPLEMENT & HARDWARE 9-100

City Manager Miller reported that we have been renting two parking spaces from Stanislaus Implement & Hardware and it is now possible to lease six across the alley.

RESOLUTION NO. 60-118

A RESOLUTION AUTHORIZING TERMINATION OF LEASE AGREEMENT WITH THE STANISLAUS IMPLEMENT AND HARDWARE COMPANY FOR OFF-STREET PARKING SPACES

Introduced by Arata Seconded by VanderWall
Ayes: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None
Absent: Adams, Martin, Spaulding

CONSIDER APPROVAL OF AGREEMENT WITH J. S. MORTENSEN FOR RENTAL OF OFF-STREET PARKING SPACES FOR POLICE DEPARTMENT VEHICLES

RESOLUTION NO. 60-119

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES S. MORTENSEN FOR LEASE OF SIX PARKING SPACES FOR PARKING USE BY THE POLICE DEPARTMENT

Introduced by VanderWall Seconded by Arata
Ayes: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None
Absent: Adams, Martin, Spaulding

REPORT ON SALE OF SEWER BONDS AND PROPOSED FINANCING 9-112

City Manager Miller reported that Council members had previously received information requested on this matter, and that the staff has two additional reports now.

The first report indicated that in order to keep this utility on a self-supporting basis, an increase in the monthly charges would be necessary, and pointed out amounts of additional revenue with different percentages of increase. Discussion of this matter was held over.

The second report sets up a proposed schedule for the sale of \$650,000 of 1953 Series B Sewer Bonds and shows how long it will take, rather than set the precise date.

Mr. Miller reported we need to determine:

- (1) What is the date of the sale?

The staff proposes this be set for early in May, possibly May 11 or 18.

- (2) Over what period of years the bonds would be retired and how many bonds would be retired each year?

The bond counsel recommends that we not retire them at a rate of less than 15 bonds in any year.

- (3) Are any of the Series B Bonds to be callable (the last part of the Series A Bonds sold earlier are callable between 1973 and 1982)?

Generally you get a somewhat better rate if the bonds are not callable.

- (4) Are the principal and interest to be payable to the Treasurer of the City of Modesto or an appointed Fiscal Agent?

MOTION

That the bonds not be callable, and that the payments of principal and interest be made to the city treasurer

Moved by VanderWall Seconded by Arata Motion carried

The City Clerk was instructed to put sewer costs back on the Agenda for next week.

CONSIDER MONTH TO MONTH LEASE ON CITY OWNED PROPERTY AT 911-913 EYE STREET 10-70

City Attorney Grimes summarized for the Council that there are two leases proposed for this city owned property, one to Ernest M. Gerisch for \$155 per month, and the second to Hazel Greenlaw and Charlie Shelby Greenlaw, Jr., for \$125 per month.

Director of Finance Bird reported these are substantially the same as the present lease except they are separated because Gerisch may leave sooner than the other tenant.

RESOLUTION NO. 60-120

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ERNEST M. GERISCH AND ELIZABETH GERISCH FOR THE RENTAL OF PREMISES SITUATED AT 911 EYE STREET, AND HAZEL GREENLAW AND CHARLIE SHELBY GREENLAW, JR., FOR RENTAL OF PREMISES AT 913 EYE STREET, CITY OF MODESTO

Introduced by Councilman Arata Seconded by VanderWall
Ayes: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None
Absent: Adams, Martin, Spaulding

PARK AND RECREATION MATTERS 10-85

Budget:

The City Manager reported that the Council had received copies of a preliminary budget. Discussion was held over until the next meeting.

Request to use motorized golf cart:

City Manager Miller reported a request from a man who has suffered a stroke to use a motorized golf cart on the city courses. His doctor has said he can still play, but only if he uses a motorized cart.

Mr. Miller indicated the staff felt it would be reasonable to let him do this with some provisions to protect the course.

Director of Parks and Recreation Lowrey reported that they would not recommend this as a general thing, and are only recommending approval because of the particular situation in this case. This man has played golf for a great many years on city courses.

There was no objection from the Council to the granting of this request.

CONSIDER SUSPENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - SAM SECRETO DBA YELLOW AND HART CAB CO. 10-106

City Manager Miller reported that the staff has been working with Mr. Secreto on this, and would like to hold this over, at least for the present.

CONSIDER SETTLEMENT OF CONDEMNATION PROCEEDINGS AGAINST ROSE MEHEGAN - MCHENRY AVENUE 10-108

City Attorney Grimes reported that this matter has now developed to a point where it appears it may be settled for the payment of the sum of \$2,108, which is the fair market value indicated by the appraiser.

City Manager Miller indicated the staff would recommend that this case be resolved on this basis.

MOTION

Authorizing the City Attorney to proceed in accordance with recommendation to settle this litigation

Moved by Arata Seconded by VanderWall Motion carried

REQUEST FOR SEWER SERVICE TO MR. HINES' PROPERTY ON SOUTH SIDE OF GRANGER OPPOSITE BLOCK 1238

Director of Public Works Ray reported that since this is not contiguous to the City, it would require approval of the Council. This property is just east of the end of our trunk line on Granger which now terminates at the alley just west of Honeysuckle Avenue. Mr. Hines has filed a regular form agreeing to annex to the City, etc., and he would have to build the necessary extension of the lateral line.

The staff recommended approval of this request.

MOTION

That the staff be authorized to work out the necessary arrangements for this service as requested by Mr. Hines

Moved by VanderWall Seconded by Arata Motion carried

LETTER FROM MONTGOMERY WARD COMPANY REQUESTING REFUND OF BUSINESS LICENSE PENALTIES AND INTEREST 11-10

City Manager Miller reported this is a request for waiver of business license penalties and interest on the basis of some mix up in dates where the company was late filing their mill tax return and paying their mill tax.

The staff recommends that this not be waived.

MOTION

Denying the request of Montgomery Ward for refund of business license penalties and interest

Moved by Knoles Seconded by VanderWall Motion carried

REQUEST FOR CURBS AND GUTTERS IN BLOCK 356, BOTH SIDES OF COLORADO AVENUE BETWEEN WESTERN WAY AND SOUTH AVENUE 11-20

The City Manager reported that since 50% of the curbs and gutters are in, property owners are requesting that the others be required to put them in. He suggested this be referred to the staff for checking to see if the property owners will do this on a voluntary basis and if not it will be brought back to the Council again.

By order of the Chair, this matter was referred to the staff.

REQUEST BY CLARA REICHENBACH, 302 COLLEGE AVENUE, TO PLACE SPRINKLERS IN PARKING STRIP 11-25

City Manager Miller read the letter from Mrs. Reichenbach requesting permission to place sprinklers in the parking strip. He reported the staff has checked this out and recommended approval.

RESOLUTION NO. 60-122

A RESOLUTION GRANTING A REVOCABLE PERMIT TO CLARA REICHENBACH, 302 COLLEGE AVENUE, TO INSTALL A SPRINKLER SYSTEM ON CITY PARKING RIGHT OF WAY IN THE CITY OF MODESTO

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Martin, Spaulding

REQUEST FOR LOADING AND UNLOADING ZONE OUTSIDE 11TH STREET ENTRANCE TO DEET EICHEL VOLKSWAGEN 11-30

City Manager Miller read the letter from Deet Eichel requesting this loading and unloading zone outside the front entrance on 11th Street.

Director of Parking and Traffic Carmody reported that at the present time they have a curb cut which they would like to use as a loading zone all day long and, in addition, they want an area for appraisal purposes -- that was the basis for this request.

In answer to a question by Mayor Hammond, Mr. Carmody reported the curb cut is not now being used as a parking spot.

MOTION

Directing the staff to advise Deet Eichel that the Council is unwilling to grant the request

Moved by Hammond Seconded by VanderWall Motion carried

REQUEST FROM THE 4TH OF JULY CELEBRATION COMMITTEE FOR THE ANNUAL APPROPRIATION OF \$750 TO BE PLACED IN THE 1960-61 BUDGET 11-60

The City Manager reported this was a request from the Committee for its annual appropriation.

The City Clerk was asked to put this request back on the Agenda at the time the budget was considered.

CONSIDER NAME FOR NEW BRANCH LIBRARY, WEST SIDE 11-62

Carl Hamilton, Librarian, reported that the Board of Library

Trustees unanimously recommended that we honor the past librarian, Miss Bessie Silverthorn, who served as librarian for the City and County for 31 years, by naming the library "The Silverthorn Branch".

City Manager Miller suggested that, as a matter of courtesy and cooperation, since the County is involved with us in library operations, it might be a good thing to check with the Board of Supervisors.

MOTION

Directing the staff to check with the Board of Supervisors for approval of this name

Moved by Hammond Seconded by Knoles Motion carried

REFER ANNEXATION REQUEST OF NAVON ADDITION TO PLANNING COMMISSION FOR STUDY AND REPORT 11-84

RESOLUTION NO. 60-123

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

Introduced by Arata Seconded by Hammond
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Martin, Spaulding

CITY HALL MATTERS 11-90

Partition in Zoning Administrator's Office:

City Manager Miller reported that the staff believes it would be appropriate to have the Zoning Administrator's office partitioned off from the general public. A metal and glass partition can be provided for \$800.

Mr. Miller pointed out this had been proposed by the staff from the start but somehow didn't get into the original plans, and that furniture had been ordered to fit it.

MOTION

That a change order be granted to provide for this partition

Moved by Hammond Seconded by VanderWall Motion carried

Moving into New City Hall:

City Attorney Grimes asked if, since his lease expires on May 1, the Council would object to his office moving as soon as the furniture was in, even though it was prior to the actual general moving date.

Points raised by Council members were: (1) Whether janitorial service would be available; (2) Whether the public would be able to find the Attorney's office; and, (3) If it did, what problems would this cause with the rest of the building being empty.

Mr. Masonheimer reported that the furniture which had been

delayed might be here and in place as early as the 18th or 19th of April. Therefore, if the Council wished to consider leaving it up to the staff, we could make the move as soon after that as possible.

MOTION

That the staff be authorized to proceed when ready

Moved by Arata Seconded by VanderWall Motion carried

MATTERS FOR THE GOOD OF THE COMMUNITY 12-45Request to use airport:

Charlie Duncan, Commander of Post 74, American Legion, read a letter from the Legion requesting permission to use the Modesto Airport for a parachute jump exhibition between the hours of 12 o'clock noon and 5:00 P.M., May 22, 1960, in connection with several non-profit parachute clubs.

City Manager Miller considered: (1) We would want to be sure to get out before United wants in; (2) It was suggested by Harry Sham that maybe there ought to be some sharing of revenue; (3) The Legion would have to agree formally to assume all responsibility, pay expenses, and handle the matter without the City becoming involved.

Director of Public Works Ray reported that approval would also have to be obtained from the Federal Aviation Agency.

In answer to a question by Mayor Hammond, Mr. Duncan reported the airport would have to be closed for outside traffic during that time, and airports in the area would have to be notified.

MOTION

Of intention to grant permission provided all details could be worked out

Moved by Hammond Seconded by VanderWall Motion carried

Report from State Department of Finance:

City Manager Miller reported that the population of Modesto is now officially 39,900.

Request of P.T.A. for special parking area:

Mr. Carmody reported that arrangements had been made for them to use the 15th Street Lot.

Refer Petition of Orangeburg property owners for annexation to Planning Commission for report and recommendation:

RESOLUTION NO. 60-125

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

Introduced by VanderWall Seconded by Arata
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Martin, Spaulding

Letter from Dick E. Caldwell re: Musical Group: 12-115

City Manager Miller read Mr. Caldwell's letter requesting that the Mayor grant permission for a musical group known as "Dean and the Hi-Fi's", and consisting of boys from 13 to 15, to accept musical engagements.

Mr. Dick Caldwell offered to answer any questions the Council may have.

Mayor Hammond pointed out that Attorney Grimes had recommended the Council by motion authorize him to grant this permission.

Points brought out in Council discussion were:

- (1) These engagements would principally be at the Youth Center or schools;
- (2) The time and type of engagement should be specified;
- (3) These boys would have to belong to the Musician's Union.

MOTION

That the Mayor be authorized to grant this permit with the provision that the boys perform in the Maddux Youth Center and at school events, and that the week hours be not later than 11:00 P.M. and weekends not later than 12:00 P.M.

Moved by Knoles Seconded by VanderWall Motion carried

FURTHER REPORT ON HOLIDAY PAY LITIGATION 13-70

City Attorney Grimes reported that the attorney for the claimants in the holiday pay litigation had indicated some dissatisfaction to hiring the firm of C. D. Nattinger to make the audit of police records because Mr. Nattinger regularly does work for the City. He also reported that the claimants did not wish to share the cost of the audit.

MOTION

That the Council's previous motion hiring C. D. Nattinger to prepare the audit be rescinded, and that Mario Fovinci be hired to prepare this audit

Moved by Hammond Seconded by Knoles Motion carried

REPORT BY THE CITY ATTORNEY ON THE CONDEMNATION OF THE MAZE-WREN PARK FOR STATE HIGHWAY PURPOSES

City Attorney Grimes summarized his detailed report to the Council on this matter, pointing out that the donor who gave this property to the City in trust for park purposes did so with a reverter clause to his heirs.

The Wren heirs will release their interest in this matter for \$12,000. Attorney Grimes recommended settlement of this case as the result of consideration of the risks of litigation.

He pointed out that the State will pay a total of \$69,000 for acquisition of the property, permit the City to use it for park purposes until the State elects to take possession, permit the City to retain all playground equipment, and to remove it when park use has discontinued. Under the proposed settlement the City will receive \$57,000.

MOTION

Authorizing the City Attorney to proceed to settle this litigation as outlined

Moved by VanderWall Seconded by Arata Motion carried

The City Manager commended both the City Attorney and the Director of Parks and Recreation for the fine job they did in this case.

REPORT ON FREE PARKING ON CITY PARKING LOTS - MARCH 19, 1960

Councilmen having previously received a copy of Mr. Carmody's report on the "free" use of city parking lots, a copy was ordered filed with the City Clerk.

REPORT ON COMPLETION OF CONTRACT FOR REMOVAL OF WALNUT TREES ON GOLF COURSE PROPERTY

City Manager Miller reported that this was complete.

Councilman Arata questioned whether we might find some use for this land, and the City Manager asked the Clerk to remind him to check on possible uses.

CLEAR POSTPONING YOUTH IN GOVERNMENT DAY

MOTION

That "Youth in Government Day" be postponed until May 18, 1960

Moved by Arata Seconded by VanderWall Motion carried

CONSIDER AGREEMENT WITH GANT PROPERTIES, INC., RE: SEWER SERVICE

With the unanimous consent of the Council, City Attorney Grimes asked to bring up the matter of sewer service to the Gant properties.

Mr. Grimes reported he had a proposed agreement signed by Denver R. Gant and enumerated the provisions.

City Manager Miller pointed out that the basic difference was the two year grace period before annexation proceedings will be required.

RESOLUTION NO. 60-124

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GANT PROPERTIES, INC., A CORPORATION, FOR SEWER SERVICE FROM THE CITY OF MODESTO

Introduced by VanderWall Seconded by Arata
Ayes: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None
Absent: Adams, Martin, Spaulding

CONSIDER OUTSIDE EMPLOYMENT OF CITY ATTORNEY

The City Attorney reported this was a request from the City of Eureka for him to do a codification job.

There were no objections on the part of the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Arata Seconded by VanderWall Motion carried

ATTEST: 
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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were present: Councilmen Arata, Knoles, Martin, VanderWall, Mayor Hammond.

(Mayor Hammond left at 7:50 P.M.)

Absent: Councilmen Adams and Spaulding

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

Rev. Den Ouden gave the invocation.

HEARING ON PROPOSED IMPROVEMENT DISTRICT NO. 10 1-22

Mayor Hammond announced that the hour of 7:30 P.M. had arrived, the time set for hearing on the matter of compliance with the Special Assessment Investigation Limitation of Majority Protest Act of 1931, and also the public hearing on the public convenience and necessity to institute the construction of a storm drainage system.

City Attorney Grimes reported that proceedings in connection with drainage districts are taken under the Improvement District Act of 1911 which provides that proceedings of this kind may be initiated by the City Council. In this instance the Council asked for an expression of interest on the part of the property owners within the proposed district. This interest was evidenced by a petition filed with the City Clerk.

Mr. Grimes said many people have asked why a vote is not taken by the people. The answer is, simply, that there is no procedure in the law for taking a vote -- the improvement is a charge against the property benefited.

Mr. Grimes pointed out this is the time for people to protest if they care to do so, but emphasized that as a matter of law only those protests which have been filed in writing with the City Clerk prior to 7:30 P.M. this date will be counted.

The City Manager read certification from the City Clerk that the notice of the hearing had been published in the manner required by law, notices mailed to property owners, and notice posted on the Council Chamber door.

Of the 334 total parcels in the proposed district, 89 verified protests had been filed, or 17.65% of the total.

Mr. Lynn Wood, 1814 Enslin, who indicated he had filed his protest, asked if, since water from Briggsmore to Bowen will all drain north, some type of gully could be used as an extension of the system rather than running pipe all the way, and thus alleviate some of the expense.

Director of Public Works Ray explained that "valley" gutters across intersections or streets are sometimes used, but at this point would not be feasible because of adverse grade and there would be too much water involved. He considered it would not affect the cost of the drainage system much anyway since the major costs are in the large pipes and not in small extensions.

Jared Hawkins, an attorney representing a group of people

outside the proposed district, protested the drainage of these storm waters into Beard Brook contending: (1) The drainage of storm waters were causing a serious pollution problem; (2) These waters should all be treated in a sewage plant before being drained into these streams; and (3) The drainage of storm waters into these streams would ultimately cause a flood problem.

Councilman Arata considered that if any pollution problem were developed, the City would have to correct it anyway.

H. E. Zimmerman, 1226 Edgebrook Drive, expressed concern about anything being done to Dry Creek that would spoil its natural recreation value. He also urged construction of Dennett Dam.

Mayor Hammond commented that Mr. Zimmerman had a long record of community service and that the Council appreciated his remarks.

Mr. Robert Grimm, 2017 LaVilla Rose Court, urged that more information be made available about the drainage system before people were asked to decide. He considered the costs were just estimates and asked if in some way they couldn't be set closer.

Mayor Hammond explained the costs have to be estimated until bids are awarded.

City Manager Miller reported that this is a careful engineering estimate based on knowledge of the exact specifications. It is as close as we can come at this point -- could be somewhat higher or somewhat lower.

Director of Public Works Ray reported the low bid could not exceed the estimate by more than 10%.

In answer to Mr. Grimm's question of how this assessment district would affect property valuation, the staff explained that the County Assessor is the only one who could answer this question, and although they felt it would not make a big difference, the area would be greatly improved.

Dr. C. G. Duke reported that he was highly pleased by the way this thing has gone along.

Mayor Hammond declared the hearing closed.

RESOLUTION NO. 966 S.P.

RESOLUTION OVERRULING PROTESTS

Introduced by VanderWall Seconded by Knoles
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Spaulding

RESOLUTION NO. 967 S.P.

RESOLUTION ORDERING THE WORK

Introduced by Arata Seconded by VanderWall
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Spaulding

The time set for the opening of bids was 2:00 P.M., May 9, 1960.

RESOLUTION NO. 968 S.P.

RESOLUTION ADOPTING SCALE OF PREVAILING WAGE RATES

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None
 Absent: Adams, Spaulding

(Mayor Hammond left the meeting at 7:50 P.M.)

SELECTION OF MAYOR PRO TEMPORE

MOTION

That Councilman VanderWall be appointed Mayor Pro Tempore for the remainder of the meeting.

Moved by Knoles Seconded by Arata Motion carried

LETTER FROM LANCE E. ELLIS REQUESTING SEWER AND WATER SERVICE FOR PARK MANOR SUBDIVISION NOS. 3 AND 4 3-70

City Manager Miller reported that this was a request for necessary trunk lines and other facilities to serve Park Manor Subdivision Nos. 3 and 4 with sanitary sewer and water.

By order of the Council, the request was referred to the staff for checking and report back to the Council.

HOLD OVER AWARDING BID FOR TULLY ROAD IMPROVEMENTS 3-78

At the request of the staff this item was held over.

HOLD OVER CALLING FOR BIDS FOR BUS BENCH AND ADVERTISING FRANCHISE

At the request of W. R. Tomson, of the Transadtise Company, this item was held over for one week.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF CHAIN LINK FENCE AT GOLF COURSE AND SEWAGE TREATMENT PLANT AREA 3-85

RESOLUTION NO. 60-126

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF CHAIN LINK FENCE AT GOLF COURSE AND SEWAGE TREATMENT PLANT AREA

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

HEARING ON CURB AND GUTTER INSTALLATION, BLOCK 719 3-90

Mayor Pro Tempore VanderWall announced that the hour of 8:00 P.M. had arrived, the time set for hearing on curb and gutter installation, Block 719.

Director of Public Works Ray reported that, in accordance with directions of the Council, the properties involved were posted. He also reported that owners of both properties are now proceeding with the installation of curbs and gutters.

Mayor Pro Tempore VanderWall asked if there were any oral protests. There being no one who wished to speak, Mayor Pro Tempore closed the hearing.

RESOLUTION NO. 60-127

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 719 ON HACKBERRY AVENUE)

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

FINAL ADOPTION OF ORDINANCE NO. 375-C.S. - SALE OF PROPERTY TO ROBERT C. WATSON 3-112

ORDINANCE NO. 375-C.S. - entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO ROBERT C. WATSON, AN INDIVIDUAL"

introduced on April 6, 1960, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Arata Seconded by Knoles
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

HOLD OVER CONSIDERATION OF AMENDMENT TO THE MUNICIPAL CODE FOR THE REGULATION OF SOUND AMPLIFYING EQUIPMENT 3-118

At the request of the staff, this item was held over.

CLEAR MATTER OF SOCIAL SECURITY CONTRIBUTIONS RESULTING FROM INTEGRATION OF O.A.S.D.I. AND S.E.R.S. 3-120

City Manager Miller reported that when the integration of O.A.S.D.I. (social security) and S.E.R.S. (state retirement system) was completed, funds for social security coverage retroactive to January 1, 1956, were taken from the S.E.R.S. accounts of those employees who voted to integrate.

In the case of a few employees who had not been with the City long enough for membership in the state system, and therefore not eligible to vote, they were blanketed in along with the others. These employees had insufficient funds to pay the retroactive social security coverage.

Under the law, the City is obligated to make up the difference, and reimbursement from these employees may be required.

Mr. Miller indicated that if it is considered as part of the cost of integration, no action is necessary and it would be paid by the City. If it is to be recovered from the employees, the method of payment needs to be determined.

MOTION

That the staff be directed to collect the obligations of these employees in amounts calculated as their share of the contribution to the Social Security fund, and that payroll deduction procedures be authorized.

Moved by Martin Seconded by Arata
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

HOLD OVER REPORT ON SEWER SERVICE FINANCING 4-75

City Manager Miller reported that the staff would like time to do a little more work on this and asked that it be held over.

CONSIDER REQUEST FOR EXTENSION OF TIME IN WHICH TO INSTALL CURB, GUTTER AND SIDEWALK ON EAST SIDE OF THE 900 BLOCK OF ENSLEN 4-76

Director of Public Works Ray reported that, in accordance with directions from the Council, property owners in the 900 Block of Enslen who had not installed curbs, gutters and sidewalks were instructed to do so. On one side of the street, curbs and gutters only are included, on the other side curbs, gutters and sidewalks are needed-- in both cases more than 50% having been constructed.

Mr. Ray said the request for extension of time to October or November from Fred Beyer was on the basis that it would be necessary to remove 7 apricot trees on the Enslen side.

Mr. Ray reported that he had explained to Mr. Beyer that if the work was not done until late fall, it would be impossible to resurface and regrade the street in proximity to the curb and gutter until the following spring or summer. In view of this, Mr. Beyer has asked that his request be modified so that the work could be done the last part of July.

Mr. Beyer further requests that this order apply only to construction of curbs and gutters and that he not be required to install sidewalk. Mr. Ray pointed out that way over 50% of the property owners have installed curbs, gutters and sidewalks, and the request received covered both. He also said that the other property owner on the west side of the street who had not installed curbs and gutters is now in the process of installation and that when this is finished the entire block will be completed.

Mr. Ray reported there would be no problem insofar as his department is concerned if the Council wished to grant a delay until the latter part of July, and felt it would work no hardship on the property owners in that block. He did recommend, however, that the construction of the sidewalk be included in the order.

MOTION

That Mr. Beyer be granted a delay until the latter half of July, 1960, for the construction of this work, but at that time curbs, gutters and sidewalks be installed.

Moved by Knoles Seconded by Arata Motion carried

CONSIDER RELEASE OF PERFORMANCE BOND - BEL AIR SUBDIVISION NO. 2 5-9

City Manager Miller reported that all work and fees required by the subdivision have been concluded, and it would be in order to accept them as complete.

RESOLUTION NO. 60-128

A RESOLUTION ACCEPTING WORK AND AUTHORIZING RELEASE OF PERFORMANCE BOND - BEL AIR NO. 2 SUBDIVISION

Introduced by Arata Seconded by Martin
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

FURTHER CONSIDERATION OF NAME FOR NEW BRANCH LIBRARY 5-15

City Manager Miller reported that the County Board of Supervisors has approved the name of "Silverthorn Branch" for the new library, and said it would be in order for this name to be used.

RESOLUTION NO. 60-129

A RESOLUTION NAMING THE WESTSIDE BRANCH OF THE McHENRY - STANISLAUS LIBRARY AS THE SILVERTHORN BRANCH LIBRARY

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

CITY HALL MATTERS 5-30

(a) Letter from architect re: Occupancy of Building:

City Manager Miller reported that the architect had written that the new city hall building had been inspected on March 24, 1960, listing those things to be completed and indicating the building is ready for occupancy. Mr. Miller reported that all of the unfinished items had been completed with the exception of the burglar alarm, and the wood hand rail on the main stairs.

(b) Moving date:

In answer to a question by Mayor Pro Tempore VanderWall, Mr. Miller reported that it appears now that while some of the furniture will still not be here, we will "shoot" for the weekend of the 29th, possibly starting a day or two before.

MOTION

That the staff proceed to move into the new city hall in the latter part of the week of April 25th.

Moved by Knoles Seconded by Arata Motion carried

(c) Use of new council chamber:

City Manager Miller reported that the staff has prepared in preliminary form some rules of operation for the new city hall, and would like to have an indication from the Council as to whether it wished to continue, as a matter of policy, letting groups use the Council Chamber. It was pointed out that many groups using the present chamber could continue to do so.

Mr. Miller said there is an occasional conflict between groups using the chamber and special meetings set for official city purposes.

Attorney Grimes considered that perhaps for a while the Council would like to know what kind of requests are received.

MOTION

That until further notice requests from any groups, other than official city purposes, to use the new city Council Chamber be brought to the Council for decision.

Moved by Martin Seconded by Knoles Motion carried

RESOLUTION APPROVING AGREEMENT WITH E. & J. GALLO WINERY FOR SEWER EASEMENT ON AIRPORT PROPERTY 5-97

Director of Public Works Ray reported that the District Office of the Federal Aviation Agency had given oral approval of the easement on airport property, but indicated they must have approval of the regional office.

City Attorney Grimes briefly enumerated the provisions of the agreement and indicated he preferred not to include that the Council's approval was subject to approval of the F.A.A., but would rather withhold signing by city officials until F.A.A. approval is received.

Mr. Grimes reported he believed the form of the agreement was satisfactory to the E. & J. Gallo Winery. Mr. Charles Crawford, representing the company, confirmed this statement.

Mr. Grimes also reported that the City's present tenant, Mr. Eugene Boone, had indicated it was satisfactory with him for the City to grant an easement for this pipeline, providing full compensation is made by the company for damages which may be done to the ground or crops growing thereon, or for any damages arising out of the operation of this pipeline. The City Manager reminded the Council that the proposed easement was for an indeterminate time, not for a definite period of years.

RESOLUTION NO. 60-130

A RESOLUTION APPROVING AGREEMENT WITH E. & J. GALLO WINERY FOR SEWER EASEMENT ON AIRPORT PROPERTY.

Introduced by Arata Seconded by Knoles

Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall

Noes: None

Absent: Adams, Spaulding, Mayor Hammond

PARKS AND RECREATION DEPARTMENT MATTERS 6-30

City Manager Miller reported that Director of Parks and Recreation Lloyd Lowrey was terminating his service with the City on the 15th day of April. He considered that Mr. Lowrey had "done a fine job and we're proud and fortunate to have had him."

Mr. Miller also reported that Mary Grogan was being appointed Acting Director until a permanent appointment is made.

(a) Master Street Tree Plan:

Mr. Lowrey presented a preliminary master plan for planting street trees on city streets in the coming years. (A large map with various colors denoting types of trees proposed to be planted was used, and color keys were distributed.)

The plan shows what species of trees are recommended to be planted, based on appearance, available room, soil conditions, etc.

Mr. Lowrey noted that at the present time there are about 28,000 trees on the city streets. When we are finished there will be approximately 26,300 trees -- the difference because the minimum planting space is being increased.

(b) Thousand Oaks Park:

City Manager Miller reviewed for the Council that when the Thousand Oaks Subdivision was developed, land was reserved for a park, and deed restrictions limited its use and development. He reported that the staff has met with a committee of property owners and have some preliminary proposals for development, maintenance and operation of the park.

Mr. Miller indicated that all those concerned agree that the

park should be retained on its natural area, but the City's problem is that where we have generally accepted responsibility of it, we have no control over what is done. The staff would like to develop a plan which would give the City some reasonable freedom to proceed, and still preserve the rights of the property owners.

Charles Crawford, 1322 Edgebrook, representing the committee of property holders, considered that several successful meetings have been held with the city staff and reported "we only wish to participate to the extent that we are assured that the provisions of the original deed are maintained."

MOTION

That the staff continue to clear with the property owners the proposals for development of Thousand Oaks Park, and attempt to find a working agreement which will permit the City to care for the park as proposed.

Moved by Arata Seconded by Knoles Motion carried

(c) Budget:

City Manager Miller reported that the Parks and Recreation Department budget had been distributed to the Council in case Mr. Lowrey could help answer any questions while he was still here. There were no questions by the Council.

(d) Landscaping - city hall area:

Mr. Lowrey reported the landscaping in the new city hall court area is about 80% complete. A few changes have been made because of inavailability of plant materials.

(e) Tuolumne River Park Plan:

In answer to a question by Mr. Miller, Mr. Lowrey reported that the status of this plan is as it was presented to the Council, and no changes have been made.

(f) Trees on McHenry Avenue:

Mr. Lowrey reported Mr. Dwight Long is contacting property owners on McHenry who are interested, and as soon as we get some easements, we will proceed.

(g) Commend Dwight Long:

Mr. Lowrey commended Mr. Dwight Long for the work that has gone into the Master Street Tree Plan, and reported he had done a lot of work checking soils, experimenting with trees, etc.

RESOLUTION NO. 60-131

A RESOLUTION EXPRESSING APPRECIATION TO LLOYD LOWREY FOR SERVICES RENDERED TO THE COMMUNITY WHILE SERVING AS DIRECTOR OF PARKS AND RECREATION

Introduced by Knoles Seconded by VanderWall
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

CONSIDER MATTER OF GARBAGE COLLECTION FRANCHISE 8-55

City Manager Miller reported that five companies are involved in the garbage collection franchise that will expire in July. He read a letter from Rudy Bonzi asking that this franchise be put out for bids.

Mr. Miller indicated that the staff has been considering this problem for some time and have one suggestion -- that we might consider extending the present franchise for another two years until we have enough time to see how an incinerator might work. He considered it would not be feasible to ask any operators to bid on a two-year basis.

Councilman Arata commented that he understood some cities are experiencing trouble with the incinerators, and he felt further study was needed before considering one.

Mr. Miller pointed out that the Council had authorized the staff to plan for a burner for garden refuse, and that considerable study has been made on this point.

Mr. Grimes considered that the time is short if a change is to be made in the franchise.

The staff was instructed to make a report to the Council on this matter.

CONSIDER MATTER OF WATER SERVICE TO THIRD HIGH SCHOOL ON TULLY ROAD

City Manager Miller reported that the Modesto City Schools have asked the City to consider furnishing water to the third high school on a flat-rate basis. He reported that Mr. Ray had done considerable research on water service to schools and based on experience at Downey High School and anticipated enrollment, proposed that as a basic principle: (1) We furnish water to these public agencies at essentially what it costs us; and, (2) We set up a schedule that would be based on enrollment, increasing as enrollment increases.

The Council discussed what happens if the enrollment goes past the maximum now anticipated, the possible use of meters to prevent water wastage (the staff indicated there has never been any trouble with the schools wasting water), and the cost of producing the water.

MOTION

That the staff be instructed to prepare the necessary documents for formal Council action along the lines outlined by the Director of Public Works.

Moved by VanderWall Seconded by Knoles Motion carried

CONSIDER MATTER OF WATER SERVICE TO NEW SYLVAN SCHOOL ON TOKAY AVENUE 9-62

Director of Public Works Ray recommended that the same basic principle be applied to this request as to the high school request, excepting that this is an elementary school with fewer students and less use per student, and the rates would be scheduled according to the enrollment.

MOTION

That the staff be instructed to prepare the necessary documents for formal Council action along the lines outlined by the Director of Public Works.

Moved by Knoles Seconded by VanderWall Motion carried

REPORT FROM FRED M. JOHNSON ON WATER LEVELS IN DRY CREEK AND BEARD BROOK 9-80

City Manager Miller reviewed that the Council authorized an engineering study to determine the effect of drainage of storm waters into Beard Brook. The City employed Mr. Fred Johnson to do this study.

Mr. Johnson presented his water study report dealing with the flood water problem. His report concluded: (1) The high water level depends more on the condition of the Tuolumne River than on the discharge of Beard Brook; (2) The maximum probable discharge will not cause serious flooding unless there is also backwater from the river; (3) The maximum probable discharge from the McHenry Storm Drain would have no measurable effect on the water level during normal high water or periods of flood; and (4) The maximum probable discharge from the total area within the Modesto General Plan which could logically be drained to Beard Brook would have no significant effect on the water level in the creek during normal high water or periods of flood.

Mr. Johnson recommended that the restrictions on encroachments on the flood plain and floor levels of houses built in the area be maintained as at present; and that preliminary plans for drainage districts within the General Plan Area be developed so that drainage facilities can be installed as the areas are built up.

MOTION

That the report be accepted as presented and payment be authorized for its preparation.

Moved by Arata Seconded by Knoles Motion carried

Attorney Jared Hawkins said the water study report bears out what the Beard Brook protestants had thought -- that the proposed drainage district is outside the normal drainage area of the creek. Mr. Hawkins felt that the waters already draining into the stream, plus those which will undoubtedly be added in the next few years, will ultimately cause serious flood problems. He stressed that the group he represents considered the pollution problem to be the most serious.

Councilman Arata repeated that the City would have to take care of any pollution problem.

Mr. Hawkins referred to a 1950 study by the State which said Beard Brook was already polluted, and said "it should be cleaned up."

Mr. Miller pointed out that it is not too late to talk about Dennett Dam this year, but asked, "If it is that polluted now, what's the use of building a dam?" He considered that "if this is as serious as you make it appear, we ought not to build a dam until we get it cleaned up."

Mr. H. E. Zimmerman said the recreational area on the Tuolumne River depends on the dam to raise the water level. He considered the dam should go ahead and "if we find it's contaminated, we can do something about it then."

Director of Public Works Ray considered that some of the questions raised deserved an answer. He pointed out that Mr. Johnson's study report covers all the area proposed in the development of the general plan. The figures used in Mr. Johnson's report are all on the high side, and yet he states that you cannot measure the effect of the McHenry Drain on the creek level.

Mr. Ray pointed out that the matter of pollution is probably the prime factor for consideration. He said Dry Creek is polluted and always will be as long as there is water in it because the water is return irrigation water. He proposed that pollution tests be run during the summer months on both the water in the stream and the drainage water.

Mr. Ray referred to statements which had been made that the drainage water should be treated before being drained into the stream, and pointed out that a treatment plant large enough to treat drainage waters would be prohibitively expensive. It is the normal function of streams to carry runoff water.

Mr. Ray noted that there are already 14 separate outfalls of storm drainage waters being drained into Dry Creek.

Attorney Hawkins indicated his group had not raised the legal questions about the right of anybody to burden a natural stream belonging to adjoining landowners.

City Manager Miller suggested the City proceed with the storm drainage system as proposed and as soon as the creek is in some normal condition the tests proposed by Mr. Ray be made.

Mr. Frank Rossi considered that a first test might find the water pure and a second test find it deadly poison.

Mr. Miller indicated that he couldn't see how the existing 14 drains could be so pure and the 15th one so polluted. He thought Council members will want reports submitted and said the staff will make tests of Dry Creek at the appropriate time.

CONSIDER PROPOSED JOINT CITY-COUNTY IMPROVEMENT OF SUTTER STREET FROM PARADISE ROAD TO ROBERTSON ROAD 12-92

City Manager Miller reported that the County has proposed the improvement of Sutter Street from Paradise Road to Robertson Road and has asked the City to join in the project. He indicated the staff feels this should be done and, if the Council agrees, would like to work with the County to more precisely determine the cost and how this would be done.

MOTION

That the staff be directed to work with the County on this proposed joint City-County project and report back to the Council.

Moved by Arata Seconded by Knoles Motion carried

A RESOLUTION WITHDRAWING Y.M.C.A. ADDITION FROM THE McHENRY-DRY CREEK FIRE DISTRICT 12-105

RESOLUTION NO. 60-132

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (Y.M.C.A. ADDITION)

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

RESOLUTION REFERRING THE EAST FLOYD ADDITION TO THE PLANNING COMMISSION FOR REPORT 12-113

The City Manager reported we have an application for annexation of the East Floyd Addition.

RESOLUTION NO. 60-133

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO, KNOWN AS EAST FLOYD NO. 2 ADDITION

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

RESOLUTION APPROVING FINAL MAP AND AGREEMENT RELATING TO IMPROVEMENTS FOR VILLAGE PARK SUBDIVISION 12-120

RESOLUTION NO. 60-134

A RESOLUTION APPROVING THE FINAL MAP OF THE VILLAGE PARK SUBDIVISION OF THE CITY OF MODESTO

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

REPORT AND RECOMMENDATION ON PARK MANOR ADDITION ANNEXATION 13-10

RESOLUTION NO. 60-135

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

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall
 Noes: None
 Absent: Adams, Spaulding, Mayor Hammond

REPORT ON RECENT WAREHOUSE FIRE AND FIRE PROTECTION PROGRAM 13-22

City Manager Miller said we have a report which shows all of the fires in the last 10 years with losses over \$25,000, the way they were reported, and the degree of involvement before they were reported. Our big losses come from fires that we don't know about until it's too late. The City Manager suggested that we go out on an intensive program of getting people to join with us on an alarm system and sprinkler type of program.

Mr. Miller reported that the last fire was discovered by a member of the fire department, there were 45 men fighting it, but "we didn't have a ghost of a chance since it was discovered so late." He pointed out that the Fire, Police and Public Works Department employees did a very good job in controlling both the fire and the crowd.

REPORT ON RECEIPT OF ANNUAL PREMIUM DIVIDENDS - STATE COMPENSATION INSURANCE FUND 13-40

The City Manager reported the receipt of our annual premium dividend from the State Compensation Insurance Fund in the amount of about \$14,000 -- more than 50% of what was paid in. In addition, earlier this year we received some refunds from cases which had been held up, so that the total amount received this year was \$21,000.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF FEBRUARY, 1960

The financial statement for the month of February was presented and a copy ordered filed.

CONSIDER ATTENDANCE OF CITY ATTORNEY AT SPRING CONFERENCE, LEAGUE OF CALIFORNIA CITIES - MONTEREY, APRIL 25 and 26, 1960 13-50

The City Attorney indicated that this conference was one of the most productive held during the year, and funds are included in the City Attorney's budget to cover the expense.

MOTION

That the Attorney be authorized to attend the Spring Conference of the League of California Cities.

Moved by Knoles Seconded by VanderWall Motion carried

REQUEST FROM THE MODESTO BAND RE: PARTICIPATION AT STATE FAIR, CONCERT FUNDS, AND BUDGET ALLOCATION 1960-61 13-60

The City Manager reported the Modesto Band has requested:
 (1) \$350 to defray expenses for participating in the State Fair;
 (2) Final payment of \$600 for the bank concerts for the 1959-60 fiscal year; and, (3) that \$1,200 be budgeted next year.

MOTION

Authorizing the payment of \$600 and referring the other matters to budget time.

Moved by Arata Seconded by VanderWall Motion carried

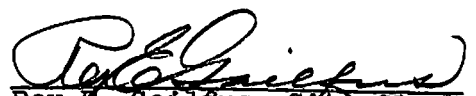
ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Motion carried

ATTEST:


 Rex E. Gailfus, City Clerk

April 20, 1960

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Absent: Councilmen: Adams, Arata

(Councilman Adams arrived at 4:03 P.M.)

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

Reverend Stanley Brown gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the March 23, 1960, Council meeting, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM 4TH OF JULY CELEBRATION COMMITTEE RE: CITY OF MODESTO ENTRY IN PARADE 1-15

The City Manager read a letter from Bill Bates, General Chairman, extending an invitation to the City of Modesto to enter a float in the parade to be held on Monday, July 4, in Modesto.

The Parade Committee has asked the City Council to: (1) Barricade I Street between 11th & 12th from 9:30 A.M. to 3:30 P.M.; (2) Authorize the use of the City's reviewing stand; (3) Authorize the use of a public address system at reviewing stand; and, (4) Authorize the use of the ball park for the fireworks display. The Committee has also asked that the parade route be the same as it was last year.

The City Manager felt most of these items could be handled administratively, but asked the Council to clear the question of the use of the ball park. He pointed out that this was set up last year with some specific restrictions for safety and fire prevention measures, and with the stipulation that if the wind was not right, the fireworks display could not be held there.

MOTION

That the staff be directed to prepare the necessary documents to authorize the 4th of July Parade as requested, and the use of the ball park for the fireworks display under conditions as set forth for the previous year

Moved by Martin Seconded by VanderWall. Motion carried

The matter of a parade entry was held over until the next meeting.

RESOLUTION AWARDED BID FOR TULLY ROAD IMPROVEMENT PROJECT 1-65

Director of Public Works Ray reported that bids were opened on April 4, but the award was held up until the State Division of Highways had approved the use of gas tax funds for this project. He pointed out that the low bid

was \$14,939 -- well over the engineer's estimate of \$12,600 -- and that his office had just received telephonic approval from the State to proceed.

Mr. Ray indicated it was necessary to proceed with this project in order to tie in with the traffic signals being planned for Tully Road and 99 Highway.

RESOLUTION NO. 60-136

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR THE TULLY ROAD IMPROVEMENT PROJECT

Introduced by Hammond Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None
Absent: Arata

RESOLUTION CALLING FOR BIDS FOR BUS BENCH AND ADVERTISING FRANCHISE

At the request of Councilman Arata, who was unable to attend this meeting, and with no objections from the Council, this item was held over until next week.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS ON INSTALLATION OF WATER LINES IN VILLAGE PARK SUBDIVISION 1-87

RESOLUTION NO. 60-137

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE INSTALLATION OF WATER LINES IN VILLAGE PARK SUBDIVISION

Introduced by Martin Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None
Absent: Arata

Bids will be received on or before May 2, 1960 at 2:00 P.M.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATIONS AT WHITMORE AND ROOSEVELT PARKS 1-93

RESOLUTION NO. 60-138

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF COMFORT STATIONS AT WHITMORE AND ROOSEVELT PARKS

Introduced by Adams Seconded by Martin
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None
Absent: Arata

Bids will be received on or before May 2, 1960 at 2:15 P.M.

CLEAR PROCEDURE FOR PREPARATION OF PLANS AND SPECIFICATIONS FOR AIRPORT CONTROL TOWER 1-98

Director of Public Works Ray reported that the project had been approved and that in a March 14 letter from the Federal Aviation Agency the City and County were urged to immediately undertake preparations of the details of the project, even though the plans cannot be approved until after July 1.

The staff recommends that a consulting firm specializing in this type of project be secured for this work. Mr. Ray indicated that, if the Council agreed, we would also need to get the approval of the County Board of Supervisors.

MOTION

That the staff be directed to proceed on the basis outlined by the Director of Public Works

Moved by Spaulding Seconded by Adams Motion carried

RESOLUTION APPROVING AGREEMENT FOR RENEWAL OF LEASE WITH STANDARD OIL COMPANY AT AIRPORT 1-117

RESOLUTION NO. 60-139

A RESOLUTION APPROVING AGREEMENT FOR RENEWAL OF LEASE WITH STANDARD OIL COMPANY AT AIRPORT

Introduced by Spaulding Seconded by Knoles

Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None

Absent: Arata

REPORT ON BOARD OF EDUCATION ACTION RE: POSSIBLE REPURCHASE OF PARK AREA ADJACENT TO ADMINISTRATION BUILDING 1-123

City Manager Miller reminded the Council members that since the Maze Wren Park was being used for the freeway, the City purchased from the schools the property lying immediately to the west and north of the school administration building as a possible park site. Then, when the California Avenue property was considered, it was felt the school property might no longer be necessary and the staff was asked to check with the schools about possible repurchase of this property by the schools.

Mr. Miller reported that the staff had checked with the Board of Education and the Board indicated they do not wish to purchase the entire area, but would like to consider repurchasing the portion which lies north of the administration building if the balance can be developed independently for residential purposes.

The staff recommended that we work with the schools about their repurchase of a portion of this property and arrange for the sale of the balance for residential purposes.

MOTION

That the staff be authorized to proceed on the basis outlined by the City Manager

Moved by VanderWall Seconded by Knoles Motion carried

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$650,000 OF 1953 (SERIES B) SEWER BONDS 2-10

RESOLUTION NO. 60-140

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$650,000 PRINCIPAL AMOUNT OF "CITY OF MODESTO 1953 SEWER BONDS, SERIES B", BEING PART OF AN ISSUE OF \$2,450,000 PRINCIPAL AMOUNT AUTHORIZED AT AN ELECTION HELD IN SAID CITY ON APRIL 14, 1953; PRESCRIBING THE AMOUNT, DATE AND FORM OF SERIES B BONDS OF SAID AUTHORIZED ISSUE AND OF THE COUPONS TO BE ATTACHED THERETO, AND PRESCRIBING THE MATURITIES THEREOF; FIXING THE MAXIMUM RATE OF INTEREST ON SAID SERIES B BONDS; AND DIRECTING NOTICE OF THE SALE OF SAID SERIES B BONDS TO BE GIVEN

Introduced by Spaulding Seconded by Hammond

Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None

Absent: Arata

Sealed proposals will be received by the Council of the City of Modesto at the new City Hall, 801-11th Street, Modesto, on Wednesday, May 11, 1960, at 8:00 P.M.

REPORT ON MATTER OF USING SOUND AMPLIFYING EQUIPMENT IN RESIDENTIAL AREAS FOR COMMERCIAL PURPOSES 2-30

City Manager Miller reported that the Council was requested by Mr. Milton Hartnick, who sells ice cream from vending trucks in residential areas, to consider giving permission for the use of sound amplifying equipment in these areas, and the staff was asked to check the matter out. Mr. Miller reviewed points that Mr. Hartnick had presented to him.

The City Manager read a letter from Richard A. Gaard, 1213-14th Street, Modesto, which urged the Council not only to retain the present ordinance prohibiting sound trucks in residential areas, but to strengthen it, and to take steps to insure its enforcement.

City Attorney Grimes pointed out that when the sound regulations were revised, the Council went into this type of thing thoroughly and determined that it did not want sound equipment to be used in residential areas, even for events of public interest, let alone commercial purposes.

Councilman Spaulding considered that he could see no reason for changing the ordinance since this type of thing would not serve the community's best interest.

MOTION

That the request for an amendment to the Municipal Code be denied

Moved by Spaulding Seconded by VanderWall Motion carried

REPORT ON SEWER SERVICE FINANCING 2-74

City Manager Miller reported again that in order to keep the sewer service on a self-supporting basis, an increase in the monthly rates would be necessary.

The Council had previously received a schedule prepared by the Director of Finance showing the effect of 20%, 30%, 40% and 50% increase per dwelling, as well as a tabulation of estimated deficits which will be accruing at the present rates.

Councilman Martin considered that we should take some action to increase the revenue in advance of being in trouble with the deficits, and said he would be in favor of a schedule of rates where the service would carry itself, including the bond payments.

Mayor Hammond considered that the revenue should cover the operating costs and the amortization of the bonds.

In answer to a question by Councilman Martin about the drop in sewer service capital expenditures from 1960 to 1961, Mr. Miller said that this is related to the estimated level of subdivision development.

Director of Public Works Ray pointed out that about every other year we have a big splurge in new subdivisions, and we participate in perimeter and sub-trunk sewers. The following year is normally a very light one. In 1959-60, we have experienced the largest growth ever in this respect, and, on this basis, would anticipate that 1960-61 would be much smaller. Another factor is that the City has participated in a number of subdivisions developed this year, and it is logical to assume that new subdivisions will be adjoining them and the City will then be picking up money for previous expenditures. In addition,

with no alleys, there will be few perimeter sewers for us to participate in.

It was pointed out that an increase would apply to all three rates -- domestic, commercial and industrial.

City Attorney Grimes pointed out that Mr. Bird had recommended that in order to be consistent with the present rate structure, consideration be given to establishing higher domestic sewer service rates for those areas annexed to the City after July 1, 1960.

The Council discussed what an appropriate rate of increase would be. Councilman Martin said he was thinking in terms of adding a flat 25¢ to the residential categories.

The City Manager reported that if the Council wished, the staff could bring back a report which would: (1) Show exactly what effect a flat 25¢ increase would have; (2) Establish a new rate of 25¢ beyond that; and, (3) Increase the industrial and commercial rates apportionately.

MOTION

That the staff prepare a schedule of increases on the basis outlined by the City Manager

Moved by Martin Seconded by VanderWall Motion carried

The City Attorney reported that there is a public relations factor involved on the charge made against lots that do not have service. Some people feel it is unfair to impose that charge when there is no service rendered.

Councilman Adams considered that there are certain costs these people should be responsible for whether they are connected or not.

Mr. Miller indicated the Council had looked into that and reduced the charge on those lots which were not connected, but retained some charge to help finance sewer bonds.

RESOLUTION AMENDING RESOLUTION NO. 59-542 ESTABLISHING JUNE 15, 1960, AS DEADLINE FOR TRANSFERRING TO THE INTEGRATED RETIREMENT SYSTEM 3-80

RESOLUTION NO. 60-141

A RESOLUTION AMENDING RESOLUTION NO. 59-542 ESTABLISHING JUNE 15, 1960, AS DEADLINE FOR TRANSFERRING TO THE INTEGRATED RETIREMENT SYSTEM

Introduced by Martin Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None
Absent: Arata

CONSIDER FURTHER MATTER OF USE OF AIRPORT FOR PARACHUTE JUMPING EXHIBITION 3-85

The City Manager reported that Post #74, American Legion, had withdrawn its request to hold a parachute jump exhibition at Modesto Airport on May 22, 1960, on the basis that the Airport Manager did not approve of the plan.

MOTION

That withdrawal of the request be approved

Moved by Martin Seconded by Knoles Motion carried

HOLD OVER CONSIDERATION OF STREET DEFICIENCY REPORT 3-100

At the request of the staff, this item was held over until next week.

The City Manager said that, in his judgment, street deficiencies are the most critical problems facing cities today. He invited Council members to attend a meeting of the Central Valley Council of the State Chamber of Commerce this Friday, at which time he will be a member of a panel discussing these problems.

REPORT ON REGULATIONS PERTAINING TO SELLING FROM VEHICLES ON CITY STREETS 3-110

The City Manager reported that this matter was brought to the attention of the Council sometime ago and the staff was asked to investigate all phases of the problem and report back.

A report prepared by Director of Finance Bird pointed out there were two general methods of selling from vehicles on city streets: (1) Moving through the streets, pausing only for a sale; and, (2) Moving through the streets and parking for undetermined periods of time. The Municipal Code prohibits this activities within 300' of schools, playgrounds and parks. However, some changes in the ordinance are required before enforcement can be effective.

Mr. Bird's report listed the convenience to the public as an advantage of this activity, but said it also creates a potential traffic hazard; an inequity in zoning and business license tax; and, provides unfair competition to merchants with fixed places of business.

Various city offices have received complaints concerning this activity. Staff investigation included meetings with representatives of schools, Retail Merchants Association and Chamber of Commerce.

Several alternative actions for Council consideration were suggested by Mr. Bird. The staff recommends that if sale of merchandise from vehicles is to be allowed to continue, sales be prohibited from within 1,000' of schools, parks or playgrounds; that selling time be limited to 15 minutes at a given location; and, that the business license on this type of activity be increased.

City Attorney Grimes pointed out that the matter of prohibiting this activity is not simple because the line of distinction is difficult. He stressed it would be impractical to prevent the milk and bread companies from delivering their products. There is no workable basis upon which you can put it on standing

customers or routes because other companies must solicit customers. It is more a question of controlling the parking and sale from vehicles that are parked, than vehicles that are traveling through the streets.

In answer to a question from Councilman Martin, Mr. Bird indicated there was no problem in adjusting the business license fee so that it would be equitable.

Councilman Martin indicated he was in favor of limiting the distance from schools, but not from parks or playgrounds since they are separate things. He felt there was an advantage to having this activity at parks and playgrounds instead of 1,000' away so children would have to leave the area.

Mr. Miller considered that the reason was not near as strong and that these sales should either be permitted right at a playground or park, or put far enough away that the children would not go to it. Another factor is that schools and parks are often adjacent.

Mr. Grimes indicated that out of this comes the interests of businessmen who have a fixed place of business close to a school or park.

Council members indicated they would like to have more time to consider this matter before arriving at a decision

REVIEW OF WHOLESALERS' BUSINESS LICENSES 4-110

City Manager Miller reviewed for the Council that the staff has been working with a group of wholesalers on the business license tax matter. He distributed to Council members a copy of a report made by the Director of Finance which reviews the wholesale business license tax, outlines and comments on seven recommendations made by the Wholesalers' Committee; suggests certain amendments to the Business License Ordinance which would provide greater equity and at the same time not reduce revenue; and, lists the advantages and disadvantages of these changes.

The basic objection of the wholesalers is that a firm can bring a truck in from another city, pay less (\$30), and do the same volume of business as the man operating from Modesto who must pay more (\$75).

Mr. Grimes pointed out that when the business license regulations were revised, the citizens' committee recommended a substantially higher rate for those without a fixed place of business in the City who came in by truck, and there was considerable interest on the part of those who operated trucks in the City in

relation to the fees that were proposed. He also pointed out that the higher fee now being recommended is the same that was proposed at that time.

Ed Grainger and Randolph Sanders were present in support of the proposed changes.

Mayor Hammond considered that we must recognize that the people in Modesto enjoy a low property tax compared to other cities. He pointed out that as far back as 1933 or 1934 the Council set a low property tax to encourage warehousing and industry coming into Modesto. So, where the Modesto wholesalers' license may look high, in relationship to property taxes competitors in other cities must pay, it is low.

Mayor Hammond pointed out that in setting the truck license fee, the Council didn't want it to be the lowest, nor did they want it to be the highest, and the \$30 was about at an average.

Mr. Grimes said the first citizens' committee originally proposed the license be based on gross receipts, then suggested it be based on the average number of employees, and finally a flat fee was considered even though the obvious inequity was recognized.

Mayor Hammond recalled that in setting the business license tax to remove some inequities, the amount of revenue had been lowered. He stated that in reviewing the taxing philosophy of the Council over the years, he recognized the importance of encouraging warehousing, distribution and manufacturing by having a lower property tax base because it generates jobs and income in a community. He indicated one person told him that whenever possible his merchandise is stored here because of the favorable tax structure. The growth Modesto has enjoyed indicates the taxing philosophy has been quite equitable .

By order of the Chair, an informal hearing was set for 4:30 P.M., Wednesday, May 4, 1960, for the Council to further consider the matter of business license taxes and selling from vehicles on city streets.

CONSIDER PROPOSED ORDINANCE ON DISORDERLY CONDUCT 5-120

The City Manager reported that the Council had previously received copies of a proposed ordinance to control disorderly conduct, and which has now been adopted by the County. The staff recommends that it be adopted by the City Council.

In answer to a question by Councilman Knoles, Police Chief Bowers reported that, to his knowledge, Bakersfield is highly satisfied with this same ordinance which has worked very well.

MOTION

Instructing the City Attorney to prepare the necessary ordinance

Moved by Knoles Seconded by Martin Motion carried

REPORTS FROM THE PLANNING COMMISSION 6-25

There were no formal reports from the Planning Commission, but the City Manager indicated he thought Council members might like to know that the Commission had approved in principle the proposal that the corporation yard site should be in the center section of the City.

He indicated the staff will send Council members a copy of a report which shows that, at the present level of service, for every mile the corporation yard is removed from the center of the City it costs us \$20,000 a year.

Mayor Hammond considered that under capital improvement items there were things other than the corporation yard we need to get to first.

In answer to a question by Councilman Adams, Mr. Miller reported that the center of the City is now and will still be in 20 years immediately to the west of McHenry and Needham.

CITY HALL MATTERS

The City Manager reported that city departments had been instructed to "Get Moving!" Moving will start on Wednesday, April 27th, on a preliminary basis and will be accomplished except for the cleanup on Thursday and Friday.

The May 4 meeting of the Council will be held in the new Chamber if the building is occupied at that time.

Mr. Miller read a letter from the Director of Finance of Stockton in which he congratulated the City on its new city hall, saying it is ". . . functional, beautiful and the proper setting for the government of a progressive city."

LETTER FROM DEET EICHEL RE: REQUEST FOR LOADING ZONE 6-70

Mayor Hammond read a letter from Deet Eichel which expressed dissatisfaction with the denial of his request for a loading zone.

Mr. Eichel was present at the meeting and repeated to the Council his desire to have a loading zone. He indicated he had been getting a number of parking

citations, could not find a place to load and unload at his business without blocking his service entrance, and had an alley he could not use for this purpose because of a pedestrian walk-way.

Mr. Eichel said that the 24-minute meters had been a great deal of help to his customers, but he still needed a loading zone.

Mayor Hammond pointed out that this is a high volume parking area and the request had been denied on the basis of the amount of use Mr. Eichel would have for a loading zone.

The Mayor also pointed out that the Council has been using extreme caution in eliminating parking spaces in the downtown area, and indicated that if one request was granted, everyone in the downtown area would want one too.

Mr. Eichel indicated he didn't want an additional loading zone, but only wanted permission to use his own entrance. Mr. Miller pointed out that the State law prohibits parking in a driveway under any circumstances.

The Council denied Mr. Eichel's request for a loading zone at this time.

REQUEST ADDITIONAL FUNDS RE: CITY'S ANNUAL REPORT 7-105

City Manager Miller reported that his Secretary, Mrs. Ada Hubbard, had the City's Annual Report ready to be printed, and showed Council members a "dummy" copy.

It is planned to have a total of 22,000 copies printed. Mr. Miller pointed out that on this basis, the total cost will run about \$2,000, rather than the \$1,500 budgeted for this purpose, but Council authorization would be needed for the additional expense and for the award of the printing to Belt Printing & Lithograph Co., the low offer in the amount of \$1,581.95.

RESOLUTION NO. 60-142

A RESOLUTION AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR THE CITY'S ANNUAL REPORT

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: Arata

Mr. Miller stated that a transfer would be presented later and commended Mrs. Hubbard for the very fine job she had done on this report.

RESOLUTION AUTHORIZING CITY MANAGER TO ACCEPT FEDERAL GRANT - SEWAGE PLANT 8-15

RESOLUTION NO. 60-143

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ACCEPTANCE OF FEDERAL GRANT FOR SEWAGE PLANT

Introduced by Spaulding Seconded by Knoles
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: Arata

REPORT ON STATUS OF SAN LUIS PROJECT 8-22

The City Manager reported that the Council had asked him to check this matter out after receiving a letter from the Mayor of Los Banos asking for support of the legislation affecting this.

Mr. Miller pointed out this is a reservoir on the west side of the valley which is an integral part of the State plan to get water down the valley and to the south.

The Council took no action at this time.

REPORT ON IMPROVEMENT TO THE BUMGARDNER WATER SYSTEM 8-55

The City Manager reported that as the result of an agreement reached with the Bumgardner Water Company, 15 hydrants have been installed on this system and we are now working on an emergency inter-connection. Mr. Miller pointed out that this is separate from the City, but improves the fire protection of the City.

Mr. Miller also reported that Mr. Bumgardner had been asked if he were interested in disposing of his system to the City, and he indicated he was not interested at this time. Mr. Bumgardner did say that if the section within the City were to be acquired, then he would think it best to dispose of the whole system since it would not be economical to operate the remaining portion.

FURTHER REPORT ON FIRE PROTECTION PROGRAM -8-75

City Manager Miller distributed to Council members a copy of a report showing what it would cost to put the Orangeburg Fire Station in operation and keep it running for one year, and he indicated the staff will bring back an analysis of what it will or will not mean to have this station.

RESOLUTION EXPRESSING HIGH REGARD FOR FORMER COUNCILMAN DAN MELLIS AND EXTENDING SYMPATHY TO HIS FAMILY 8-82

RESOLUTION NO. 60-144

A RESOLUTION OF THE MODESTO CITY COUNCIL EXPRESSING ITS HIGH REGARD FOR FORMER COUNCILMAN DAN MELLIS AND EXTENDING SYMPATHY TO HIS FAMILY

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: Arata

City Manager Miller said Dan Mellis was one of the men who convinced him he should come to Modesto and "in my judgment, they just don't come any finer."

Mayor Hammond commented that "the goodwill engendered to Dan Mellis makes me think this is perhaps the only real thing a person earns or takes out of this life, Dan Mellis has more than his share."

INTRODUCTION OF MRS. PAULINE STANLEY, NEW ASSISTANT CITY CLERK 8-100

City Clerk Rex Gailfus introduced Mrs. Pauline Stanley who has been employed as Assistant City Clerk to replace Mrs. Anne M. Collins who is retiring in July.

Mrs. Stanley was welcomed to the city staff by Mayor Hammond and members of the Council.

DISTRIBUTION OF PROPOSED WORKING RULES FOR NEW CITY HALL 8-110

The City Manager distributed to members of the Council copies of some proposed working rules for the new city hall and said any criticisms or suggestions for changes would be welcome.

ADJOURNMENT 8-113

MOTION

That this meeting be adjourned in memory of Dan Mellis

Moved by Knoles Seconded by Martin . Motion carried

The meeting was adjourned at 6:00 P.M.

ATTEST: 
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 Chamber at the McHenry Public Library, 14th and I Streets Mayor Hammond presiding.

The City Clerk called the roll and there were
Present: Councilmen: Knoles, Martin, VanderWall, Mayor Hammond

Absent: Councilmen: Adams, Arata, Spaulding

(Councilmen Adams and Spaulding arrived at 7:32 P.M.;

Councilman Arata arrived 7:37 P.M.)

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

A moment of silent prayer was observed by all those present.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the April 6 1960, Council meeting, and the same being available for public inspection and there being no objections, the minutes were approved.

(Councilmen Adams and Spaulding arrived.)

LETTER FROM MODESTO SCHOOL DISTRICT RE: ZONING NEAR SCHOOLS 1-10

City Manager Miller read a letter from the Superintendent of Schools which forwarded to the Council a statement of policy by the Board of Education regarding zoning in the vicinity of public schools.

The letter was ordered filed.

PETITION REQUESTING CURBS AND GUTTERS ON HACKBERRY AVENUE BETWEEN GRISWOLD AND COLDWELL AVENUES 1-29

City Manager Miller pointed out that seven (7) property owners on Hackberry Avenue were petitioning the City Council to take appropriate action to cause curbs and gutters to be installed along the entire frontage of both sides of Hackberry Avenue between its intersection with Griswold and Coldwell Avenues.

NOTION

That this petition be referred to the Public Works Department

Moved by Spaulding Seconded by Knoles Motion carried

LETTER FROM KING CROSNO, ATTORNEY RE: PLANNING DEPARTMENT ASSISTANCE IN APARTMENT HOUSE DEVELOPMENT ON BRIGGS AVENUE 1-42

City Manager Miller read a letter from King Crosno, Attorney from San Francisco, expressing appreciation to George Smeath, Planning Director; Russ Fey, Senior Planner; and, particularly, to Mrs. Jane Olson, Planning Aide, for their cooperation and help in planning the development of an apartment house on Briggs Avenue.

(Councilman Arata arrived at 7:37 P.M.)

CONSIDER AWARD OF BID FOR CHAIN LINK FENCE - GOLF COURSE AND SEWER FARM AREA 1-60

Director of Public Works Ray reported that there were some exceptionally good bids on this fencing project.

Council members had previously received copies of a Bid Tabulation. The low total bid was submitted by Colorado Fuel & Iron Corporation -- \$13,899.40 for Unit A, and \$2,824.12 for Unit B.

Mr. Ray reported the bids were called for on an alternate basis because the staff was not sure there would be enough money for the entire proposal. Ample funds are available and the staff recommends that the bid be awarded to Colorado Fuel & Iron Corporation.

RESOLUTION NO. 60-146

A RESOLUTION ACCEPTING THE BID OF THE COLORADO FUEL AND IRON CORPORATION FOR CONSTRUCTION OF CHAIN LINK FENCE AT GOLF COURSE AND SEWER TREATMENT PLANT AREA

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Hammond
 Noes: None
 Absent: None

CONSIDER PROVISIONAL APPOINTMENTS IN FIRE DEPARTMENT TO AUGUST 1, 1960 1-100

City Manager Miller reported that these are the provisional appointments which have been carried until examinations could be cleared, and that a motion of the Council would be necessary to extend them.

MOTION

That the provisional appointments in the Fire Department be extended for ninety (90) days

Moved by Arata Seconded by Knoles Motion carried

RESOLUTION RENEWING LEASE AGREEMENT WITH NAKAGAWA FARMS FOR A PORTION OF AIRPORT PROPERTY 1-108

RESOLUTION NO. 60-147

A RESOLUTION APPROVING AGREEMENT FOR RENEWAL OF LEASE WITH NAKAGAWA FARMS FOR PORTION OF AIRPORT PROPERTY

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None
 Absent: None

HOLD OVER CONSIDERATION OF ENTRY BY CITY OF MODESTO OF FLOAT IN THE 4TH OF JULY PARADE

This item was held over.

HOLD OVER ESTABLISHING CHARGES FOR WATER SERVICE TO THIRD MODESTO HIGH SCHOOL

At the request of the staff, this item was held over for one week.

HOLD OVER ESTABLISHING CHARGES FOR WATER SERVICE TO SYLVAN ELEMENTARY SCHOOL

At the request of the staff, this item was held over for one week.

CONSIDER STREET DEFICIENCY REPORT 1-120

Ross Campbell, Assistant Director of Public Works, presented a street deficiency report covering the period 1960-1980, as required by the state legislature. This deficiency report, one of many the staff has made, differs from previous reports in that:

- (1) Major street systems have been modified to fit the general plan;
- (2) A preliminary plan of these major streets being prepared by the Traffic, Planning and Public Works Departments was used;
- (3) Engineering standards are basically the same, although minimum structural standards have been modified for this report;
- (4) Where existing streets have been reported as deficient in the past, if the work would not normally be done, they are not reported as being deficient;
- (5) Total street mileage reported is quite a bit in excess of what has been reported in the past;
- (6) Drainage costs have been reduced from what has been reported previously;
- (7) Crows Landing Bridge, considered a \$1,000,000 deficiency in the past, is being reported as a \$250,000 deficiency because of the proposed freeway; and,
- (8) Total estimated deficiency amounts to \$10,217,000, approximately \$3,000,000 less than what was reported last June (primarily due to the proportionate share of drainage costs being reduced and the bridge being reported as less of a deficiency).

In answer to questions by Mr. Miller, Mr. Campbell pointed out that: (1) The preliminary street plan mentioned is only used as a guide and has not been approved by the Council; (2) The report includes only streets in the city limits as of June 1, 1960; (3) 9.8 miles of streets are anticipated to be built in subdivisions presently undeveloped; (4) The McHenry storm drain reduced the drainage costs on those streets it affected, and, (5) If Crows Landing Bridge is not abandoned, certain modifications will be necessary to keep it structurally adequate.

Mr. Miller considered that "the street problem, and the related problem of drainage, is the biggest single problem which confronts cities today, and one of those on which we are not gaining".

He indicated that at a State Chamber of Commerce meeting recently he was on a highway panel discussing "The Case of the Cities for Additional Highway Funds", and considered that cities in this State are somewhat ahead of cities in some other states where they have not yet admitted that a state highway can exist within a city

limits. California now recognizes that the state has some interest in getting people through a city as well as up to a city limits line, and now accepts full responsibility for state highways within cities.

Even at this point the cities are definitely on the short end as far as allocations go. Out of the 6¢ state gas tax, cities get 5/8ths of one cent; the counties get 1 3/8ths cent, and the balance goes to the state. Beyond this, there is federal money available for state and county highway systems, but until very recently not one cent of that could be placed on any street for which any city was responsible.

At the last session of the legislature, legislation was passed which permits use of this money in cities.

This is rough for cities -- so rough that for every dollar cities get from the state they put up three dollars of their own money. On the county side, for every dollar they get from the state and federal government, they must put up about thirty cents. So in many of the counties, all of the cost of highways are paid from highway users taxes.

In this County, for example, the County funds which are allocated on a per need basis are far below what they are in urban areas, to the extent that the voters recently approved a major bond issue to provide bridges.

In Alameda County, when the City of Fremont was incorporated, they took over about 100 miles of County roads. The day before Fremont was incorporated, the annual allocation of money for those roads to Alameda County was \$600,000. The day after it was incorporated, the allocation of the City of Fremont was \$60,000 -- one tenth as much. Beyond that, the \$60,000 which Fremont got came not from the money the County previously got, but from funds which had previously been allocated to the other cities, so every city got less. Alameda County didn't get any less, they kept right on getting the \$600,000, even though they had been relieved of the responsibility for 100 miles of roads.

Mr. Miller stressed that what happens in these counties where these big allocations are available, is that they have enough money to share with the cities, so that the cities there are not so bad off.

RESOLUTION NO. 60-145

A RESOLUTION APPROVING INVENTORY OF ROAD AND STREET DEFICIENCIES IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Spaulding

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond

Noes: None

Absent: None

HEARING ON PROPOSED ANNEXATION OF THE CALIFORNIA-FRANKLIN ADDITION 3-1

Mayor Hammond declared the hearing open on the proposed annexation of the California-Franklin Addition to the City of Modesto at the hour of 8:00 P.M.

there was
The City Manager reported that/certification from the City

Clerk that the notice was published as required, the Board of Supervisors were notified on April 1, 1960, and that no written protests have been filed to the annexation.

Mayor Hammond asked if anyone in the audience wished to speak for or against this annexation.

Mayor Hammond then declared the hearing closed.

ORDINANCE NO. 376-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS CALIFORNIA-FRANKLIN ADDITION TO THE CITY OF MODESTO"

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

Moved by Arata Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None

Absent: None

CONSIDERATION OF BUS BENCH AND ADVERTISING FRANCHISE 3-12

Robert Fowler, Attorney at Law, representing W. R. Tomson of the Transadtise Company, urged the Council to again award a bus bench franchise to the Transadtise Company without calling for bids. He indicated that Mr. Tomson had been cooperative, given good service, and acted as a liaison between the City and the bus company.

Mr. Fowler noted that Council members had received copies of letters from various city merchants commending Mr. Tomson for his service, and pointed out that working with an outside agency might become complicated for the city staff.

Mayor Hammond asked about the expiration date on the present franchise, and Mr. Grimes noted it runs until January, 1961, but the holder has asked for renewal now so that advertising plans can be made in advance.

Mr. Grimes stated, in response to questions from Councilman Spaulding, that it was his opinion the Council need not call for bids and could enter into negotiations; and that even though bids were called, the Council need not accept the lowest bid but could take into consideration all factors involved.

Councilman Martin considered that it would be unnecessary to call for bids for this type of activity and that it would be in order to consider negotiation for the franchise.

Councilman Spaulding stated that if there was considerable savings to the taxpayers, he would be in favor of calling for bids, but since the amount of money involved is small, he favored dealing with the local company.

Councilman Arata considered that the amount of work and cost involved calling for bids would be more than it was worth. He felt

the present holder had done a good job and should be granted another franchise.

ORDINANCE NO. 377-C.S. entitled

"AN ORDINANCE GRANTING TO THE TRANSADTISE COMPANY AN EXCLUSIVE FRANCHISE FOR THE RIGHT AND PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING AT DESIGNATED LOCATIONS, AND STREETS AND SIDEWALKS IN THE CITY OF MODESTO"

was introduced by Councilman Arata, seconded by Councilman Martin.

Before the Mayor called for a vote on the ordinance, he made the following statement: This company has handled its work admirably well. The Council, however, is required by law to handle city business on a public bid basis. Not calling for bids should be restricted to things of an emergency nature. Councilmen have a personal liability factor to consider should a taxpayer oppose the manner in which business is transacted. It would be easy to get into a habit of not going to bid on matters that are not of a great deal of consequence.

Councilman Arata considered that the Council must use its judgment in this type of thing; particularly where the savings are small and the service factor so important.

Councilman Martin took exception to Mayor Hammond's point on emergency, saying we would employ a specialized consultant on the basis of the best service in light of the money we were paying.

Attorney Fowler considered there couldn't be a personal liability in this case since the Charter stated the Council could grant a franchise or, in its discretion, may advertise.

Councilman Spaulding considered he would not like to see the Council call for bids if it didn't necessarily intend to give it to the lowest bidder, and would hesitate having anyone waste time and money preparing a bid if they didn't have a reasonable basis to expect, if their bid was lower, that it would be accepted.

Mr. Grimes advised the Council that a similar situation may develop in connection with the "U-Drive" situation at the airport. This is an exclusive franchise which will expire shortly and another company wants in.

Terms of the proposed franchise were briefly outlined by the City Attorney.

Mayor Hammond requested the Clerk to call for a voice vote on the proposed ordinance:

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall
Noes: Mayor Hammond
Absent: None

The ordinance was ordered printed and published as required by the Charter.

CONSIDER GARBAGE FRANCHISE 4-30

City Manager Miller reported that the present garbage franchise will expire on June 30.

Mr. Miller pointed out:

- (1) There are presently three licensed garbage collectors-- Modesto Garbage Company, Airport Garbage Company, and Sanders Salvage Company;
- (2) There are two licensed swill collectors -- Rudy Bonzi and American Hog Farm;
- (3) Those licensed to collect garbage can also collect swill;
- (4) Swill licenses are not exclusive;
- (5) Garbage collection licenses are restricted to specified sections of the City; and
- (6) Both garbage and swill collectors must obtain a license granted by the City Council;

Mr. Miller outlined the license fees required for this activity, and presented a tabulation of license fees, franchise fees and disposal charges collected by the City from each of the collectors during the last fiscal year.

The staff has recommended that the present franchise be extended for two or three years to provide an opportunity to analyze results of the operation of a garbage incinerator.

Mr. Grimes pointed out that the present franchise is cancellable on a six-month written notice basis.

Mr. Miller also noted that the disposal of garden refuse is tied in with the garbage matter, and reminded Council members that they had authorized the staff to proceed with plans for a burner for garden refuse.

Mr. Miller considered the time period involved is too short to attempt to set up an exclusive operation by bid procedures and single franchise by July 1, 1960. If the Council decides to call for bids, the staff recommends the present franchise be extended for six months if the holders are willing.

If the franchise is extended for two or three years, the staff recommends a review of present rates and records of the operators to determine if present returns are reasonable.

Mr. Miller estimated that the City's disposal area will last for about six years at the present rate.

Mr. Grimes outlined the provisions of the Code for those persons interested in a garbage franchise.

Gerald Underwood, attorney representing Rudy Bonzi, urged the Council to put the garbage collection business out for public

bid. He noted the garbage franchise in Modesto had been reposing in the same organization for many years, and considered that the City may benefit financially from public bid. He also considered that from a fairness standpoint, the business should be put out for bid.

Mr. Underwood felt that at least five years would be required before the incinerator problem could be worked out, and pointed out that even with an incinerator there will still be a garbage collection factor.

Mr. Underwood indicated Mr. Bonzi was interested in bidding for all or part of the garbage collection business, and felt he could offer the same satisfactory service as is now being experienced.

Arthur Friedman, attorney representing the three holders of the present franchises, pointed out that these companies had given satisfactory service. He stated the collection of garbage in the City is an important health matter and important to the public welfare of the City of Modesto. He felt his clients had proven they had the knowledge of the business, were capable of handling it, and pointed out they had invested large sums of money to provide this service.

Mr. Friedman indicated at least a five-year franchise would be necessary to justify the purchase of new equipment, and suggested a proviso that in the event the City does put in an incinerator, the contract would have to be modified.

Councilman Martin commented that this matter does not parallel the bus bench matter since we are talking in terms of big money and service, as compared to small money and service.

Mayor Hammond commented that before the Council could arrive at a decision it needed to know what future course of action it was going to take. He noted a suggestion had been made that domestic garbage and refuse should be picked up together, and that an incinerator should be considered.

Mayor Hammond recommended the present franchise be extended for six months, that in the meantime the Council gather all possible information, and at that time try to make a decision about its course of action.

Councilman Spaulding agreed that the Council needed to know what it was going to do in the future before acting on this matter. He also felt that should the Council call for bids, it must be sure that the people bidding can provide the financial backing and equipment necessary to do the job.

Mr. Grimes commented that if the present holders of the franchise were willing, a six months extension would be beneficial since working up a call for bids on garbage is not a simple thing. It would be necessary to obtain information from others who have done this, so that the specifications, pecuniary responsibility and other type of information the Council wants would be available.

Mr. Grimes also pointed out that an amendment to the code would be required because there is a license application procedure set up at present.

In answer to a question by Councilman Martin, Mr. Miller stated that even with an incinerator, there would still be the problem of collection.

Mr. Miller pointed out that even a six months extension would not provide the answers to the incinerator problem, but would only provide time to determine whether to call for bids or extend the franchise.

Councilman Knoles indicated he would like to have some information from other cities who have gone to bid. Mr. Grimes commented that the practice is quite widespread.

In answer to a question by Councilman VanderWall about rates, Mr. Miller commented that as a matter of public interest, the rates should be examined before a new franchise was granted.

Mr. Grimes pointed out that there is no regulation on commercial rates, but the garbage companies simply negotiate with the individuals. He felt the staff may have a recommendation about regulating these rates.

Mr. Miller pointed out that the staff has been working on this garbage matter for a year and a half, have determined that garden refuse can no longer be burned, and have also been working on the fiscal possibility of an incinerator to handle both.

He indicated it is simply not feasible for this community at this time to build that kind of an incinerator; first, because we do not have the volume and secondly, it would cost the people of the City a substantial increase to even try to do this.

He stated the staff has recommended the two or three year extension in which to evaluate the experience of other cities with incinerators.

Mayor Hammond asked if the same collector could handle both the garden refuse and domestic garbage, and Mr. Miller reported he could do it but it would probably have to be disposed of separately.

Mayor Hammond asked what the present holders of the franchise would think of a six months or year extension. Attorney Friedman indicated their equipment could last the six months without replacement and they would be willing to do this, but that the year extension would not be feasible.

Mr. Friedman also indicated the present operators would be happy to collect the garden refuse for the City at a substantial savings.

Mr. Grimes pointed out that should a number of interested persons file an application for garbage collection, as provided under the Code, the Council would then have potential operators who could be investigated as to their capabilities, service, financial responsibility, etc.

In response to a question from the Mayor about whether a year would be any better than six months, Mr. Miller commented we would simply be six months or a year closer to the answer, but would not have an answer. He stated the Council should not overlook the fact that someone must be picking up the garbage as of July 1st.

Councilman Martin considered that since the answer on the incinerator problem is not close, the Council still has the problem of whether to call for bids or award a new franchise.

Attorney Underwood indicated Mr. Bonzi felt that no longer an extension than six months should be granted, and the sooner the Council decides whether to call for bids, the better.

Mr. Mel Arata, who stated he was an advisor to Mr. Bonzi, considered that experience with the incinerators in other cities has not been very satisfactory. He felt if any surveys were made it should be back east where incineration has been in effect for some time.

Councilman Adams asked if there wasn't a study made a few years ago about the possibility of having an outside agency handle garden refuse. Mr. Miller indicated the City asked for costs and the offer received was far above what it was costing at that time. He stated that if anyone can do this job any cheaper than it is being done, they should be doing it.

MOTION

That it is the Council's intention that the present franchise for garbage collection be extended for six months, and that during that time the Council indicate its intention to negotiate or call for bids.

Moved by Spaulding Seconded by VanderWall Motion carried

MOTION

That by August 1 the Council make a decision as to whether it will call for bids on this, combine garden refuse and garbage collection, or consider an extension of the present franchise

Moved by VanderWall Seconded by Spaulding Motion carried

REPORT ON CONDITION OF 7TH STREET BRIDGE (7-end)

City Manager Miller reported that the Council had received a complaint on the condition of the 7th Street Bridge. As a regular maintenance matter, the cracks at the expansion joints have been filled.

The bridge has been inspected, and the staff recommends that until the freeway is constructed, the City continue to maintain it, but do not feel it advisable to take any other action.

A report made by the Director of Public Works was filed, and the City Clerk ordered to send a copy to Frank Andrews, who made the complaint.

REQUEST OF LANCE ELLIS FOR EXTENSION OF SANITARY SEWER FACILITIES TO THE AREA NORTH OF M.I.D. LATERAL No. 3 ON CARVER ROAD

Director of Public Works Ray reported that Mr. Lance Ellis has petitioned the Council to provide sewer service to 74 acres of his property being subdivided west of Carver Road and north of M.I.D. Lateral No. 3.

Mr. Ray indicated there is sufficient capacity in the trunk line to serve the entire area as far north as Rumble Road and as far west as Prescott.

A staff study shows that:

- (1) A trunk line to serve the entire 304 acres in this area will be necessary at an approximate cost of \$24,000 (to come from bond money);
- (2) A lift station will be needed, roughly estimated at \$7,000, with the City's share to be \$5,300; and
- (3) A sub-trunk line must be constructed, almost all of which would apply to this subdivision, at a total cost of about \$5,200 -- the City's share to be about \$500.

The staff recommends this service be provided.

Mr. Ray pointed out that this development will be the limit of the present trunk line system in northwest Modesto. Some additional capacity will be available on the trunk line further down in the vicinity of Emerald Avenue on the west side.

In answer to questions from Council members, Mr. Ray reported the City is furnishing water service to any of these areas which have been developed.

MOTION

That the staff proceed with the project as outlined by the Director of Public Works.

Moved by Adams Seconded by Spaulding Motion carried

HOLD OVER CONSIDERATION OF INSTALLATION OF SANITARY SEWER LIFT STATION AND SUB-TRUNK SEWER IN NORTHGATE SUBDIVISION No. 3 8-106

At the request of ^{the} Director of Public Works, this item was held over.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF NAVON ADDITION 8-110

RESOLUTION NO. 60-148

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

Introduced by Arata Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None
 Absent: None

The time set for hearing was June 8, 1960 at 8:00 P.M., in the new City Hall.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE EAST FLOYD NO. 2 ADDITION 8-112

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

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None
 Absent: None

The time set for hearing was June 8, 1960, at 8:05 P.M., in the new City Hall.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE EAST ORANGEBURG ADDITION 8-115

RESOLUTION NO. 60-150

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

Introduced by Spaulding Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None
 Absent: None

The time set for hearing was June 8, 1960, at 8:10 P.M. in the new City Hall.

RESOLUTION SETTING DATE FOR HEARING ON THE PROPOSED REZONING OF PROPERTY OWNED BY THE SPORTSMEN OF STANISLAUS 8-125

City Attorney Grimes reported that the proposed rezoning had been recommended by the Planning Commission, and suggested the date for hearing be set at May 18, 1960, at 4:30 P.M. in the new City Hall.

RESOLUTION NO. 60-151

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 (SPORTSMEN OF STANISLAUS)

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None
 Absent: None

CONSIDER PROPOSED CITY OF MODESTO STATEMENT TO ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT RE: ANNEXATION 9-10

With the consent of the Council, City Manager Miller asked to bring before the Council the complicated problem of annexation law.

Director of Planning Smeath read a proposed preliminary statement prepared by the staff to the Assembly Interim Committee which is to meet next week on this matter.

The statement pointed out that California annexation laws are now confusing and complicated as the result of more than 250 amendments in the last few years.

It was recommended that because of the multitude of facilities and services needed and problems which must be resolved, areas which develop on an urban scale should be required to be part of a city. The cost of urban services to unincorporated areas ought not to be a special burden upon the general taxpayers of the county.

The statement outlined recent annexation legislation adopted by the State of North Carolina aimed at meeting the challenge of urban growth. This legislation sets up standards to regulate annexation to urban areas.

The statement recommends that "while it is recognized that the State of California must solve its problems concerned with annexation in harmony with the special conditions and circumstances existing today and anticipated for the future, the approach of the State of North Carolina is suggested to the committee for consideration". It is believed that the future economic stability of the state and the continuation of its cities as orderly, efficient and attractive places to live and work will be endangered unless major changes are made in annexation procedures. That which is urban must be municipal, unless county government is to be changed to become municipal in character. The need for change is urgent.

Mr. Smeath pointed out that in addition to the 25 recent annexations to the City, there are at least 4,000 or 5,000 people in the vicinity of the City who would like to annex to the City.

Mr. Grimes indicated he felt the statement was one of the finest he had read in a long time on one of the major problems facing California.

MOTION

That a final form of the statement be presented by Mr. Smeath to the Committee

Moved by Adams Seconded by Spaulding Motion carried

RESOLUTION GRANTING EXTENSION OF TIME FOR FILING OF FINAL MAP OF THE PARK MANOR SUBDIVISION 10-42

City Manager Miller reported that the Planning Commission had approved the request of the subdivider, Lance Ellis, for extending the time of filing the final map to May 5, 1961, and the staff recommended approval of this request.

RESOLUTION NO. 60-152

A RESOLUTION APPROVING EXTENSION OF TIME TO MAY 5, 1961, FOR FILING THE FINAL MAP OF THE PARK MANOR SUBDIVISION

Introduced by Knoles Seconded by Martin
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

REQUEST BY MILTON HARTNICK RE: USE OF SOUND EQUIPMENT ON CITY
STREETS 10-54

City Manager Miller reported that Mr. Milton Hartnick had been unable to attend last week's meeting when the Council discussed the use of sound equipment on city streets, and now has asked to be heard orally on the matter.

Mr. Hartnick indicated that after being notified that sound equipment could not be used, they were told they could use bells or whistles, but that the Council would have to authorize this use.

Mr. Hartnick emphasized they felt that sound, properly controlled, would be less obnoxious to the citizens of the community.

He also pointed out they were having trouble keeping up with annexations to the City.

Mayor Hammond pointed out that the Council denied the request to amend the provisions of the Code prohibiting the use of sound equipment in order to maintain the residential areas, and not encourage commercial ventures into them.

In response to Mr. Hartnick's request to use bells, the City Attorney read the sections of the Code which regulate their use.

Mayor Hammond reported that it was the decision of the Council that the ordinance remain as it is, and asked Mr. Hartnick to check directly with the Chief of Police and the City Attorney to determine what is permitted.

RESOLUTION RELEASING \$15,000 PERFORMANCE BOND, MONTGOMERY VILLAGE
NO. 2 SUBDIVISION 11-35

RESOLUTION NO. 60-153

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FILED BY
FRANK FRANCEK AND MARY J. FRANCEK TO GUARANTEE THE IMPROVEMENT
IN MONTGOMERY VILLAGE NO. 2 SUBDIVISION

Introduced by Adams Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Noes: None
Absent: None

CONSIDER APPROVAL OF FINAL MAP FOR PARK MANOR 2A SUBDIVISION

City Attorney Grimes reported the tentative map has been approved by the Planning Commission, the fees have been paid, and a bond posted.

Councilman Adams noted the subdivision had no alleys and asked what arrangements had been made for handling the utilities. Mr. Smeath reported that the M.I.D. plans to put their power poles in the streets, and the telephone company plans to use the easements -- making two sets of utility lines.

Points brought out in Council discussion were:

- (1) The proposed amendments to the subdivision regulations;
- (2) Efforts of the Planning Commission to get both utility companies to agree on one set of utility lines.
- (3) The cost and inconvenience involved with two sets of poles; and
- (4) The Council's "no alley" policy was mentioned.

RESOLUTION NO. 60-154

A RESOLUTION APPROVING THE FINAL MAP OF PARK MANOR 2A SUBDIVISION

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, Mayor Hammond
 Noes: Arata, VanderWall
 Absent: None

CONSIDER SANITARY SEWER SERVICE TO LOT 1, BLOCK 6993, NORTON GARDENS, REQUEST OF MELVIN STEPHENS 11-90

Director of Public Works Ray reported this is a request for sewer service to a lot not contiguous to the City, and recommended this service be provided with the regular conditions.

MOTION

That sewer service be provided as recommended by the Director of Public Works

Moved by Spaulding Seconded by Knoles Motion carried

CONSIDER APPROVAL OF RIGHT OF ENTRY PERMIT FOR McHENRY VILLAGE, INC. 11-96

City Attorney Grimes reported this permit is connected with the proposed McHenry storm drain, and he briefly outlined the provisions provided.

RESOLUTION NO. 60-155

A RESOLUTION ACCEPTING AND APPROVING THE RIGHT OF ENTRY PERMIT AND AUTHORIZE SIGNATURE BY THE CITY MANAGER

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: None

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN CERTIFICATE RE: MODESTO INDUSTRIAL PARK 11-107

RESOLUTION NO. 60-156

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN CERTIFICATE RELATING TO DEVELOPMENT OF MODESTO INDUSTRIAL PARK

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
Noes: None
Absent: None

REPORTS FROM THE PLANNING COMMISSION 11-114

(a) Capital Improvement Program

The Planning Commission has recommended proposals for a capital improvement program for the City covering the first three years of a six year period as required by the Code.

City Manager Miller distributed copies of the proposals to Council members, and commended the Commission for the diligent and hard work done on this program.

Mr. Miller pointed out that he knew " . . . of no city any place that can carry forward this scale of a program essentially on a 'pay as you go' basis."

It was suggested that this be put back on the Agenda at the time the budget is considered.

CITY HALL MATTERS 12-7

(a) "We're Moving!"

City Manager Miller reported the moving is in progress, city offices at the old city hall will be open until Friday evening, and by Monday morning offices should be open in the new city hall.

He pointed out that Bill Masonheimer and the staff had done a good job of organizing this move.

(b) Floor Covering.

City Manager Miller reported the Council members have received copies of correspondence from the architect and the Armstrong Company explaining the basis on which changes were made.

Mr. Miller read a letter written by Mr. Al Dandy to the Stanislaus County Grand Jury requesting an investigation of all the floor covering in the new city hall.

Bill Masonheimer reported that the staff has been working with a Committee of the Grand Jury, and that they have received copies of correspondence on this matter.

MOTION

That an informal hearing on floor covering be set for 5:30 P.M., May 4, 1960.

Moved by Spaulding Seconded by Martin Motion carried

Mayor Hammond asked the City Clerk to notify the Grand Jury Committee and other interested parties of the hearing.

(c) Auction of furniture.

Mr. Miller reported that, with Council approval, the staff proposed that all the furniture which will not be used by the City be sold at a public auction.

MOTION

Authorizing the staff to proceed on the basis outlined by the City Manager

Moved by Adams Seconded by Arata Motion carried

APPROPRIATION TRANSFERS 12-63

RESOLUTION NO. 60-157

A RESOLUTION APPROVING APPROPRIATION TRANSFER COVERING SALARIES FOR THE CITY CLERK AND AUDITOR IN THE SUM OF \$1,075.00

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Noes: None
Absent: None

MATTERS FOR GOOD OF THE COMMUNITY 12-73

Councilman Knoles indicated he felt the community owed a vote of thanks to our Police Chief and Police Department for handling a touchy situation last week where a man wanted for the murder of a police officer held two hostages in a Modesto home.

Mayor Hammond commented that he felt the Council echoed these sentiments.

REPORT ON STATUS OF SANTA FE LOCOMOTIVE 12-82

City Manager reported this locomotive is being stored in Bakersfield, and is ready for use by the City as soon as a location can be provided.

CLEAR BOND STATEMENT 12-102

City Manager Miller reported that the Official Statement relating to the sale of \$650,000 1953, Series B, Sewer Improvement Bonds has been prepared. He showed the Council a sample copy and asked that it be approved.

MOTION

That the Official Statement be approved

Moved by Adams Seconded by Spaulding Motion carried

ANNOUNCEMENT OF MAYORS' AND COUNCILMEN'S INSTITUTE 12-110

City Manager Miller announced that a Mayors' and Councilmen's Institute will be held in Berkeley on May 26 and 27, 1960, and suggested that some of the Council members might want to attend.

APPROPRIATION TRANSFER RE: ANNUAL REPORT 12-118

RESOLUTION NO. 60-158

A RESOLUTION APPROVING APPROPRIATION TRANSFER COVERING EXPENSE FOR THE CITY'S ANNUAL REPORT

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
Noes: None
Absent: None

ANNOUNCE PLACE OF NEXT COUNCIL MEETING

The City Manager announced that the next Council meeting will be held in the Council Chamber at the new City Hall.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Adams Motion carried

The meeting adjourned at 10:40 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 Chamber at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Knoles, Spaulding, VanderWall,
Mayor Hammond
Absent: Councilman Martin

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

Rev. Magnus Anderson gave the invocation.

Mayor Hammond welcomed former Council members Mayor Harry Marks and Councilman Lyndall Merrill, guests of the Council, to the first meeting in the new city hall. He noted that former members, Cliff Annan, A. M. Frad, Henry Anderson, Robert Adams and Marvin Heckendorf had been unable to attend. He also noted the recent death of former Councilman Dan Mellis. He reviewed the history of the city's endeavor over the past years to build the city hall.

COMMUNICATIONS RELATING TO THE NEW CITY HALL 1-40

Communications were read congratulating the city on the completion of the new city hall from the following persons and organizations:

Greater Modesto Chamber of Commerce
Milton T. Pflueger, Architect
City employees

A letter was read from Mary E. Grogan, Acting Director of Parks and Recreation advising that the planting at the city hall had been completed in accordance with the planting plan.

City Manager Miller expressed a special note of thanks to Architect Milton Pflueger, L. Miller, design supervisor, Scofield DeLong, resident architect, and to Lloyd Lowrey for the landscaping. He presented representatives of the contractors to the Council, Bob Long and Bill Scalzo of the Ron Fiske Construction Company, general contractor; Andy Mosher of the Industrial Electrical Company, electrical contractor, and Orville Baker of Baker and Newman, mechanical contractor.

Representatives from the following companies who furnished the building were introduced: Dan Toquero of Lee Brothers; George Lucas and Lew Hayes of L.M. Morris Co.; Bill Rackley of Modesto Office Equipment Company; and John Rush of Rush Office Equipment.

Henry Beck, Clerk of the Work for the city on the city hall, was also introduced.

The City Manager reported that the moving from the old to the new city hall had been organized by Assistant City Manager Masonheimer and had been completed satisfactorily by movers, Jensen Van & Storage Company and May Warehouse Company.

The City Manager introduced Ken Check of the Modesto City Schools and Jim O'Brien, who had assisted in recommending a maintenance plan for the city hall. Mayor Hammond expressed appreciation on behalf of the city for the services rendered by the companies and individuals in the completion of the city hall.

LETTER FROM ALFRED MATTHEWS RE: INSTALLING SPRINKLERS IN THE PARKING AREA 1340 SYCAMORE AVENUE 1-122

A letter was read from Alfred Matthews, 1340 Sycamore Avenue, requesting permission to install sprinklers in the parking area. Mayor Hammond ordered the request be referred to the staff for investigation and report at the next Council meeting.

REJECT BID FOR WATER MAINS IN VILLAGE PARK SUBDIVISION 1-130

The one bid received for the installation of water mains in the Village Park Subdivision from Calaveras Plumbing and Heating Company was reviewed by the Council. The Director of Public Works recommended that the bid in the sum of \$1,785.80 be rejected as it exceeded the engineer's estimate for doing the work with city forces by 57%.

RESOLUTION NO. 60-159

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN VILLAGE PARK SUBDIVISION

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None
Absent: Martin

ACCEPT BID OF BILL MINENI FOR THE CONSTRUCTION OF COMFORT STATIONS AT ROOSEVELT AND WHITMORE PARKS 2-10

Copies of the tabulation of the four bids received for the construction of comfort stations at Roosevelt and Whitmore Parks were considered by the Council. The Director of Public Works reported that the low offer of \$10,925 was submitted by Bill Mineni.

Mary Grogan, Acting Director of Parks and Recreation, answered a question raised by the City Manager relating to the construction of comfort stations on parks adjacent to city schools. It is necessary to construct these stations in some parks developed after the school has been constructed. Some restrooms open into the inner court of the school and in order to have them available to the general public after school hours the inner court would have to be open. The supervision problem would be very difficult.

RESOLUTION NO. 60-160

A RESOLUTION ACCEPTING THE BID OF BILL MINENI IN THE SUM OF \$10,925 FOR THE CONSTRUCTION OF COMFORT STATIONS AT ROOSEVELT AND WHITMORE PARKS

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None
Absent: Martin

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR PARKING ADVERTISING SIGNS 2-30

Director of Parking and Traffic Carmody outlined the proposal to install two signs on the parking garage area adjacent to the City Hall. He recommended that bids be opened on June 7, 1960 at 2:00 P.M. He estimated the cost to be \$1600.

RESOLUTION NO. 60-161

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING TWO INTERIOR ILLUMINATED PARKING ADVERTISING SIGNS

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: Martin

ORDINANCE REGULATING DISORDERLY CONDUCT 2-47

Pursuant to Council instruction, the City Attorney presented for Council consideration an ordinance relating to the regulation of disorderly conduct. He noted that copies of the ordinance had previously been sent to each member for study and consideration.

ORDINANCE NO. 378-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 15 TO CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE DECLARING CERTAIN ACTS OR CONDUCT TO CONSTITUTE DISORDERLY CONDUCT"

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

Moved by Adams Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: Martin

AUTHORIZE SALE OF REAL PROPERTY TO JACK R. WATSON, ET UX 2-52

The City Attorney presented for Council consideration an ordinance authorizing the sale of a portion of the property acquired by the city in the Alma Avenue location during the widening of McHenry Avenue, to Jack R. Watson and Alberta Watson who had indicated their desire to purchase it under their option for \$4,000.

ORDINANCE NO. 379-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO JACK R. WATSON AND ALBERTA WATSON, HUSBAND AND WIFE"

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

Moved by Spaulding Seconded by Adams
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: Martin

The City Manager reported that the escrow period would run past the end of the fiscal year.

CONSIDER ENTRY OF FLOAT BY THE CITY IN THE FOURTH OF JULY PARADE 2-62

Cal Purviance, representing the Stanislaus County Fourth of July Celebration Committee, appeared before the Council to discuss the possibility of the City of Modesto entering a float in this year's Fourth of July parade, as was done last year.

Mayor Hammond pointed out that last year was the first time the city had entered a float and this decision was based on the fact that it was a joint Diamond Jubilee and Fourth of July Celebration.

Points made in the discussion were:

1. The city was doing its part by playing host to the celebration and should not "try to win first prize";
2. If the city had a float it could be used during the entire year in the many parades held in this immediate area. The cost for a float on a yearly basis was not much more than on a one-time basis. The city could then have representation in these activities;
3. The city makes a monetary contribution to the Fourth of July Celebration which is of more assistance than the furnishing of a float;
4. A decision to participate with a float could be held over until the middle of June, Mr. Purviance advised. It would only take a week for a company to prepare the float;
5. Councilman Knoles considered that the city should reciprocate with other cities by having a float in their parades;
6. A cooperative volunteer project could be started by service groups and city employees to prepare a float instead of hiring a firm to do this work.

MOTION

That the staff be directed to investigate the cost of a float prepared by a company and the possibility of working out a cooperative volunteer project.

Moved by VanderWall Seconded by Arata Unanimously carried

INFORMAL HEARING ON BUSINESS LICENSE ORDINANCE 3-37

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set by the Council for the informal hearing on the business license ordinance and selling on city streets.

Mayor Hammond opened the discussion. He stated that there had been some concern indicated by wholesalers and other firms competitive with outside truckers serving the city, on (1) Objection to the \$75 wholesale annual license fee for doing business in the city, and (2) That the \$30 annual license fee charged outside truckers was too low.

Modesto collects approximately 25% of its revenue from property tax, the average for the state is 41%. Revenue for business license tax in this city is in the reverse. When the business license tax was revised two years ago, it was not done on the basis that the city would collect additional revenue but to remove the existing inequities. The Citizens' Committee on this new business license ordinance recommended that wholesalers and manufacturers participate by paying larger license fees.

Mayor Hammond gave a brief resume of the previous discussion, and decisions made before the revised business license ordinance had been adopted. He stated that revenue under the new ordinance

was approximately 6.63% less than it would have been under the old ordinance with the same volume of business.

He reviewed the previous Council discussions on the establishment of the outside truck fee of \$30, which was a reduction from the annual \$50 fee proposed by the Committee. Mr. P. Arnold Anderson had appeared before the Council, representing a number of large wholesale companies serving Modesto via truck service. He had contended that Modesto would be setting a precedent by establishing a truck fee of \$50. The average license fee for adjacent cities was \$22 per year. If a \$50 license fee was set by Modesto, other cities would do likewise. Modesto is a wholesale distribution center and the Council decided that a fee of \$30 would be average.

One of the reasons why Modesto's growth has been so rapid is that the property taxes are low. The taxing philosophy generated by this city many years ago has encouraged companies to use this city as a distributing point.

Mayor Hammond read some of the communications received when the revised ordinance was originally considered, protesting the \$50 truck license fee.

The City Manager noted that the Council members had previously been furnished copies of a report from the Director of Finance to the City Manager, dated March 15, 1960 entitled "Review of Wholesale Business License Tax".

The report indicated that a Wholesalers Committee had met with the city staff to review the present provisions of the business license ordinance pertaining to wholesalers. The Committee suggested seven recommendations for presentation to the Council.

Before the recommendations were considered, Mayor Hammond pointed out that basically the tax philosophy of the community for many years has been to keep the property tax to the lowest possible minimum and derive additional income from business license tax, which is related to the operation of the business. He pointed out that the effect of business license tax and property tax must be considered jointly by the business concerns as related to their operations and competitors to obtain the proper comparison.

There has been a feeling by the wholesalers that their license fee of \$75, as compared to the \$30 truck license for outside operators, has placed them at a disadvantage. He reported that the following figures indicate the amounts collected by cities for property tax:

SUMMARY OF PROPERTY TAX RATES AND PAYMENTS
1959-1960 FISCAL YEAR

City	Rate per \$100	Tax rate applied to		
		\$25,000	\$50,000	\$100,000
Stockton	\$2.532	\$633	1,266	\$2,532
Fresno	2.9365	734	1,468	2,937
Oakland	2.91	728	1,455	2,910
Sacramento	2.98	745	1,490	2,980
Modesto	1.45	363	725	1,450

H. B. Little, representing the Wholesalers Committee, stated that it had no intention of changing the gross amount of receipts the city will receive from truck and business licenses. Basically the committee is only asking for equity, he stated. He pointed out that Mr. Anderson had been a paid individual, hired by private companies, interested only in monetary gain and not in the City of Modesto. Modesto is not going to become the distribution center, as has been stated by the Council, if the local wholesalers have to pay \$75, but if they built outside the city the license fee is reduced to \$30. The city merchant is being penalized for operating inside the city limits.

Mr. Little asked how much the property tax rate would have to be increased to raise the \$18,000 which is now being received from truck and business licenses. Merchants, both wholesale and retail, are being constantly asked to contribute to various community activities in which the individual property owners do not have to contribute, i.e., parades, shows. He asked if the property taxes could be raised a small amount to take care of the reduction involved by reducing the wholesale business license from \$75 to \$50.

Mayor Hammond pointed out that while Mr. Anderson had been hired by some outside firms, he also represented a number of firms operating within the city. His chief concern had been that the City of Modesto should not increase the truck license fee too much as it would affect merchants in the city who operate trucks in other cities, as these cities would increase their rates to conform to Modesto's truck rates.

Mayor Hammond considered that there were advantages from operating within the city, which more than offset the advantages of operating outside the city. Wholesalers need to participate to some degree in the business license tax on the community because it is to the benefit of everyone in the community that the city has sufficient funds to maintain its physical plant. To lessen the license burden on wholesalers would increase the overall burden on all of the taxpayers in this community. If the wholesalers could devise some means on raising their own tax rate, which would affect only the wholesalers, to compensate for the wholesale license, it might be considered. He considered that Modesto should not have the highest outside truck rate, but should be average.

Councilman Vanderwall pointed out that many concerns operating outside the city have a number of trucks but only one licensed.

Mayor Hammond pointed out that the outside firms had to maintain plants and inventories. If these concerns would look at their property tax structure they would probably move their plant into Modesto to enjoy the competitive advantage which wholesalers and manufacturers enjoy in this city. The business license tax cannot be discussed without taking into account the property tax. These must be considered jointly as they are the total amount of business expense, so far as taxes are concerned.

The recommendations made by the Wholesalers Committee (included in report of March 15, 1960) were considered by the Council.

The various available alternatives discussed by the committee and considered by the staff (pages 2,3,4,5,6, and 7) were outlined by the City Manager.

Mayor Hammond suggested that before consideration was given to the Committee's recommendation to increase the outside truck license fee from \$30 to \$50, the license fees of adjacent cities should be ascertained to determine how they would conform.

Councilman Spaulding pointed out that one thing to be kept in mind if the outside truck rates are increased, other cities might retaliate by increasing their truck fees which would work a hardship on some firms operating out of Modesto.

City Attorney Grimes suggested that if the Council should decide to make a change, sufficient public notice should be given so that all concerns which would be affected by the increased fee would have an opportunity to know of the changes proposed.

Councilman VanderWall considered that the city was not getting licenses for all the trucks which delivered in the city.

Mr. Little urged that prompt consideration be given by the Council to reducing the wholesale license to \$50 and increasing the outside truck license fee to \$50 in order for it to be effective July 1.

Mayor Hammond stated that he was opposed to any increase in the outside truck license fee which would place Modesto in a position where it was out of line with cities of Stanislaus, San Joaquin and Merced Counties, or within a 50-mile radius.

Answering a question raised by the City Attorney, Director of Finance Bird reported that his office had phoned many of the parties who were interested in this matter regarding the public hearing being held this date. Mr. Grimes recommended that copies of the staff report, "Review of Wholesale Business License Tax", be mailed to those concerns who had expressed an interest in the original revision of the business license ordinance relating to wholesale and outside truck license fees.

MOTION

That the matter be held over until 8:15 P.M. May 11, 1960, and the staff be directed to prepare data and submit it to the Council on the rates in the cities involved within a radius of 50 miles from Modesto

Moved by Arata Seconded by Spaulding Unanimously carried

At the request of Councilman Adams, Mr. Little commented that the city's basic property tax rate was very advantageous as compared to other cities.

Other recommendations made by the Committee were considered as follows:

B. Enforcement

1. "Signs should be erected at each major entrance to the city warning truckers of the license fee."

The City Manager recommended that this not be done as it would be impractical. Mayor Hammond stated that the signs would not be of great benefit.

2. "A routine check should be made at least bi-monthly of trucks stopped for loading or unloading within the city."

It was reported that the Finance Department usually checks unlicensed trucks twice a month and the Police Department is also making periodic checks. Due to the increased work load in the Finance Department, it is possible that this program is not being carried out at the present time.

Mr. Bird reported that an enforcement program had been underway since the first of the year. Local licensed firms have been asked to place license stickers on their truck windshield. If they do not comply within a reasonable time, it is followed up by the department.

Answering a question raised by the Council on the matter of authority for enforcement of the license ordinance, the City Attorney reported that the Finance Department had no enforcement authority. He pointed out that only those trucks doing business in the city in a regular course of business have to have a permit. The first time a delivery is made, a license fee cannot be required. Upon a second delivery, a firm is considered being in business in the city. Simply because a truck is found at a location, it cannot be concluded that it is connected with a series of events, unless it can be shown by witnesses and evidence that it has been doing a course of business in the city.

Mr. Bird reported that despite these handicaps the department had been following a regularly scheduled check. Spot checks are made throughout the city at various times of the day. Approximately 22 trucks have been licensed as a result of this check. Some of the trucks which are licensed do not display the license stickers. Between the Finance and Police Department, the best job is being done with the available staff.

3. "Violators should be made to purchase a license at once, prior to doing further business and an appropriate fine should be levied."

The City Manager stated that the above statements answered this item also.

4. "A letter should be sent to all local wholesalers enlisting their help in reporting violators."

The Director of Finance stated that letters were sent to wholesalers on February 25, 1960 and another letter can be sent out as soon as the Council action on the business license ordinance is determined.

Mayor Hammond suggested that retailers who require services not provided locally, should be willing to furnish the names of firms who come into the city. He suggested that the retailers should be added to the list to solicit this information to be certain that these firms are licensed.

The City Attorney pointed out that unless the city is actually willing to finance enforcement or inspection personnel to check licenses more carefully, there will not be efficient enforcement. The City Manager stated that with the present personnel, it is impossible to allocate one employee to this work alone. It would really be a "paying proposition" and making it fairer for the people who do pay their licenses.

The City Manager stated that the staff would be clearing with the Council on the personnel needed to follow through with the enforcement work in the manner in which it should be done.

C. MILL TAX ON RETAIL SALES

1. "A credit which would apply against the Mill Tax for inventory tax paid should be allowed as previously."

The City Manager stated that the recommendation made by the business license Citizens' Committee that this credit be eliminated was reviewed with the Wholesalers' Committee.

The City Manager asked for Council guidance on the distribution of the report. Those persons who had previously indicated an interest in the outside truck license fees should be notified that it is being raised again for consideration. Mayor Hammond directed that a notice be sent to all wholesalers and outside truck operators that there is a proposal before the Council at the next meeting to raise the present rates.

Mr. Little stated that if every licensed outside trucker appeared at next Council meeting, the local city firms would be overwhelmed. Mayor Hammond assured Mr. Little that the Council was representing the local business concerns and whatever action is taken will be to the best benefit of the city's citizens.

SELLING FROM THE STREETS 7-75

The City Manager asked for Council direction on the problem of individuals and organizations selling from the city streets. The basic question is whether they should be permitted to sell such items as sno-cones, icecream, etc. on the streets and, more particularly, adjacent to parks and schools. The City Manager noted that the Council members had previously received a report on this matter.

The City Manager reported that the Schools had recommended that these operators be prohibited from selling immediately adjacent to schools.

The City Attorney reviewed the problems involved and reported on the conferences held with downtown merchants, the Chamber of Commerce, the city schools. The alternatives available are:

1. Prohibit sales from vehicles on the city streets;
2. Allow business from a vehicle on a city street with no restriction;
3. Allow sales from a vehicle on a city street but prohibit continued parking on any given location
4. Allow sales from vehicles upon the city streets but prohibit continued parking at schools, parks and playgrounds;
5. Allow sales from vehicles upon the city streets but prohibit sales one thousand feet from city schools only;
6. Provide rental space similar to taxicab stand rentals for the sale of merchandise from the vehicle and establish a rental rate and necessary regulations;

7. Increase the present city business license to more equitably correspond with that for fixed places of business.

The Director of Finance recommended that if the sale of merchandise from vehicles was allowed to continue, the sales be prohibited within a thousand feet of city schools, parks and playgrounds, and that selling be limited to 15 minutes at a given location and that the business license tax be increased.

The City Manager reported the City Park personnel feel that if the operators are permitted to sell at the parks, it should be next to the curb to prohibit children from crossing the street or they be prohibited and do their business far enough away so that people are not running back and forth. Schools would prefer not to have them operate adjacent to school grounds. Stores which sell the same items object to a person using a residential location immediately adjacent to the store to do something no one else can do in this location.

MOTION

That the staff be directed to prepare legislation as outlined in the recommendation of the Director of Finance - that selling from the city streets be prohibited from a thousand feet of city schools, parks and playgrounds, that selling time be limited to 15 minutes at a given location, and that the business license tax be increased

Moved by VanderWall Seconded by Arata

MOTION

That the motion be amended by striking out the words "parks and playgrounds"

Moved by Knoles Seconded by Spaulding Unanimously carried

Mayor Hammond called for a vote on the original motion as amended which was unanimously carried.

INFORMAL HEARING ON CITY HALL FLOORING 8-38

Mayor Hammond opened the meeting for the informal hearing on "City Hall Flooring".

The City Manager stated that the purpose of the hearing was to clarify the Council's decision on (1) Changing the type of floor covering in the executive offices on the third floor and the Mayor's office from tile to carpeting, and (2) Changing the type of the asphalt tile from 1/8" to 3/32".

The City Manager read the following reports, copies of which were distributed to the Council members and others interested, and copies of which were filed with the City Clerk to become a part of the record of this meeting:

1. Memorandum to the City Council from the City Manager, dated May 3, 1960, entitled "Report on Meeting with Al Dandy on Flooring Changes in the New City Hall";

2. "Summary of Charges and Information re: Flooring Materials in the New City Hall".

Mayor Hammond stated that these reports covered the two prime questions which had been raised by Al Dandy,--exorbitant cost of the carpeting and the change in the thickness of the tile. The Council approved both of these changes and are satisfied with the change. The citizens of the community should know that the Council has acted in good faith and there was no attempt on the part of anyone to "put anything over". These changes have been handled in a legal manner.

Mr. Dandy reiterated his charge that the price paid for the carpeting was too high. He stated that he did not object to the changes having been made but did object to the amount of money paid for the changes in materials.

He claimed that the specifications on the city hall provided that the sub-contractor's contract on the flooring was for 1/8" vinyl asbestos tile. One particular type of floor covering was required and the bid submitted was on this type. This type was to be installed in a manner prescribed by the manufacturer. The contractor, as provided in the specifications, is allowed a 10% leeway to make these changes. When a change comes through it is a simple matter for the contractor to check on his estimate and this 10% additional profit for making minor changes is adequately high. He claimed that the company refused to give him any information on the credit to be allowed on materials--they were going to add so much for doing the job and that was it. He cited examples of the extra charges which were made by the company on the various locations in the building, giving his idea of what the increased costs should have been.

Any tile which was laid in the building should have been done according to the manufacturer's specifications. Armstrong Company does not advocate installation with Wasco Rubber Cement of any of its products, except with Armstrong products. The tile in the city hall has been put down contrary to the specifications. The Armstrong Company now washes its hands for any of the tiling in the building. When there is trouble this Company will not back up its merchandise which had been installed with some other company's adhesive. The architect, who directed using Wasco paste, is not responsible for what happens to this building. He claimed that he could not find anything in writing where the substitution of 3/32" tiling was authorized. This would mean that the city would have to pay for any repair work or replacement of flooring. He maintained that carpeting was part of the furnishings and not a part of the building.

Answering a question raised by Councilman Spaulding, Mr. Dandy stated that "I propose to the City Council that the City of Modesto pay the \$9.00 per yard for the carpet that was installed and have the firm come and give you an equitable settlement on the other floor coverings".

Mayor Hammond stated that he appreciated Mr. Dandy's interest in this matter. He considered that affairs of this nature should be brought up to the Council. He pointed out that during the course of construction of a building as large as the City Hall it was impossible to foresee everything so change orders are an inevitable part of construction of any type of building. He pointed out that the Council approved the change orders, samples of the carpeting were approved by the Council. The Council asked how much the additional cost would be and in evaluating the recommendation agreed to pay the extra cost. In its judgment the extra cost was warranted. The change in the type of tile was also approved by the Council in the same manner as the change on the

carpeting. The Council has acted in full good faith as well as the city staff and contractors in presenting the change orders. There was no intent to defraud. He pointed out that all of the contractors on the city hall had done many additional things which they were not required to do, to make this a better city hall than what the specifications actually provided. In any kind of a business of this type there is an area of "give and take".

Mayor Hammond stated that from his own standpoint the aspect of fraud has been answered. There has been no fraud on anybody's part. Whether or not the city made as good a deal as was possible is something else. In regard to the other question raised -- is the carpeting a part of the furnishings -- it would logically seem that if a company had a contract on the floor covering, it should also have it for the change order.

Mr. Dandy stated, "I did not and would not hold the Council responsible for something like this, because as business men you do not come in contact with this particular phase of business...The question I raise is this--where we are spending as much money as we are spending, and if it is possible, the changes should be made on an equitable basis."

STATEMENT BY ATTORNEY ROBERT TOUT REPRESENTING THE HAROLD W. THOMPSON COMPANY 11-59

Attorney Robert Tout, representing the Harold W. Thompson Company, subcontractor on the floor covering, stated that in previous Council meetings, his company had not had the opportunity to answer some of the statements. Unfortunately some publicity has occurred in the local public newspapers. Those persons in business will recognize that the goodwill and reputation of a company are of fundamental importance and value. This company now feels that it has been seriously harmed. This is stated, Mr. Tout continued, not as a basis for implying the company will try to bring charges against anyone. It is not the company's intention to do this, but it is intended to bring out the facts in this matter so that the stigma attached to this company will be erased. The Council has been put to an unfair disadvantage because it has been forced to justify actions in the face of implications that the actions it took were poor from a business point of view. It is believed that the Council not only acted legally and in good faith but in the best interest of the city as far as the costs obtained in getting the work done.

Mr. Tout stated as for the legal position of the Harold Thompson Company, it was the subcontractor under the Ron Fiske Construction Co., bids were submitted based on the specifications. These bids were accepted as submitted. Any changes that were made were not as the result of any suggestion on the company's part but came, as they properly should, through the architect and the general contractors. These change orders were submitted to the company for bid. The allegation that the company refused to submit figures is unfounded. He quoted from the company's letter of August 5, 1959 to the Ron Fiske Construction Company: "Our original contract price was in the amount of \$12,679 for vinyl asbestos tile and rubber base as per original specifications. We hereby issue a credit to omit the vinyl asbestos tile in all areas marked red and blue in the amount of \$6,613."

This paragraph specifically states the amount of credit issued, Mr. Tout pointed out. Subsequently in this letter, the company stated what it would do and the various alternates in specific dollar and cent amounts. These figures were reviewed by the proper

parties, the bid accepted and the work done in accordance with the change orders. As far as legal matters, the company operated as any subcontractor should in these matters.

Mr. Tout pointed out that the more difficult problem involved is the question of whether the Council and the staff did a good job in getting the proper prices and whether the company was dishonest or "gouged", or whether there was something "fishy" or other similar type comments.

Mr. Tout stated that the best evidence that the Council did a fine job in obtaining the prices that it did, can be arrived at by quoting certain of Mr. Dandy's statements.

Mr. Dandy stated in the April 6 Council meeting, "I would say that between 48¢ or 50¢ a foot would be the contract on this job. I mean that would be their bid." He stated in the March 16 meeting, "They should have bid the job in at around, which would be a low figure, of 45¢ a foot." The reason Mr. Dandy did not know what the right figures were is the fact that these figures were subcontracting figures which were properly submitted to the general contractor and were a matter between the Thompson Company and the Ron Fiske Company. This is a problem between the city and the Ron Fiske Company as to the amount of the general contract. If the Ron Fiske Company is unable to keep its subcontracting figures within the total, then it suffers the loss. The figure submitted to the Ron Fiske Company is kept as low as possible.

Mr. Tout stated that the Harold W. Thompson Company wished to state, for the benefit of the Council and the public, that the actual basis of its bid to the Ron Fiske Company was not 50¢, not 48¢, not 45¢. The total contract was \$12,679, which included approximately 30,000 feet of floor covering and 5,000 of base. When the substitution or change order was made the base stayed in. In the figure of \$12,679, the company has the cost which it estimates around \$2,000 or \$1,500 remaining, which was not part of the credit. Of the total contract, there was to be installed some 30,000 feet of floor covering and a matter of simple arithmetic brings the cost to approximately 35¢ to 37¢. This is what the company bid in the original contract. The question of how much credit should have been granted when the change order came through has been brought up. Mr. Dandy, Mr. Tout stated, assumed that the company should have issued a credit of no more than 5¢ less. Mr. Dandy agreed that a contractor is entitled to some difference to cover the fact that there are certain fixed costs, which is spread over a lesser amount of job will result in higher unit cost, he concedes the problem of bidding, the cost of change order, and agrees that perhaps 5¢ is all right. Since Mr. Dandy based his assumption on a 50¢ bid, he thought the company should have given back 45¢ and assumed that the company was robbing the city, when only 30¢ or 31¢ was allowed. It looks like this is "something to do about nothing".

On the carpet costs, Mr. Dandy stated that the carpet cost the city \$14.55 per yard. Mr. Tout stated that dividing the number of square yards of carpet installed into the cost, brings the cost per square yard to \$10.60 instead of \$14.55 claimed by Mr. Dandy.

Mr. Tout stated that representatives of the company were present who could give a complete answer to any questions which the Council wished to raise.

Mayor Hammond reiterated that Mr. Dandy had been well within his rights and province to bring these matters to the attention of the Council and the Council appreciated having any citizen bring questions of this nature to obtain the necessary answers.

Larry Heller, contract manager for Harold W. Thompson Company, answered a question raised by Councilman Vanderwall: Mr. Dandy brought up that there was a difference of 3¢ a square foot between the cost of 3/32" and 1/8" tile. He stated that in reference to the 3¢ differential in the cost of the thinner tile, a number of things must be considered. The general specifications called for vinyl asbestos tile 1/8" thick throughout the entire building. In estimating a job of this size-- 30,000 square feet, the quantity of tile is well within a carload limit. In estimating and purchasing materials for this job, a company would pay a carload price. For the change order issued in this job, it was necessary to buy the substituted material in less than carload lots, therefore buying in a different price bracket. In estimating this job, the original materials required were priced at 26¢ per square foot F.O.B. Southgate, California. The material which was substituted, 3/32" tile, is a premium type and the price range varies from the original specifications. When buying this material in a small lot F.O.B. Southgate, California, the price is increased to .289¢ per square foot. The substitution was made at the request of the architect without any additional charge to the city. The company actually absorbed about 1¢ per square foot additional cost to place the material requested on the job.

Answering a question raised by Mr. Dandy, Mr. Heller reported on the various locations where the materials had been manufactured which prohibited a carload lot price.

Mr. Tout stated that he was in full accord that every citizen should have the full right to express his opinions and to question the actions of the duly elected and chosen representatives. This is fundamental in the Constitution but the laws also restrict the right of people to make slanderous and baseless charges which are harmful to the business reputation of firms who have over a long period of time endeavored to operate on a proper and ethical basis. He thanked the Council and the city staff for the exhaustive way in which this problem had been handled so that when a final decision is made it will have been based on a fair opportunity for all sides to have been heard and it is hoped that the unfortunate publicity which was in the newspaper will be rectified so that the Harold Thompson Company will not have suffered.

MOTION

That there is no basis for the allegations or accusations of Mr. Dandy based on the evidence presented to the Council

Moved by Mayor Hammond Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: Martin

Mayor Hammond stated that the matter of whether the city made a good deal on the floor covering was still a matter of individual interpretation as it is in all financial transactions of any kind. This position always exists. The Council feels that it got its money's worth in this instance.

The City Manager cited instances where the various contractors at the city hall had gone out of their way to do extra things without additional cost to the city.

INSURANCE ON THE CITY HALL 13-40

Bob Long, representing Ron Fiske Construction Company, asked the

Council to change the insurance on the City Hall to its own insurance carrier, so that the Company could cancel out its coverage. This matter was referred to the staff.

LETTER FROM KEY CLUB AT DOWNEY HIGH SCHOOL 13-46

A letter from the Key Club of the Downey High School was read requesting permission to solicit contribution from door to door for its scholarship drive. Bob Gowdy explained the plans for the scholarship project.

The City Attorney stated that the request could be granted because it was for an educational purpose.

MOTION

That the Thomas Downey High School Key Club be permitted to solicit contributions from door to door for its scholarship project

Moved by Knoles Seconded by VanderWall Unanimously carried

ESTABLISH WATER SERVICES FOR THIRD MODESTO HIGH SCHOOL 13-80

The City Attorney presented for consideration, as directed by the Council, a resolution which would establish the water service rates for the third Modesto High School being constructed on Tully Road.

RESOLUTION NO. 60-162

A RESOLUTION OF THE CITY OF MODESTO ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO THE THIRD MODESTO HIGH SCHOOL

Introduced by Knoles Seconded by Adams
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None
 Absent: Martin

HOLD OVER RESOLUTION ESTABLISHING CHARGES FOR WATER SERVICE TO SYLVAN ELEMENTARY SCHOOL 13-89

This matter was held over.

CONSIDER INSTALLATION OF SANITARY SEWER LIFT STATION AND SUB-TRUNK SEWER IN NORTHGATE SUBDIVISION NO. 13-90

The Director of Public Works reported on the proposed sharing by the city in the construction of a small sewer lift station perimeter sewer and sub-trunk sewer in Northgate Subdivision No. 3

He asked for Council approval on the preparation of the usual agreements for perimeter and sub-trunk sewer. The perimeter sewer costs are estimated to be less than \$1,500 and it will not be necessary for the city to advertise for bids for this work. It is estimated that the cost of the sewage lift station would be approximately \$5,000, equally divided 50/50 basis of area served by Northgate Subdivision and other areas not in this subdivision. The actual expenditure would not occur until after the 1st of July, and will be included in next year's budget.

The City Attorney considered that these projects could not be considered separately and bids must be called on the entire project.

MOTION

That the staff be authorized to prepare the necessary documents

Moved by Spaulding Seconded by Adams Unanimously carried

CONSIDER PROPOSAL TO INCREASE GOLF COURSE FEES 13-120

The City Manager noted that a copy of a report on the proposal to increase golf course fees had previously been sent to the Council.

Mary Grogan, Acting Director of Parks and Recreation, reported that this proposal had been discussed with the presidents of both Golf Clubs and some of the people playing in the Industrial League. They suggested a higher increase in some of the fees. She considered that it was necessary to make some of the changes.

MOTION

That the staff be authorized to prepare the necessary legislation for Council approval

Moved by VanderWall Seconded by Arata Unanimously carried.

REPORT ON SIGNAL INSTALLATION AT 16th & J STREETS HELD OVER 14-10

The State has informed the city these signals cannot be installed before July 1.

CONSIDER SEWER SERVICE CHARGES 14-20

The City Manager noted that the Council members had previously been furnished with copies of a report from the Director of Finance on the subject "Sewer Service Financing" dated May 3, 1960. The report summarized the estimated sewer service costs and fees for fiscal years ending June 30, 1961, 1962, 1963, 1964 and 1965.

The various alternates listed indicating the revenue which would be derived by increasing the rates 25¢, 40¢, and 25% and 40% were discussed.

Mayor Hammond considered that this rate should be reviewed frequently and the rate kept as low as possible. The Director of Finance stated that extending this into the future was very difficult.

Councilman Adams brought up the matter of how this rate would affect the rates for those houses not yet connected.

The City Manager stated that the staff suggested that the rate on users in newly annexed territories after July 1, 1960 be higher. This would pick up a new group of users who have not paid anything on the sewer bonds up to this date. The rate proposed would be an increase of 35¢ over the rates of those connecting after July 1, 1950.

MOTION

That the staff be directed to draft the necessary documents to provide for the changes effective July 1, 1960, based on a 35% increase across the board for all users plus the establishment of a new category for areas annexed after July 1, 1960, to be proportional to the charges established for those annexed inside before July 1, 1950, and after July 1, 1950, plus the 35% increase. Rates to be figured to the nearest nickel.

Moved by VanderWall Seconded by Arata Unanimously carried

HOLD OVER REPORT ON PROPOSAL TO REMOVE TRUCK TRAFFIC FROM J STREET
15-20

This matter was held over until the next Council meeting.

APPROVE SILVERTHORN WESTSIDE LIBRARY LEASE 15-20

ORDINANCE NO. 380-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH DANA DEVELOPMENT ASSOCIATION, A CORPORATION, FOR THE LEASING OF OFFICE SPACE IN THAT CERTAIN BUILDING LOCATED AT 503 CHICAGO AVENUE IN THE CITY OF MODESTO, FOR LIBRARY PURPOSES"

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

Moved by Spaulding Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, and Mayor Hammond
Noes: None
Absent: Martin

APPROVE REQUEST OF FOURTH OF JULY COMMITTEE FOR USE OF DEL WEBB
FIELD FOR CELEBRATION 15-30

The City Manager reported that the requests from the Fourth of July Committee were the same as last year and recommended approval on the same basis.

RESOLUTION NO. 60-163

A RESOLUTION APPROVING REQUESTS OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION BEING HELD IN THE CITY OF MODESTO JULY 4, 1960

Introduced by VanderWall Seconded by Arata
Ayes: Councilmen: Adams, Arata, Knoles, Spaulding, VanderWall
and Mayor Hammond
Noes: None
Absent: Martin

REPORTS FROM PLANNING COMMISSION 15-35

The City Manager noted that a report on the corporation yard location had been previously sent to the Council members. The only matter where there is any degree of urgency is an offer of some land, made on an informal basis. The Planning Commission recommends that the yard be placed as near the center of the city as possible and that the sum of \$90,000 be allocated in next year's capital improvement program for the purchase of a site.

MOTION

That a Council committee be named by the Mayor to handle this matter.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

Mayor Hammond named Councilman Arata as chairman of the committee to serve with Councilmen VanderWall and Spaulding.

DETERMINE TIME FOR CALLING FOR BIDS FOR SEWAGE DISPOSAL UNITS 15-55

The Director of Public Works reported that in order to enter into an award of contract prior to the time specified by the U. S. Public

Health Service the city should advertise for bids for the new sewage treatment plant unit as soon as possible. He asked if the specifications could be prepared so that the resolution could be adopted by the Council May 11.

MOTION

That the staff be authorized to proceed as requested in the preparation of the necessary documents to call for bids next week

Moved by Spaulding Seconded by VanderWall Unanimously carried

AUTHORIZE THE CITY MANAGER TO EXECUTE SURETY BOND 15-65

The City Attorney stated that in order to get a right of entry at the Moran Estates to install a sewer, the property owner, Frank Lagomarsino, demanded that the city put up a surety bond in the sum of \$2,500.

RESOLUTION NO. 60-164

A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN A SURETY BOND NO. 823839 OF NEW HAMPSHIRE INSURANCE COMPANY IN THE SUM OF \$2,500~~00~~₀₀, FRANK LAGOMARSINO

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None
Absent: Martin

APPROVE RIGHT OF WAY LATERAL NO. 2 - MODESTO IRRIGATION DISTRICT MORAN ESTATES 15-72

With the unanimous consent of the Council, the matter relating to the right of way agreement with the Modesto Irrigation District on Lateral No. 2, bordering Moran Estates, was considered

MOTION

That the execution of said agreement by the city's authorized officials be approved

Moved by Knoles Seconded by Adams Unanimously carried

HOLD OVER PROPOSED AMENDMENT TO CODE RELATING TO INSTALLATION OF FACILITIES IN PARKWAY AREAS 15-69

This matter was held over.

REPORT ON MOVING TO NEW CITY HALL 15-80

The City Manager reported that the move to the new city hall had been completed. The move was started Wednesday, April 27, and moving of offices was largely completed the next day. The movers, May Transfer Company and Jensen Van and Storage Company did an excellent job.

REPORT ON MANPOWER NEEDS FOR MAINTENANCE OF THE NEW CITY HALL 15-84

The City Manager stated that due to the time factor this matter would be taken up at a later meeting.

MATTERS FOR THE GOOD OF THE COMMUNITY 15-89

Carl Hamilton, Librarian, expressed his appreciation to City Electrician Charles Viss and electrical crew for the manner in which lights had been removed from the old city hall to the new Silverthorn Branch Library.

REPORT ON STATUS OF DENNETT DAM PROJECT 15-92

The City Manager reported that the Director of Public Works had appeared at the County Board of Supervisors meeting to determine if the county would contribute 40% of the cost of the dam. The Board suggested that a Council committee be appointed to meet with a Board Committee to review the problem on Monday, May 9.

MOTION

That the Golf Course Council Committee (Arata chairman, Knoles and Martin) meet with the Board Committee on this matter.

Moved by Adams Seconded by VanderWall Unanimously carried

ADJOURNMENT

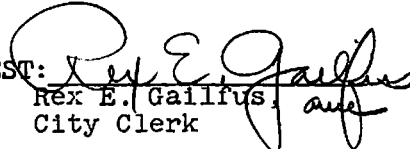
MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Arata Unanimously carried

The meeting was adjourned at 7:55 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 Chamber at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Knoles, Spaulding, VanderWall,
Mayor Hammond

Absent: Councilman Martin

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

Rev. Halsted Gates gave the invocation.

APPROVAL OF COUNCIL MINUTES

Council members having received copies of the minutes of the Council meeting of April 13, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

PRESENTATION OF SUGGESTION AWARDS 1-35

Mayor Hammond presented five suggestion awards, totalling \$150 to city employee Roy DeGraffenreid of the Sewer Section of the Public Works Department for the following suggestions:

- 1- \$10 award for devising a spoon which has saved considerable time for each call for the clearing of lampholes in sewer lines;
- 2- \$10 award for suggesting that a light be placed under the cover of the sewer rodding machine. Machines are used on night calls. Formerly employees used a flash light in one hand and operated the control with the other. Having a light under the cover of the machine enables the employee to operate the machine with both hands and makes it a safer operation.
- 3- \$10 award for devising a special bar to be placed across manholes and used to hold the rope which is used to lower sewer rodding machinery into the sewer line. The device has safety as well as time saving features and is in daily use.
- 4- \$20 award for the redesign of a portion of the manhole cover lifter. The new design has decreased cost of maintenance of the lifter, is easier to use and because of this is more consistently used by the crew.
- 5- \$100 award for a new jack which has been tried out and found to be superior to the jack which comes with the sewer rodding machines. It is lighter and easier to handle. This will save many man hours and makes the operation safer.

These tools were exhibited by Mr. DeGraffenreid. Mayor Hammond commended him for his suggestions.

LETTER FROM FOSTER FARMS RE: PURCHASE OF CITY PROPERTY 1-95

Mayor Hammond referred the letter to the staff for investigation and report.

LETTER FROM EUGENE ABEL OFFERING TO PURCHASE THE OATS AT THE MODESTO CITY-COUNTY AIRPORT 1-99

A letter received from Eugene R. Abel offering to purchase the field of oats at the Modesto City-County Airport was held over until the city could call for bids.

MOTION

That the staff be authorized to advertise for the purchase of the oats from the Modesto City-County Airport, soliciting offers and fixing the next Council meeting as the time for the offer to be considered.

Moved by Spaulding Seconded by VanderWall Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR SEWAGE TREATMENT PLANT UNITS 1-110

RESOLUTION NO. 60-165

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF SEWAGE AND INDUSTRIAL WASTES TREATMENT WORKS ENLARGEMENTS

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

The time set for opening the bids was 2 P.M. June 13.

AWARD BID ON IMPROVEMENT DISTRICT NO. 10 - STORM DRAINS IN NORTHEAST ADDITION 1-115

Tabulation of the 10 bids received for the construction of the Northeast Drainage District, Improvement District No. 10, which had been opened at 2 P.M. May 9, 1960, were considered by the Council. The low offer was submitted by the Stockton Construction Company in the sum of \$228,473.36. Director of Public Works Ray stated that this was below the engineer's estimate of \$235,654.00. He recommended that award be made to this company.

Mr. Ray reported that the State Division of Highways had been contacted regarding possible state participation on the project. The final answer has not yet been received from the Sacramento office, but there may be some participation.

RESOLUTION NO. 969-S.P.

RESOLUTION OF AWARD OF CONTRACT

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINES
IN PARK MANOR 2A SUBDIVISION 2-30

RESOLUTION NO. 60-166

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR
BIDS FOR INSTALLATION OF WATER MAINS IN PARK MANOR NO. 2

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

The time set for opening the bids was 2 P.M. May 23.

AMENDING ORDINANCE NO. 377-C.S. BUS BENCH FRANCHISE 2-35

The City Attorney proposed two amendments to Ordinance No. 377-C.S. granting W. R. Tomson an exclusive franchise for bus benches, which had been introduced at the meeting of April 27 and printed in the city's official newspaper:

- 1- To correct the clerical error in Section 3 to show the beginning date of the franchise to be January 19, 1961.
- 2- To change the public liability insurance required to \$100,000 for 1 to 100 benches and \$200,000 for 101 or more bench permits and property damage insurance of \$10,000 for 1 to 100 bench permits and \$20,000 for 101 or more.

MOTION

That Sections 3 and 14 of Ordinance No. 377-C.S. introduced on April 27, 1960 and heretofore published be amended as recommended by the City Attorney and that said ordinance be republished as amended.

Moved by Spaulding Seconded by Arata Unanimously carried

The City Manager noted that W. R. Tomson, doing business as the Transadrtise Company, had sent a letter to the Council members regarding the bus bench franchise, but that a copy had not been presented publicly. The Clerk was asked to obtain a copy for the record.

FINAL ADOPTION OF ORDINANCE NO. 378-C.S. DISORDERLY CONDUCT 2-54

ORDINANCE NO. 378-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 15 TO CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE DECLARING CERTAIN ACTS OR CONDUCT TO CONSTITUTE DISORDERLY CONDUCT"

introduced on May 4, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

FINAL ADOPTION OF ORDINANCE NO. 379-C.S. SALE OF PROPERTY TO JACK WATSON 2-56

ORDINANCE NO. 379-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO JACK R. WATSON AND ALBERTA WATSON, HUSBAND AND WIFE"

introduced on May 4, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

FINAL ADOPTION OF ORDINANCE NO. 380-C.S. LEASE ON SILVERTHORN BRANCH LIBRARY 2-60

ORDINANCE NO. 380-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH DANA DEVELOPMENT ASSOCIATION, A CORPORATION, FOR THE LEASING OF OFFICE SPACE IN THAT CERTAIN BUILDING LOCATED AT 503 CHICAGO AVENUE IN THE CITY OF MODESTO, FOR LIBRARY PURPOSES"

introduced on May 4, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Adams Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

ORDINANCE RELATING TO CONSTRUCTION OF STRUCTURES AND FACILITIES IN SIDEWALK AREAS 2-69

The City Attorney presented for consideration, as directed by the Council, an ordinance amending the Municipal Code relating to the construction of structures and facilities in sidewalk areas. He pointed out that in the event anybody was dissatisfied with any ruling of the Director of Public Works on revocation, the normal appeal provisions of the Code would permit him to bring the matter before the Council for consideration. He pointed out that this new regulation would not apply to already existing installations.

ORDINANCE NO. 381-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER I OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE CONSTRUCTION OF STRUCTURES AND FACILITIES IN SIDEWALK AREAS"

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

Moved by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

AWARD BID ON SALE OF BONDS FOR SEWERS 3-10

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the opening of the bids for the sale of 1953 sewer bonds, series B.

The City Clerk reported receipt of seven bids which were opened and turned over to the Director of Finance for computation.

<u>Name of Bidder</u>	<u>Net interest cost to City</u>
1- First Western Bank Trust Company Francis I dePont & Company Hill Richards & Company	\$268,048.00 (3.443%)
2- Bank of America N.T. & S.A. and Associates	269,931.00 (3.467%)
3- Crocker-Anglo National Bank	270,411.50 (3.473%)
4- Wells Fargo American Trust Co.	271,224.00 (3.48393%)
5- The First National Bank of Chicago	273,496.00 (3.513115%)
6- Halsey Stuart	274,671.00 (3.52820%)
7- J Barth & Company	279,808.00 (3.59419%)

Mayor Hammond declared that the highest bid submitted was from First Western Bank of San Francisco, et al (for the sale of \$650,000 City of Modesto 1953 Sewer Bonds, Series B) in the sum of \$268,048.00 and recommended its acceptance and that the Treasurer of the City of Modesto be authorized to deliver said bonds to said purchaser upon payment to him of the purchase price, to wit: Said par value thereof and a premium of \$27, together with accrued interest at the following rates:

<u>Bond Numbers inclusive</u>	<u>Interest Rate per annum</u>
B1 to B85 Inc.-----	5%
B86 to B395 Inc.-----	3 $\frac{1}{4}$ %
B396 to B650 Inc.-----	3 $\frac{3}{8}$ %

RESOLUTION NO. 60-174

SELLING CITY OF MODESTO 1953 SEWER BONDS, SERIES B

Introduced by VanderWall Seconded by Arata

Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond

Noes: None

Absent: Martin

AMEND CODE RELATING TO USED CAR DEALERS 3-73

The City Attorney stated that a memo had been sent to the Council members, relating to the proposed amendment of the Code, advising that the State Legislature had in 1957 adopted regulations pertaining to the licensing of used car dealers. The President of the Modesto Motor Car Dealers Association was also advised that the Council would be considering legislation to repeal the provisions relating to used car dealers.

The City Attorney pointed out that the city's code was in conflict to the state regulations and therefore invalid. He recommended the repeal of the Municipal Code sections relating to the regulation and licensing of used car dealers.

ORDINANCE NO. 382-C.S. entitled

"AN ORDINANCE REPEALING ARTICLE 3 OF CHAPTER 7 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO USED CARS"

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

Moved by Adams Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

HOLD OVER ORDINANCE ESTABLISHING SEWER SERVICE CHARGES 3-92

The City Manager asked that this matter be held over for further clearance. Harold Simidian, Modesto Steam Laundry, asked whether the proposed ordinance would clear the inequity of rate for laundries. The City Manager stated he would discuss the proposed ordinance with Mr. Simidian during the next week. With the consent of the Council, Mayor Hammond set May 18 at 5:00 P.M. as the time for further consideration of the proposed ordinance.

REPORT ON PROPOSAL TO REMOVE TRUCK TRAFFIC FROM J STREET BETWEEN NINTH AND FOURTEENTH STREETS 3-117

The City Manager reported that the State opposed the city's proposal to change the truck route from J Street, between 9th and 14th Streets, to L Street. The State proposed that if a change is to be made in the truck route, it be placed on H and I Streets.

The City Manager stated that he could not recommend that truck traffic be changed to H and I Streets as it would bring the trucks into the commercial center and the alternative was to leave it on J Street or go back to the State and see if there is any basis upon which it might be cleared.

Director of Traffic and Parking Carmody stated that he considered the proposal made by the State to be the best that could be done. H and I Street would provide a more direct route than J Street. The idea of the whole suggestion was to eliminate truck traffic on the narrow portion of J Street between 12th and 9th Street but in order to tie in with existing truck routes, the two additional blocks were included. The State considers that the 80 trucks per day using the truck route on J Street would make L Street or D Street inadequate and that H and I Streets are the only ones it would approve. This change cannot be made without State approval.

Answering a question raised by the City Manager, Don Schmidt, operating the American Transit Mix, stated that its trucks, on the cross town traffic out to Paradise Road, are slowed down by the heavy traffic on J Street and by having to turn off J Street for one block onto I Street. The turn at 14th Street would be easier for the big trucks and the one way streets would speed up traffic.

Director of Public Works Ray stated that J is a State Highway and as such is maintained by the Division of Highways. H and I Streets are city streets and not structurally built for this kind of traffic. These streets must be maintained and rebuilt by the city and there is a real cost factor to consider.

MOTION

That the staff be instructed to bring back a report on the structural soundness of H and I Streets to carry truck traffic between Ninth and Fourteenth Streets and also the feasibility of H Street being able to handle the additional truck traffic because of the width.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

SET RATES FOR MUNICIPAL AND DRYDEN PARK MUNICIPAL GOLF COURSE 4-96

RESOLUTION NO. 60-167

A RESOLUTION ESTABLISHING RATES FOR PLAY ON THE MODESTO MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 58-218

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

RESOLUTION NO. 60-168

A RESOLUTION ESTABLISHING GREENS FEES FOR THE DRYDEN PARK MUNICIPAL GOLF COURSE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-429

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

APPROVE REQUEST OF ALFRED MATTHEWS TO INSTALL SPRINKLERS IN FRONT OF RESIDENCE AT 1340 SYCAMORE AVENUE 4-116

The Director of Public Works reported that the department had investigated the request of Alfred Matthews, 1340 Sycamore, to install lawn sprinklers on the Sycamore Avenue side of the property between the existing sidewalk and the property line. It is recommended that the request be granted in accordance with the terms of the Ordinance No. 381-C.S. just introduced by the Council.

RESOLUTION NO. 60-169

A RESOLUTION APPROVING THE REQUEST OF ALFRED MATTHEWS TO INSTALL LAWN SPRINKLERS BETWEEN THE EXISTING SIDEWALK AND THE PROPERTY LINE IN ACCORDANCE WITH THE TERMS OF ORDINANCE NO. 381-C.S.

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

FURTHER CONSIDERATION OF AMENDMENT TO THE BUSINESS LICENSE ORDINANCE 5-1

Mayor Hammond opened the informal hearing on the proposal for amending the business license ordinance which had been carried over from the Council meeting of May 4.

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The City Manager, as previously directed by the Council submitted a report, "Survey of Truck License Fees of Other Cities". These charges varied from \$72,00 for the first wholesale truck in Merced to \$10 in Ceres. Fresno's license fee was based on gross receipts.

Mayor Hammond briefed the previous discussion on the proposal for amending the business license ordinance to provide a reduction from \$75 per year to \$50 for a wholesaler license and an increase for the outside truck license fee from \$30 per year to \$50.

The City Attorney pointed out that the City of Modesto has not separated wholesale and retail trucks in its business license ordinance. There may be an argument for doing so. He considered that the fairest method for determining truck license fees would be, as is done in Fresno, on gross receipts. The problems involved in enforcement and keeping records on the gross receipt basis were briefly discussed by the Council.

Mayor Hammond stated that a community must guard against creating a barrier to business concerns who wish to operate in the city. The retaliatory effect must also be considered to protect the local merchants who also operate in other cities from having to pay higher licenses.

The City Manager noted that a notice of this hearing had been sent to all licensed operators in this classification.

Mr. Nelson, Assistant Secretary of the Municipal License Tax Association of San Francisco and Los Angeles, stated that he appeared on behalf of those business firms who are members of this association. Some of these firms are located within the city and others make deliveries into the city, with no local fixed place of business.

The Association is opposed to the proposal to decrease the wholesalers license fee and increase the outside truck operators, for the following reasons:

1- From the responsibility aspect: The major portion of wholesalers licensed not only make deliveries within the city but also in adjoining areas for which they pay a license fee. The retaliatory aspect of any proposed change should be considered by the Council before any change was made. The proposed license of \$50 per vehicle is high as the average of the trucks in the report submitted by the staff indicate \$31 for wholesale firms and \$29 for retail firms coming into Modesto. Modesto's rate at present, \$30, hits the average rate.

2- The City is dependent to a certain extent on the activities of outside firms for commodities which cannot be obtained from within the corporate bounds. The city is not self-sufficient and cannot afford to be isolated.

The Association submits a recommendation that the rates for the wholesalers and outside trucks should not be disturbed at this time, Mr. Nelson stated.

Raymond McGurk, representing C. G. Gall & Company, Stockton wholesale grocers, stated that the local wholesalers, who apparently want to be on an equitable basis with outsiders, must

keep in mind that they receive more from the city facilities. They have every access to the city while outside trucks might come into the city only one day a week. The local operators should be willing to pay more license fees because of the extra benefits received. He contended that the city's license of \$75 per year for wholesale produce prevented the citizens from getting potatoes and onions at a cheaper price.

H. B. Little, representing the Wholesalers Committee, read the following statement:

"Without further confusing the issue at hand, we simply wish to point out that local wholesalers are only asking to be placed on an equal basis with outsiders with respect to our city business license. The City Finance Director's memorandum of March 15, 1960 shows that under our plan of a \$50 license fee for all wholesalers there will be no loss, in fact, a slight gain in revenue to the city.

"Consequently the change we are recommending will in no way affect the present favorable tax rate. In discussions by the City Council prior to the adoption of Ordinance No. 238-C.S., it was brought out time and again that there would be, without a doubt, certain inequities and although it is not specifically stated in the records, we believe that you will agree that the Council's attitude at that time was that it would be happy to entertain a request for a revision after a one year trial period. We now bring this present inequity to the Council for consideration.

"The local wholesalers are proud to be a part of the City of Modesto. We are happy to pay such licenses, taxes and contributions as we may be requested. We have no desire to side step one iota of our responsibility to the city. We do not, however, and this we feel strongly, wish to be placed in the position of having to pay more to do business in our own home town than our outside competitors."

Bud LaCore of the LaCore Tire Company, operating outside the city limits, stated that it was his understanding that in return for taxes, licenses, etc. a person or firm gets some benefit. Taxation should have some relationship to the benefit derived. The local business man derives more benefit from a community than a person coming into the community once a week. It would be wrong to raise the outside license fee because of wanting to have an "embargo" against a person doing business in the city. Taxing on a flat rate basis, as Modesto does, is not the best system. He recommended that Fresno's system of taxing on gross revenue be investigated. Raising the outside license fee too high would prevent certain types of business firms from serving the community, especially if their business was minor. This might keep Modesto from receiving certain needed services such as retreading of tires, etc. and also cause increased taxes for services as is true of the City of Merced.

Norm Davis, with M & M Distributing Company, considered that licenses paid in cities throughout the State of comparable population should be used to compare licenses and not small cities like Ceres or Patterson as was done in the report submitted by the staff to the Council. He cited an example of an outside competitor who was only required to pay a \$30 fee, while he was forced to pay \$75. Consideration should be given to a different type of license for wholesale and retail trucks.

Communications opposing the increase proposed for outside trucks from the following were read:

Ben's Appliance Service, 409 Emerson Avenue, Modesto
Kast of California, Fresno, Calif. P. O. Box 1127
Monterey Cheese Company, 244 Jackson Street, San Francisco 11

A letter from Emmett Crandall, President of the Valley Tractor Company, was read asking that the Council reconsider amending the ordinance to reduce the company's net license fee costs.

W. F. Bargar, manager of Olson Bros., Northern Division, spoke in opposition to the proposed outside truck license fee. He pointed out that it was almost impossible to find areas suitable for commercial development within the city limits. His company operates throughout a large area from the Modesto plant and must pay 227 licenses at the present time on this 13 county operation. If all of these towns would raise their license fees \$15 or \$20, this would be a large increased cost to be absorbed by the purchaser.

The City Attorney stated that the new Fresno system for outside trucks, basing the license fee on gross revenue, deserved considerable study. This is the legal principle generally expressed by the Courts, relating the license fee to the amount of business done in a city.

The City Attorney stated, to meet the revenue requirements set up in the report of the Director of Finance, it would be possible to establish a fee for \$3,000 gross to produce the same revenue. Instead of every truck owner paying the same, he would be paying in proportion to the amount of business done in the city.

Councilman Arata considered that enforcement of this type of license would necessitate the hiring of additional help in the Finance Department.

Councilman Spaulding considered that there was no great urgency on changing the business license fees. Before any change is made, more information should be made available to the Council on the Fresno type of license.

Councilman Knoles pointed out that the amount of money under consideration was small and the matter actually involved was principle. He agreed with Councilman Spaulding that further exploration should be made on the gross revenue type of license.

Answering a question raised by Councilman VanderWall---which alternate is recommended by the Finance Department---Director of Finance Bird stated that he recommended Alternate 1 in his report of March 15, 1960. The basis of recommendation is that primarily the license fees in the City of Modesto are higher than other cities, that the city should not segregate a specific group at a lower rate but on the contrary set them in their place within the balance of the rates, thereby equalizing the competitive factor between the inside and outside firms.

Mayor Hammond stated that it is also possible that consideration should be given to retailer's competition along with the wholesalers.

The City Attorney stated that as soon as an outside retail operator engages in a regular course of business within the city limits he is required to take out a city license. If the city can find sales, deliveries, orders, payments of cash occurring within the city, the firm is subject to business license.

Mr. Bird stated that the Fresno license method was not mentioned in his report. Basically it is more equitable from an established flat rate. There are some real difficulties in administration, 1) determining what the gross is, 2) what should the rate be based on (Fresno's basis \$3,000 gross receipts). This is a difficult problem for the department to answer because the volume of business of the outside trucks is unknown. This would take considerable study to determine and the operators may not be willing to divulge this information. Mr. Bird stated that at this time he could not say how soon a study of this type could be ready for Council consideration. The plan itself generally has merit from an equity standpoint.

MOTION

That the Council approve the three recommendations made by the Director of Finance in his report of March 15, 1960, the first of which would be to reduce the business license tax from \$75 to \$50 per annum for the wholesalers, brokers, manufacturers, processors, public utilities with a fixed place of business in the city; second to increase the business license tax on firms located outside the city operating from vehicles within the city from \$30 for the first vehicle and \$15 to \$20 for each additional vehicle and to provide a separate license for those firms located outside the city in the business of transporting for others at the present business license rate of \$30 for the first vehicle and \$15 for each additional vehicle and that the City Attorney be directed to prepare an ordinance to accomplish this action.

Moved by VanderWall Seconded by Arata
 Ayes: Arata, VanderWall
 Noes: Adams, Knoles, Spaulding, Mayor Hammond
 Absent: Martin

Mayor Hammond declared that the motion lost.

MOTION

That no action be taken at this time to change the current business license ordinance and that the staff be directed to investigate and report on other possible means of arriving at some other solution to the problems as soon as expedient.

Moved by Spaulding Seconded by Adams
 Ayes: Adams, Knoles, Spaulding, Mayor Hammond
 Noes: Arata, VanderWall
 Absent: Martin

MOTION

That the staff make a study of Emmett Crandall's tax situation and report back to the Council.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

The City Manager pointed out that the staff will summarize information already furnished the Council, particularly on the gross receipts type of licensing.

Don Schmidt, American Transit Company, stated that the enforcement of the business license ordinance should be increased to protect the local merchants.

Mr. Little read the tax rate of various cities throughout the state which were lower than the City of Modesto. He pointed out that the wholesaler license fee and the outside operators were the same in each instance.

Mr. Harold Simidian stated that if one segment of the business license is going to be reviewed, the whole ordinance should be reviewed.

Mayor Hammond declared a five minute recess at 9:40 P.M.

Mayor Hammond reconvened the Council meeting at 9:45 P.M.

PROTEST FILED BY PROPERTY OWNERS ON PROPOSED LOCATION OF COMFORT STATION IN WHITMORE PARK 10-67

With the unanimous consent of the Council, the matter of the proposed location of the comfort station in Whitmore Park was considered.

Mary Grogan, Acting Director of Parks and Recreation, reported that when the contractor started construction of the comfort station in Whitmore Park today, a group of property owners near the park had protested the location of the station which was 50 feet from the 20 foot wide alley. The owners considered that it would be less objectionable if it was moved 60-85 feet nearer the center of the park, depending upon the location of the sprinkler heads already installed. Miss Grogan stated that this could be done without materially disrupting the park plan.

A letter from Robert G. Stonum of the Wolverine Real Estate was read asking that the Council review the matter regarding the comfort station location so that the neighbors could express themselves before a final site selection was made. He questioned the advisability of installing this facility at all due to the recent publicity centered around park rest rooms.

The City Manager stated that it would be "unthinkable to have parks without rest rooms". The contractor had started construction and the city will have to pay him extra for holding up construction for this one day. The general feeling of the owners is that it should be moved as far as possible from the property line.

The City Manager pointed out that the city had not had any problems with rest rooms in neighborhood parks, only in down town parks (Graceada and Fourth Street Park).

Gilbert Grover, Mrs. Grover and George Guy, property owners, spoke in protest to the proposed location.

MOTION

That the comfort station in Whitmore Park be relocated southward an additional 60 feet, closer to Bowen Avenue.

Moved by Knoles Seconded by Arata Unanimously carried

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The City Manager stated that a park was designed to serve the entire community for generations and it is not always possible to plan it just to suit the people in the neighborhood at the time it is improved. In every case where an area has been developed the plans are considered jointly by the staff and the residents. He welcomed the suggestions made by the property owners for this particular park.

REPORT ON THE CORPORATION YARD LOCATION 12-10

Councilman Arata submitted a report of the Council Committee on the Corporation Yard location, which had met with the staff to inspect the various locations suggested for the location of the Yard. The Committee recommends that the location be in the central part of the city and that property in the Woodland Avenue area which has been offered not be acquired. A report will be made by the Planning staff shortly on the matter.

MOTION

That the report be accepted and approved.

Moved by VanderWall Seconded by Knoles Unanimously carried

ESTABLISH CHARGES FOR WATER SERVICE TO SYLVAN SCHOOL 12-22

RESOLUTION NO. 60-170

A RESOLUTION OF THE CITY OF MODESTO ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO SYLVAN UNION ELEMENTARY SCHOOL

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

SET DATE FOR HEARING ON APPEAL FILED BY ALICE JOSEPH 12-29

The City Clerk reported that Alice Joseph had filed an appeal on May 5 to the denial of her request by the Planning Commission to reclassify from R-2, to C-1 lots 1 to 4 inc. in Block 118 located on the southwest corner of 16th and F Streets. He recommended that June 1 at 4:30 P.M. be set as the hearing date for the Council.

RESOLUTION NO. 60-171

A RESOLUTION SETTING TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY ALICE JOSEPH ON THE REZONING OF PROPERTY LOCATED IN BLOCK 118

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

ACCEPT REPORT FROM THE CHAMBER OF COMMERCE 12-40

The Council noted receipt of the quarterly report of the Chamber of Commerce.

APPROPRIATION TRANSFER FOR JANITORIAL SERVICES 12-41

The City Manager noted that the Council had received copies of a report on the janitorial needs for the City Hall. If the re-

commendations in the report are to be carried out the adoption of an appropriation transfer of \$320 from the General Reserve would be required.

RESOLUTION NO. 60-172

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR SALARIES AND WAGES (JANITOR) IN THE SUM OF \$320

Introduced by Spaulding Seconded by VanderWall Unanimously carried

MOTION

That the Mayor be authorized to write a letter of appreciation to William Check and Jim OBrien for their assistance in preparing the report on the janitorial needs for the city hall.

Moved by VanderWall Seconded by Arata Unanimously carried

OPEN HOUSE AT CITY HALL 12-83

The City Manager suggested the date of June 2, (Thursday) between the hours of 4 P.M. and 8 P.M. for the open house program for the new City Hall.

MOTION

That the date of June 2, Thursday, between the hours of 4 P.M. and 8 P.M. for the open house program for the new City Hall be approved subject to checking the date with the County to determine if it wished to participate in the program.

Moved by VanderWall Seconded by Arata Unanimously carried

The City Manager reported that the League of Women Voters had offered to assist as hostesses on the program. Mayor Hammond stated that this assistance would be welcomed. The City Manager was directed to work out arrangements with the League.

The Council agreed that no refreshments would be served at the open house program.

CLEAR TIME FOR CLEANING AND SEALING OF BRICK WALL 12-113

The City Manager reported that the contract for the construction of the city hall provides for the contractor to clean the brick walls again. This has already been done once. The final cleaning and sealing is being held up until the mortar is thoroughly dry.

The possibility of doing the cleaning and sealing job before open house was discussed. If it was necessary to clean the building at a later date the City Manager stated, it would be at the city's expense (approximately \$250-\$300). The Council decided that the final job should be delayed until later in the summer months, possibly prior to the finish of the parking garage by the general contractor.

"NO SMOKING" IN THE CITY HALL ORDINANCE TO BE PREPARED 13-20

The City Attorney reported that the records indicate that there is no action by the Council to prohibit smoking in the Council Chamber.

The City Manager stated that a copy of the Council minutes approving the recommendation of the Council Committee that smoking be prohibited had previously been transmitted to the Council members.

MOTION

That the City Attorney be instructed to prepare the necessary documents to prohibit smoking in the Council Chamber.

Moved by Adams Seconded by VanderWall Unanimously carried

SEATING IN THE COUNCIL CHAMBER 13-42

The placing of the chairs in the Chamber for ease of access was briefly discussed. The Council indicated that there should be an aisle along the wall. The staff was directed to check out the arrangements of the chairs.

"WHINE" IN THE COUNCIL DOOR 13-75

The whine in the Council door was discussed. Assistant City Manager Masonheimer stated that the repair would be made during the week.

CONSIDER PROCEDURES FOR HANDLING TRAMPOLINE APPLICATIONS 13-92

Planning Director Smeath stated that most cities have not had any experience with commercial trampoline centers so there were few regulatory ordinances. These centers are not included in the zoning regulations so they become an unclassified use permit, as far as location is concerned. The Planning Commission must pass upon the location, as an unclassified use permit until the Council puts them in a specific zone.

The City Attorney stated that the Code empowered the Planning Commission to impose such reasonable conditions as may be applicable in the given circumstance.

The City Manager pointed out that the location could be handled satisfactorily by the Commission, under the unclassified use permit procedure but there should be safety regulations established by legislative action of the Council.

Mr. Smeath stated that the Commission is hoping for some safety recommendations to be made so that it might consider them before final recommendation to the Council for safety legislation. There are four applications now on file for trampoline centers in the city limits. The Planning staff feels that a reasonable ordinance could be prepared and presented to the Commission for its recommendation to the Council. He urged that there be a specific ordinance adopted as is being done by other cities.

The City Manager pointed out that the location was a function of the Planning Commission but the function of determining what is a safe operation in a center is a function of the public health and safety power of the city and not the Commission. The Commission should not be bogged down with this. If the Council agrees there should be some regulation and standards the staff should propose these to the Council, working with the County and the operators and present them for study and action.

Mayor Hammond stated that the Council should be concerned only whether there is a degree of control as to the location of the centers, and that adequate facilities are provided for parking and public facilities such as rest rooms, etc.

Councilman Spaulding pointed out that the operators no doubt want some type of safety regulations for their own protection.

Mr. Smeath stated that the recommendations of the operators has been that the trampoline mats be no closer together than 3 feet. Some of the operators feel that 6 to 8 feet should be established, because the accidents which occur are due to the mats being placed too close together and people fall into each other. This type of operation should be spelled out in an ordinance. There are a number of other regulations which could be recommended also, he stated.

The City Manager stated that the staff strongly urged that the city proceed on the basis that standards should be established to assure the safety of the persons using the trampolines. He suggested that the staff be authorized to prepare regulations for Council consideration.

Councilman Arata suggested that the staff also check with the insurance company on the safety regulations.

The City Attorney considered that the regulations should be presented first before the Council makes its decision on whether the centers should be regulated.

MOTION

That the staff be instructed to prepare a report for Council consideration next week relating to the problems of trampoline center operations as to 1) parking requirements, 2) location restrictions and 3) a set of safety standards.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

The principal point, the City Manager stated, for the operators to know is that the Council has asked the staff to check out the safety factor and work out some reasonable regulations.

APPROVE DESTRUCTION OF RECORDS IN THE PERSONNEL OFFICE 14-90

The City Attorney stated that certain records in the Personnel Office, relating to employment history records of former employees, were over five years old and were no longer needed.

RESOLUTION NO. 60-173

A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

TERMINATE PARKING ARRANGEMENTS IN REAR OF OLD CITY HALL 14-96

The City Manager reported that the operator of Farmer's Inn, 716 9th Street, will be advised that the informal arrangement for

the use of three parking spaces across the alley from the old city hall would not be needed since the move to the new city hall.

HOLD OVER CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM 14-101

With the consent of the Council, Mayor Hammond ordered that this matter be placed on the agenda of May 18 for Council consideration.

The City Manager reported that time was short for the street construction program. The staff met recently and reviewed the status of projects which possibly might clear. Most of the problems relate to right of way. It is recommended that if the rights of way can be obtained on Roseburg between College and Mills and Sycamore to McHenry that the work be done this summer. Roseburg between Tully and College will be done next spring. If the right of way can be cleared on Granger from McHenry west to the railroad within 30 days, the complete project can be paved. If the westerly portion cannot be cleared, it is recommended that the paving be completed up to this section. If the right of way can be cleared from Stoddard to Yale-Leonard by late this calendar year, it can be set up for construction next spring, even if it can be cleared from Stoddard northward only through the Coldwell intersection, this portion can be proposed for construction next spring. It might be possible to clear a portion late this summer.

Norwegian from McHenry east to the city limits should be improved this summer if the right of way can be cleared. Center from Paradise south, which is a city-county joint project, is being checked out to determine if it can be set up to city standards. B Street, the condition from 7th to 9th is being checked to determine whether it can be improved from a traffic standpoint.

It is proposed that 14th Street between H and J Streets be paved. The proposal to remove some trees to put in sidewalks at the city pump station on 10th and Needham is also recommended. It is recommended that the Public Works Department check the full length of Neece Drive and make a recommendation on those portion which need to be improved. With the new Golf Course and S.O.S. Club this street should have some attention.

It is proposed that on those streets where the city assumes the responsibility for installation of curb and gutter as a condition to dedication, it proceed, if it is feasible from a physical standpoint, to put them in at the time of dedication. If the Council approves the allocation of the special capital outlay funds recommended in this program it would provide \$56,422.00 for streets for the next year. This will be the first time, other than the McHenry Avenue project, the city will begin to get some money on the streets. It is proposed that \$74,000 be expended for each of the two succeeding years.

It is proposed that where a great majority of the property owners have dedicated the required right of way and a refusal to dedicate by a few is holding up a proposed project, condemnation proceedings be used to clear those, as was done on McHenry and College Avenues. It is also proposed that where funds have been allocated for certain projects and cannot be cleared for construction within a reasonable time that these funds be allocated to some other project.

MOTION

That this general program be followed.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

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MATTERS FOR THE GOOD OF THE COMMUNITY 15-36

Mervin E. Wolf, 1125 E. Fairmont, located outside the city limits, asked for permission to connect with the city sewer.

Director of Public Works Ray reported that Mr. Wolf had signed the regular city form for this purpose, the area can be served by the city on the regular basis. The City Manager recommended approval of the city service to Mr. Wolf.

MOTION

That the staff be authorized to proceed to furnish the city sewer service to Mr. Wolf on the regular conditions.

Moved by Adams Seconded by Spaulding Unanimously carried

B. B. Whitehead, 703 Norweigan Avenue, located outside the city limits, has also applied for city sewer service, Mr. Ray reported, on the same basis.

MOTION

That the staff be authorized to proceed on this basis.

Moved by Arata Seconded by Spaulding Unanimously carried

PROGRESS REPORT ON FIRE PROTECTION PROGRAM 15-61

The City Manager stated that in view of the late hour that a written report on this matter would be sent to the Council and the matter placed back on the agenda.

REPORT ON PARK PURCHASE---SYLVAN SCHOOL 15-65

The City Manager reported that this matter had not yet been cleared.

REPORT ON DENNETT DAM PROJECT 15-65

Councilman Arata, Chairman of the Council Committee (Golf Course Club House) reported that this committee had met with a committee from the Board of Supervisors regarding the construction of Dennett Dam. A number of things were raised which had not previously been considered---other required improvements and pollution of the river. A representative of the Sacramento City Recreation Department had advised that Lake Lodi is already polluted and closed to swimmers, as well as Sacramento and American Rivers. When the city previously considered rebuilding this dam, people were told swimming would be permitted along with boating. People should know that there is a possibility that if the dam is built that perhaps swimming will be prohibited. Pollution is increasing due to the low water level.

The County has decided to make some checks on the water and until this report is available any further action on the dam must be delayed.

ACCEPT FINANCIAL STATEMENT FOR THE MONTH OF APRIL, 1960 15-81

The City Manager distributed copies of the financial statement for the month of April to the Council members.

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ADJOURNMENT

MOTION

That this Council meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Unanimously carried

The meeting was adjourned at 11:15 P.M.

ATTEST: 
Rex E. Gailtus, 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 Chamber, 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Hammond

Absent: Councilmen: Spaulding

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

Rev. Hartzell Cobb gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of April 13, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

YOUTH IN GOVERNMENT DAY

Mayor Hammond welcomed the students from Downey High and Modesto High, members of the Key Club, who were participating in the Youth in Government Day. He introduced his counterpart, Jerry Potter, and asked the other Council members to do likewise:

Councilman Adams-----Mike Simi

Councilman Arata-----Glen Shirk

Councilman Knoles reported that his counterpart, Rick Knoles, was unable to be present because of a previous engagement for a time trial on the track meet.

Councilman Martin-----George Frankenstein

Councilman VanderWal-----Gary Vautin

Paul Prudot, Councilman Spaulding's counterpart, was introduced by Councilman VanderWall.

City Manager Miller-----Jerry Jackman

City Attorney Allen Grimes' counterpart, Ed Lacy, was unable to attend as he was participating in the track meet.

The City Manager noted that this was the first year Youth in Government Day was a joint City-County program. He read the names of the various committees (Public Works, Finance, Auditor-Treasurer, Parks-Recreation and Planning). He also read the names of the Key Club Members who were serving as counterparts for the County offices.

City Clerk Rex Gailfus introduced his counterpart, Jerry O'Kelley.

City Manager Ross Miller expressed appreciation for the cooperation received from the Kiwanis Clubs, school and County officials.

PETITION REQUESTING CONSIDERATION OF PARK IMPROVEMENT IN THE
NORTH MODESTO AREA 1-77

A petition from officers of various P.T.A. Associations and Dad's Clubs was read requesting that plans for the development of Garrison, Whitmore and Roosevelt Parks be 1) completed without further delay, and 2) specifically the tennis courts planned for Roosevelt Park. They asked that the signers of the petition be notified in advance when the Council would consider these matters.

The City Manager suggested that a staff meeting be arranged with the signers prior to a report to the Council. He pointed out that all of the requested improvements were proposed in the Capital Improvement program, which will be discussed later in this meeting. He pointed out that the land for these parks had been acquired while it was still outside the city limits. Since their acquisition there has been a regular schedule for park improvements and acquisition of land for parks.

Mayor Hammond referred the petition to the staff to assemble the necessary information and to contact the signers regarding a meeting.

LETTER FROM MRS. J. H. BUCK RE: CURBS AND GUTTERS 1-116

A letter from Mrs. J. H. Buck, 421 W. Roseburg, was read, inquiring about requiring the installation of curbs and gutters by other property owners in this block.

Mayor Hammond referred the letter to the staff for answering.

LETTER FROM EMORY F. SUMMERS RE: INSTALLATION OF TRAMPOLINE CENTER
1-125

A letter from Emory Floyd Summers was read requesting approval for the construction of a trampoline center in the city.

The City Manager stated that as requested by the Council a report had been prepared covering the following: 1) parking requirements; 2) location restrictions; 3) safety standards. Copies of the report were distributed.

Mayor Hammond ordered that the letter from Mr. Summers be referred to the Planning Department for handling of request for an unclassified use permit.

PROCLAMATION OF INTERNATIONAL FROG OLYMPICS 2-29

The City Manager displayed a Proclamation received from the International Frog Olympics being held at Angels Camp, Calaveras County, May 19-22. He noted that this was the first time in the history of the Olympics that this contest has been included. It originally started as a local festivity, became nationally famous and now "is an international event".

Mayor Hammond was authorized by the Council to acknowledge receipt of the proclamation and assure the sponsors of the city's interest in the event.

FINAL ADOPTION OF ORDINANCES 2-40

ORDINANCE NO. 377-C.S. entitled

"AN ORDINANCE GRANTING W. R. TOMSON, DOING BUSINESS AS THE TRANSADTISE COMPANY, AN EXCLUSIVE FRANCHISE FOR THE RIGHT PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO"

introduced on April 27, 1960 and having been printed and published as required by the Charter and amended on May 11 and republished as amended, and coming on for final consideration was moved and adopted.

Moved by Knoles Seconded by Martin
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

ORDINANCE NO. 381-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER I OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE CONSTRUCTION OF STRUCTURES AND FACILITIES IN SIDEWALK AREAS"

introduced on May 11 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Martin Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

ORDINANCE NO. 382-C.S. entitled

"AN ORDINANCE REPEALING ARTICLE 3 OF CHAPTER 7 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO USED CARS"

introduced on May 11 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Martin Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

ESTABLISH SPEED LIMIT ON PORTION OF FLOYD AVENUE 2-60

The City Manager stated that the establishment of 30 miles per hour speed limit on that portion of Floyd Avenue in the city limits would require joint city-county action. The County Board of Supervisors will be considering action shortly.

The City Attorney stated the ordinance also amended the Municipal Code to provide that the Director "may" erect appropriate signs giving notice of regulations of timing of traffic signals instead of "shall" erect signs. The amendment will make it optional.

ORDINANCE NO. 383-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 AND SECTION 3-2.1402 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED ZONES, AND REPEALING ORDINANCE NO. 360-C.S."

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

Moved by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

HEARING ON PROPOSED REZONING OF THE SPORTSMEN OF STANISLAUS CLUB
ADDITION 2-103

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the proposed rezoning of the Sportsmen of Stanislaus Addition from Single-Family Zone, R-1 to Multiple-Family Zone R-3.

The City Clerk reported that the notice of the hearing had been published as required by law, that no written protests had been filed.

Mayor Hammond asked if there were any oral protests or if anyone wished to comment on the proposal for rezoning. No protests were filed or comments made. Mayor Hammond closed the hearing.

ORDINANCE NO. 384-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 5 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SPORTSMEN OF STANISLAUS)"

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

Moved by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

HOLD OVER ORDINANCE APPROPRIATING ADDITIONAL FUNDS IN THE SERVICE
WORKING CAPITAL FUND 2-115

The Director of Finance reported that \$8,000 additional funds will be needed for equipment parts. In order to provide these funds it will require a transfer from available reserves. Mr. Bird stated that at the time this was being done an additional appropriated reserve for the balance of the year in the sum of \$12,000 was being proposed. This would avoid the necessity of adopting another ordinance in case additional funds are needed.

With the consent of the City Council, Mayor Hammond directed that a more detailed report be furnished the Council prior to the next meeting and that the adoption of the ordinance be held up until this time.

ORDINANCE PROHIBITING SMOKING IN THE COUNCIL CHAMBER 3-30

ORDINANCE NO. 385-C.S. entitled

"AN ORDINANCE ADDING SECTION 2-1.23 TO CHAPTER I OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO SMOKING IN THE COUNCIL CHAMBERS"

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

Moved by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

HOLD OVER ORDINANCE RELATING TO THE USE OF CITY STREETS BY
 VEHICLES FOR COMMERCIAL PURPOSES 3-41

This matter was held over.

REPORT ON BURNEY STREET 3-43

This matter was held over.

ACCEPT INFORMAL BID ON SALE OF OAT CROP AT MODESTO CITY-COUNTY
 AIRPORT 3-44

The City Manager reported that as directed by the Council the sale of the oat crop at the Modesto City-County Airport had been advertised. One informal offer of \$4.00 per ton was received from Fred Cavagnaro and Fred C. Kline. The informal bid of \$200 previously submitted by Eugene Abel has been withdrawn.

RESOLUTION NO. 60-175

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED
 CAVAGNARO AND FRED KLINE FOR THE SALE OF OAT HAY AT THE MODESTO
 CITY-COUNTY AIRPORT

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM 3-67

The City Manager reported that the Planning Commission has recommended projects during the next fiscal year amounting to a total outlay of \$1,497,984. Of this total \$889,434 would come from special and general funds and \$608,550 from special capital outlay funds. If these expenditures are made, it is estimated that a special capital outlay fund reserve of \$53,650 would remain. Copies of the report were distributed to the Council members. Page two of the report which listed the detailed projects for the fiscal year 1960-61 was reviewed item by item. Comments were made on the following items:

Airport-Control Tower \$27,528

This is the city's portion of the cost for which it is informally committed. This project is before the federal government for consideration.

Finance-Accounting Machine \$8,500

The City Manager stated that all capital items over \$5,000 are included in the capital improvement program and considered by the Planning Commission. Under the Municipal Code, the Commission is required each year to present to the Council its recommendation for a capital improvement program for the next six years. This year for the first time it has gone through the program in considerable detail. This is a continuing process, the first year of the report,

if approved by the Council, will become the capital budget for next year. The report also includes items for the second and third year. The Commission is still working on the fourth, fifth and sixth year program. The Commission considers that all of the items listed in the first year are top priority projects, the second year number two priority projects, etc.

Fire Alarm System \$55,000

Police Building \$70,000

This is proposed for the purchase of land and preparation of plans.

Refuse Disposal-Incinerator \$30,000

The staff has already been authorized to proceed on plans for this.

Golf Course-Clubhouse \$15,000

This will start construction of the clubhouse, with the cooperation of golfers, etc., but would not pay the normal full construction cost. It may be possible to only build one story at first.

Library-parking lot \$4,400

It is proposed that the house be removed from the recently purchased property adjoining the Library on 14th Street and the area be made into parking for the Library.

Parking-General (as needed) \$123,250

This is the estimated revenue to the parking fund. The Council will make the decision on the improvements.

The City Attorney stated that the Council should be aware that most of the city's parking lots are based on a lease basis. Most of these leases contain cancellation clauses. The city must be in a condition to condemn and purchase the lots if it wishes to retain ownership.

The City Manager stated that these funds could be used for purchasing lots or any other purpose the Council approved. The only specific proposal for this year is the demolition of the Riggs building, 9th and I Street, and placing the property into condition for parking use. The last lease on this building will expire May 1, 1961.

Parks

Restrooms-Legion-----	\$17,250
Whitmore-----	3,500
Roosevelt-----	4,500
Enslin (curb & gutter)-----	4,100

The City Manager reported that the city was the only property owner in the Enslin Park area without curbs and gutters.

Kewin \$9,000

Service Center \$2,600

This is for the entrance and improvements to the parking lot adjoining the center.

Community Park Site - Downey \$70,000

The staff has been authorized, in a preliminary way, to check on a park site in this location. These funds would provide for the acquisition of the land.

California Street Park \$10,000

This will provide funds for a preliminary start on improvements.

Third swimming pool \$35,000

Mayor Hammond commented that the city had been following the pattern of placing the pools at high schools. The Roosevelt School area is a more urgent site because of the heavy population growth.

The Commission has not made a specific recommendation on location, the City Manager reported. A further report will be made on this matter. One suggestion has been made, which appears logical, that the third pool be located at the Junior College. Studies seem to indicate this site would serve the area better than the third high school location. The funds would provide for one-half the cost of the pool. The determination of the location would be up to the city, if it assumed the entire cost, and up to the schools and the city if it is to be a joint project.

Miscellaneous (curbs & gutters) \$4,700

The City Manager stated that the city was lagging in the construction of curbs and gutters. The city should not be in the position of urging people to install these when it does not install them on its own property.

Del Webb Field fence \$4,800

This is for a replacement of an existing fence.

Sewers

Coffee Road subtrunk-----\$19,400

Rose Avenue Trunk----- 23,165 (bond money)

Sewage Plant-----320,000

The exact cost will be known shortly on this item.

Carver Trunk----- 25,558 (bond money)

Subtrunk & Perimeters----- 25,000

It is estimated that one half of the cost will be picked up by the city during the year from subdividers and property owners.

Improvement District--Street lighting--Drainage \$215,683

These are special improvement districts which the city assists with but the costs are paid by the property owners involved.

Streets

If the program outlined on streets is completed it will be the biggest the city has had for many years, with the exception of the McHenry Avenue project. It is proposed that \$50,000 be made available out of the Special Capital Outlay funds for streets. \$75,000 is proposed for each of the second and third years. Projects for the first year were reviewed by the Council at its meeting of April 11, and informally approved.

He pointed out that the Sutter Avenue improvements was a joint city-county project. It is being proposed that even if the city has to pay some additional funds, that the street be improved to city, instead of county, standards.

Traffic Signals \$29,900

It is possible that the signals proposed at Coldwell and 99 Highway might cost less than the estimated \$22,900 (State to pay two-fourths, one fourth by county and one fourth by the city).

Water extensions and wells and pumps \$163,000

This amount is below the present program but it is estimated that next year will be a lighter year. Two new pumps are planned 1) Mark Twain, well and pump (\$21,500) will be required immediately if the subdivision nearby is developed soon but if not, it will be required to serve the areas to the north; 2) Tully Road well-pump (\$21,500) will be located in the vicinity of the third High School.

Public Buildings \$177,150

\$90,000 is included for the Corporation Yard for a start on acquisition of property. \$15,000 is included to clear up the furniture needs for the city hall. \$72,150 is included for City Hall Bonds.

SUMMARY:

These projects can be financed with the money in sight, most of which is specified for Capital Outlay Purposes, the City Manager stated. This program is the recommendation of the Planning Commission and staff and is presented to the Council for discussion and any changes it wished to make, and will be incorporated if approved, into the 1960-61 budget.

Council Discussion 4-76

Councilman Martin questioned the Fire Alarm System item. The City Manager stated that this item had not been cleared. More precise determinations are to be made before the expenditure is made, the item is listed so that the money will be reserved until this study is made. Councilman Martin wanted it recorded that he had a question about this expenditure.

The City Manager reported that he had been working with the Fire Department, representatives from the fire protection field and

property owners who need fire protection. He stated that he was convinced that the city can get some real help in the fire protection field from the property owners. These people should not expect the city, and many do not, to keep on spending money to protect property which is not trying to protect itself. The City Manager stated that he was working on a report which will be submitted to the Council. This report will recommend that the city help property owners who have the high value and high risk properties to help themselves. They should be encouraged to the extent that the city might spend a little money to help them, if necessary, to check the desirability and feasibility of 1) structural improvements or wiring improvements which may be indicated even though they are not legally required, 2) alarm system which will notify the fire department of the fire when it starts and avoid late notification which is a contributing factor to most high loss fires; 3) sprinkler system which will put out the fire or hold or check it until the department arrives and which reduce insurance rates enough to repay the cost within a 5-6 year period.

It seems to make more sense for the city to put some real effort on this program than to keep on hiring more firemen and buying more fire trucks. Some of the property owners involved have indicated a desire to work with the city on this.

Councilman VanderWall questioned why the proposed street improvement involved primarily one section of the city. The City Manager pointed out that the principal problems were in this area and most of these problems have been acquired by annexation. The City previously expended considerable funds on improvement to streets in the LaLoma area and on the West Side of the City. A summary of the past 6-8 years expenditures on streets will be prepared for the Council. Some of the improvements will be financed by gas tax funds and only certain streets are eligible for these gas tax funds.

The City Manager stated that whatever changes the Council wished to make in the Capital Improvement Program for the 1960-61 year should be cleared shortly as it will be the budget for this year. The staff would be working on the various projects on the basis that they were authorized in the budget but practically most of them must come back to the Council for further action.

1961-63 proposals

The items were considered by the Council. The City Manager stated that the proposal for a fire pumper might be stepped up, if after the fire grading, the Board considers it a crucial point in determining rate and grading.

A Police Building could be designed to serve the present needs and to be expandable for any future needs. Councilman Adams considered that serious thought should be given to building this building at an early date, in view of the condition of the existing building.

The City Manager stated that one of the things which the Planning Commission is considering is the possibility of a bond issue for some of the needed improvements. A report will be made to the Council on this.

It will be necessary to replace the water mains in the Municipal 9 hole golf course whether it is used for a course or a regional park.

It is being proposed, depending upon the experience with the Silverthorn Branch Library, that a building be built after the lease expires. Funds should be made available also to start branches in the LaLoma and Roosevelt Park area on a lease basis. These would be financed from the Library funds.

Parking expansion of the Ninth Street lot proposed in this budget, in the sum of \$15,000, should be forwarded to the 60-61 budget, the City Manager pointed out. This is the only specific city parking lot project. It would be possible to consider the purchase of parking lots with the revenue derived from these lots. There has been some discussion on the possibility of using the old city hall site. A report will be submitted on this later.

Item of \$25,500 for the Legion Seawall will probably be higher if the Dennett Dam is built.

The Planning Commission recommended a community park site at the Third High School for prompt action but in view of the other commitments the Commission has now recommended delay.

The City Manager stated that the report did not include funds for the improvement of Yosemite Boulevard. If the city and county are able to work out anything on this with the property owners and the state, some funds will be needed. It was listed in the report so that it would not be overlooked. It is proposed that there be a reserve in each of these years of \$75,000 per year in addition to the proposed projects.

No amount is shown in the report for improvements on Kansas and Needham. The freeway will be coming off in the Kansas Avenue area and over to 9th Street. The city is asking the state to assist and there is some chance of success although so far they have refused. It is possible the city might have to provide some funds to get the project started.

The Laurel Street bridge (\$17,500) is proposed as a joint city project. This should be cleared out in advance of the construction of the freeway.

Proposed expenditures for traffic signals were listed. The City Manager pointed out that some of the locations proposed for traffic signals would become more important as the freeway comes into use.

The City Manager stated that preliminary totals of the 1960-61 budget indicates that a substantial revision will be necessary in either services or revenue in order to balance the budget. The staff will present the budget shortly outlining some of the problems involved and ask for Council guidance.

The City Manager pointed out that the capital improvement program was the recommendation of the Planning Commission and staff, subject to any changes the Council wished to make.

Mayor Hammond recommended that prompt consideration should be given to the erection of tennis courts in Roosevelt Park.

Miss Grogan stated that she would check with the Roosevelt School to determine if funds once available for the tennis courts could be used.

MOTION

That the capital improvement program be placed on the agenda for the next Council meeting (May 25).

Moved by Knoles Seconded by Martin Unanimously carried

The City Manager pointed out that the rest rooms in Legion Park should receive priority consideration. He pointed out that the city had been expending considerable money for land while it was still available. He considered that in his judgment "this was the wisest thing this city has ever done".

HEARING ON ORDINANCE AMENDING CODE ESTABLISHING SEWER SERVICE CHARGES 6-20

Mayor Hammond opened the meeting for discussion on the proposed amendment to the Municipal Code changing the charges for sewer service.

Problems involved in the billing of the new rates and the effective date of both the domestic and industrial were discussed.

The City Manager pointed out that the domestic flat fee rate was based on a bi-monthly billing with the next billing date June 1 for the months of June and July; sewer service fees based on metered water service is billed bi-monthly starting July 1 for the months of July and August; and industrial sewer service is billed monthly. He suggested for Council consideration that the metered water and industrial sewer service start on July 1 and the domestic August 1 to avoid costly billing procedure and for ease of handling.

MOTION

That the flat rate sewer service should be started on August 1, the metered water service and industrial service should be started July 1.

Moved by Knoles Seconded by Arata Unanimously carried

The City Manager reported that at the present time there are approximately 1400 persons who have paid for sewer on an annual basis which will extend beyond the date of sewer rate adjustments.

MOTION

That the persons who have paid in advance for domestic sewer service should not be required to pay any additional charges because of the change of rate until the advance payment has expired.

Moved by Arata Seconded by Knoles Unanimously carried

Mayor Hammond asked if anyone in the audience wished to speak on this matter.

Cecil Jones, representing the Stanislaus Food Products Co., spoke in opposition to the increased fees proposed for industrial sewer.

The City Manager stated that when this program was started the city and industries were all being sued. The State was asking for

an injunction to keep the city and industries from polluting Tuolumne River. Industry worked with the city to get a program underway. The principle problem was and still is the high volume waste of the food processors. He stated that the rates had been set up on the basis that industry would pay only about 1/3 of the cost actually allocable to industry and the other 2/3 was "picked up" by other users.

Mayor Hammond stated that the Council was setting up a program which would only recover the operating cost of the sewage plant. The Council has considered that there should not be any additional burden on the tax roll to subsidize the plant and that the domestic users were paying more than their share.

Mayor Hammond declared the hearing closed and directed the City Attorney to prepare the necessary documents for Council approval.

SET TIME FOR HEARING ON EXTENSION OF GARBAGE FRANCHISES 7-56

The City Attorney reported that Municipal Code regulations require that before an extension can be granted for the garbage franchises, the Council must set a date for a public hearing.

MOTION

That a public hearing be held at 8:30 P.M. May 25 on the extension of the garbage franchises for a period of six months.

Moved by Arata Seconded by VanderWall Unanimously carried

A letter from Walter's Variety Store, 701 H Street, was read commending the garbage service given by the Modesto Garbage Company during the past years and recommending the renewal of the franchise for this Company.

FURTHER CONSIDERATION OF HOLIDAY PAY LITIGATION 7-72

The City Attorney noted distribution to the Council of a memorandum on "Holiday Pay Litigation" which outlined developments. He asked if the Council wished to consider the employment of a special investigator to ascertain certain facts in connection with this matter.

The City Manager stated because of the importance of this case to the city, and in order to clear it adequately, that a trained person should be employed to check back with the people concerned and to prepare a clear, impartial report, instead of having city personnel do this investigation work.

The cost to the city, the City Attorney stated, would be difficult to estimate. A rough estimate would be \$5,000, he stated.

Mayor Hammond believed that before this was done the Council should receive a report from the accountant hired by the city to review the city's records.

MOTION

That the Council defer consideration on the hiring of a special investigator until such time as a report has been received from the Accountant.

Moved by Knoles Seconded by Arata Unanimously carried

CLEAR USE OF EMPLOYEE OF ANOTHER CITY TO CLEAR ANALYSIS OF REFUSE DISPOSAL QUESTION 7-110

The City Manager suggested that Owen Dyer, from the City of Berkeley, be hired to assist in clearing out the refuse disposal analysis.

Mayor Hammond stated that it would appear that an outside opinion would be worth while in this matter.

MOTION

That the hiring of Owen Dyer be approved.

Moved by Adams Seconded by Knoles Unanimously carried

APPROVE REQUEST FROM CITY SCHOOLS FOR FIRE AND POLICE PROTECTION AT THIRD HIGH SCHOOL 7-126

With the unanimous consent of the Council the City Manager read a letter received from Richard B. Eaton, Business Manager of the Modesto City Schools, expressing appreciation for the Council's action in furnishing city water for the Third High School and for assistance of the city staff on problems pertaining to bringing utilities to the school.

A letter from the City Schools was read requesting fire and police protection for the Third High School pending the clearance of street matters prior to annexation to the city.

MOTION

That the staff be authorized to assemble the necessary documents to furnish fire protection and such police protection as is feasible.

Moved by Knoles Seconded by Arata Unanimously carried

HOLD OVER REPORT ON PARK PURCHASE-SYLVAN SCHOOL

This matter was held over.

APPROVE AGREEMENT WITH STATE FOR TRAFFIC SIGNALS AT 14TH & D STREETS 8-33

RESOLUTION NO. 60-176

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS RELATING TO CHANNELIZATION AND TRAFFIC CONTROL SIGNAL AND HIGHWAY ILLUMINATION SYSTEM AT THE INTERSECTION OF 14TH STREET WITH STATE HIGHWAY ROUTE X-STA-110-MOD (D STREET)

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

The Director of Traffic & Parking reported on the city's share of the cost for the signals. He stated that an additional amount of \$2,000 will have to be requested in this department's budget for 1960-61 fiscal year.

CONSIDER RENEWAL OF CAR RENTAL FRANCHISE AT MODESTO CITY-COUNTY AIRPORT 8-50

The City Manager noted that the franchise granted to Helm Motor Rental Division of Frank M. Helm Co. Inc. for car rental at the Modesto City-County Airport, would expire shortly. This company has asked for a renewal and another firm has asked to be considered. He suggested that the Council authorize the staff to informally negotiate with these companies and report to the Council.

MOTION

That the item be referred to the staff to negotiate a franchise or franchises and recommend a proposal to the Council.

Moved by Knoles Seconded by Adams Unanimously carried

REPORT FROM PERSONNEL COMMISSION--UNIFORM ALLOWANCE FOR POLICE PERSONNEL 8-76

The City Manager reported that some questions had been raised regarding the manner in which the uniform care allowance was being administered. The resolution adopted by the Council provides that the payment be made on the basis of each full month of service. In trying to work this out it was decided that if the officer was required to be in uniform for more than one-half a month, a full month's allowance was granted and if less than this time, no allowance was made. The question of whether the employees should be allowed uniform allowance while on vacations needs to be resolved. The Personnel Commission recommended that the employee not be deducted for the time on vacation due to administrative problems.

The problem involved was generally discussed by the Council.

MOTION

That vacation not be counted in figuring time for uniform allowance and that the staff prepare the document to put this in effect if Council action is required.

Moved by Martin Seconded by VanderWall Unanimously carried

REPORT FROM PLANNING COMMISSION

None

APPROPRIATION TRANSFER

None

GRANT PERMIT TO SALVATION ARMY TO DISPLAY BANNERS ON CITY STREETS 9-36

A request filed by the Salvation Army for permission to display banners across the city streets to advertise Salvation Army Week, May 22-29 was considered by the Council.

Councilman VanderWall noted that these dates conflicted with the display of banners by the California Relays.

The City Manager suggested that the Army be authorized to display its banners subject to the same conditions as last year's permit and at locations to be worked out with the approval of the staff.

RESOLUTION NO. 60-177

A RESOLUTION GRANTING PERMIT TO SALVATION ARMY TO DISPLAY BANNERS ACROSS CITY STREETS DURING SALVATION ARMY WEEK MAY 22 TO MAY 29, 1960

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

CLEAR OUTSIDE EMPLOYMENT OF CITY ATTORNEY 9-65

The City Attorney reported that he had been requested to codify the ordinances of County of Siskiyou.

No objections were offered by the Council.

REPORT ON ABSENCE OF CITY ATTORNEY FROM CITY

The City Attorney reported that he would be absent from the city on temporary active duty in the Air Force beginning May 12 for a period of 3 weeks.

NOTICE ON MAYORS AND COUNCILMEN INSTITUTE 9-72

The Council noted the notice from the League of California Cities regarding the conference being held in Berkeley at Hotel Claremont of the Mayor and Councilmen Institute. The City Clerk was directed to check with the members to determine if they wished to attend.

DISCUSSION ON COUNCIL CHAMBERS 9-81

Councilman Martin suggested that some arrangements be made to keep the glare out of the Council Chamber from the door leading to the H Street side of the City Hall. The glass doors also prove to be a distraction for those Council members sitting near the door. The staff was directed to check this matter.

The Council approved the new arrangements for the placing of the chairs in the Chambers.

REPORT OF MEETING ATTENDED BY COUNCILMAN MARTIN 9-105

Councilman Martin reported on a meeting which he had attended in Harriman, New York.

ADJOURNMENT

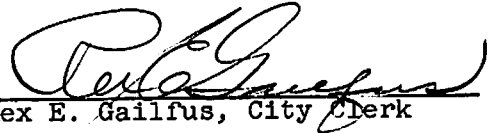
MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Adams Unanimously carried

The meeting was adjourned at 6:15 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, 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Hammond

Councilman Spaulding arrived at 7:37 P.M.
Councilman Knoles arrived at 8:55 P.M.

Absent: Councilmen: None

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

Rev. Arthur Thurman gave the invocation.

City Attorney Allen Grimes being absent from the City, Attorney Wilmar J. Jensen acted in his place.

APPROVAL OF MINUTES

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

RECOGNITION OF ANN FULMER FOR GRADUATION FROM SPECIAL POLICE COURSE 1-20

Police Chief George C. Bowers reported that Policewoman Ann Fulmer of the City of Modesto had recently graduated with honors from the University of Southern California Delinquency Control Institute's 13 week course in administration of delinquency prevention and control programs. She had been granted a full tuition paying scholarship from the Farmers Insurance Group. She maintained a A-minus average and graduated in the top three in her class. She had been congratulated personally by the Director of the Institute.

Mayor Hammond commended Mrs. Fulmer on behalf of the Council and city staff and stated her accomplishment would reflect to the benefit of the community.

Mrs. Fulmer acknowledged the commendation and expressed appreciation for being permitted to attend the school.

LETTER FROM FRANK ANDREWS 1-45

A letter from Frank Andrews was read urging that the city consider using steel in the reconstruction of Dennett Dam. Mayor Hammond ordered the letter referred to the staff.

LETTER FROM ASSOCIATED STUDENTS OF THE MODESTO JUNIOR COLLEGE 1-70

An invitation to the Council was read urging that the members attend the Associated Students of M.J.C. political rally being held Thursday, May 26 at the Modesto Junior College Gym at 9 A.M.

AUTHORIZE INSTALLATION OF WATER MAINS IN PARK MANOR NO. 2 ADDITION
1-80

Director of Public Works Marvin Ray reported that no bids had been received on Monday, May 23 at 2 P.M. for the installation of water main in Park Manor No. 2 Addition. He recommended that the work be done by force account. He estimated that the work would cost \$1,738 if done with city forces.

RESOLUTION NO. 60-178

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR
INSTALLATION OF WATER MAINS IN PARK MANOR 2A ADDITION

Introduced by Arata Seconded by Martin
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

AUTHORIZE CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1960-61
1-90

RESOLUTION NO. 60-179

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS
FOR THE PUBLICATION AND PRINTING OF THE OFFICIAL ADVERTISING FOR THE
FISCAL YEAR 1960-61

Introduced by Spaulding Seconded by Martin
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

The time set for opening bids was 2:00 P.M. June 13.

AUTHORIZE PURCHASE OF AERIAL LADDER FOR ELECTRICAL DIVISION 1-91

The Director of Public Works reported on the three informal bids received for the furnishing of an aerial ladder for the electrical division of this department. He recommended that the low bid of the Utility Body Company in the sum of \$3,738.22 on an electrically operated unit be accepted.

MOTION

That the issuance of a purchase order in the sum of \$3,738.22 for the purchase of this equipment be authorized.

Moved by Spaulding Seconded by VanderWall Unanimously carried

AUTHORIZE ACCEPTANCE OF BID FOR CLEANING AND PAINTING OF EXTERIOR OF
ELEVATED WATER TANK AT 8TH. & K STREETS 1-115

The Director of Public Works reported on the informal bids received for the cleaning and painting of the exterior of the 100,000 gallon elevated water tank at 8th and K Streets. He pointed out that informal bids had been called for this type of work due to the difficulty of preparing specifications and the problems with some contractors in this field. Two bids have been received. It is recommended that the offer of \$1,750 from the Gores Tank & Steeplejack Company be accepted.

MOTION

That the low offer submitted by Gores Tank & Steeplejack Company for the job be accepted.

Moved by Spaulding Seconded by Arata Unanimously carried

FINAL ADOPTION OF ORDINANCES 2-30

ORDINANCE NO. 383-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 AND SECTION 3-2.1402 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED ZONES, AND REPEALING ORDINANCE NO. 360-C.S."

introduced on May 18, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

ORDINANCE NO. 385-C.S. entitled

"AN ORDINANCE ADDING SECTION 2-1.23 TO CHAPTER I OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO SMOKING IN THE COUNCIL CHAMBERS"

introduced on May 18, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Spaulding Seconded by Adams
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR SERVICE WORKING CAPITAL FUND 2-35

The City Manager noted that the introduction of this ordinance had been delayed so that additional information could be furnished the Council.

The Director of Public Works stated that \$29,950 had been budgeted for the Service Working Capital Fund and by May 1 it had over expended by \$2,083. One of the principal factors which caused the increased expenditures was that rental of equipment in the Streets Division was budgeted because of the anticipation of a large amount of work in the North Central District, but City equipment was used instead. City equipment was also used on the construction of the golf course, which meant that the crawler tractors were used 50% more than in the previous year, wheel tractors 18% more, and the graders 10½% more. The street sweeping mileage has been increased by 15%. Mileage on the autos and trucks have been increased, partly because of the two large projects and expansion of the city limits by 7.7%. The older tractors used on the golf course were used heavily. A total of \$1225 was expended in major repairs on these tractors in order to complete the jobs. The used grader purchased by the city required considerable repair. Considerable damage has been done to police cars in traffic accidents. Extensive damages have been done to the Street sweeper in a traffic accident. Some of these claims are recovered from insurance but they must be budgeted before money can be expended for repairs. It costs \$750 annually to maintain a police patrol car. The new stump cutter is a real man saver but it is estimated that at the present rate of use, it will cost \$600 to \$700 per year for the purchase of teeth. It is saving more money than this amount but the parts must be purchased from the Service Division Working Capital Fund.

ORDINANCE NO. 386-C.S. entitled

"AN ORDINANCE APPROPRIATING UNAPPROPRIATED REVOLVING FUND BALANCE IN THE SERVICE DIVISION WORKING CAPITAL FUND FOR THE 1959-60 FISCAL YEAR"

was adopted and ordered printed and published by the following vote:
 Moved by Spaulding Seconded: VanderWall
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

BUDGET FOR FISCAL YEAR 1960-61

The City Manager reported that the preparation of the budget for the fiscal year 1960-61 was not yet completed. It will be placed back on the agenda for next week.

REPORT ON REQUEST OF MRS. J. H. BUCK RELATING TO CURBS AND GUTTERS 2-103

Pursuant to referring the letter from Mrs. J. H. Buck to the staff relating to the installation of curbs and gutters on Roseburg Avenue in the block just west of Sycamore Avenue, Director of Public Works Ray reported on the situation.

He stated that there was one property on the north side of the street which had not yet dedicated additional right of way for the improvement of Roseburg Avenue. The base of the curb would go on the 10 foot line on this property. It would be difficult to require someone to put in curbs and gutters when the property is not dedicated. This is the side of the street upon which Mrs. Buck lives. Curbs and gutters have been installed on the other side of the street except for one property, on which the right of way has been dedicated.

Mr. Ray asked whether the Council's policy applies to a side of the street other than that from those living on the side of the street making the complaint or filing a petition. Should the property owner on the south side of this block be notified that he must install the improvements since the complaint arises from the north side of the street?

The Council's present policy was generally discussed and whether it should be confined to the side of the block on which the complainant resides or extend to properties across a street. The City Manager answered a question raised by Councilman Spaulding that the law allows the city to require people to put in improvements on one side of the block if over 50% of the curbs, gutters or sidewalks have been installed. Staff action has been taken only if it has been brought to the Council's attention by a petition or letter from the property owners and the Council has authorized action.

Mr. Ray asked for a Council policy determination as to whether the staff should proceed on the other side of the street from where the complaint is received.

The City Manager pointed out that the law did not have anything to do with protests, this was a Council policy. The law gives the Council authority to require people to put in the improvements on any given side of the full block, when more than 50% of the

improvements are installed. He asked if the Council wanted to act on the block across the street from Mrs. Buck because of her complaint.

Mr. Ray stated that the Public Works Department would not recommend a change in the policy which would permit an owner to file a complaint against a property owner in another block across a street and try to force them to install improvements.

The City Manager suggested that as a matter of general policy that if people in a block, even if they are across the street, if they put their improvements in, should have the right to request and have some consideration from the Council. In this case, if the Council approves without getting itself committed beyond this, the staff can be directed by motion to ask the owner to do the work voluntarily and if not, it will be brought back for action.

Mr. Ray stated that the staff would also notify Mrs. Buck about the right of way problem on her side of the street. If there are any physical problems involved in installing curbs and gutters on the area across the street, the staff would recommend against this work.

MOTION

That the staff be directed to determine if the owner across the street from Mrs. Buck will voluntarily make the improvements if engineering conditions indicate that there was no special problem from the drainage standpoint.

Moved by Arata Seconded by Martin Unanimously carried

ADOPT POLICY REGARDING INSTALLATION OF CURBS AND GUTTERS

Councilman Spaulding raised a question regarding the city's policy----whether it was a good policy when it requires somebody to file a written protest against his neighbor which is placed on public record, and starts a neighborhood fracas to get something done which any good citizen on a street should do on his own. He thought the City should have a policy which would require that when over 50% of a block has installed improvements, the Council should require that the balance of the block be improved. It is unfair to make people, residing in a given neighborhood, file with the Council a formal protest against their neighbor. If the neighbor happens to be a certain type, he can make life miserable for the protestant. The Council is sidestepping its responsibility when it does not require these improvements at this level.

Mayor Hammond considered that the present policy should continue in order that the citizens can share in the decisions.

The possibility that the staff should be directed to make a survey and report to the Council on the locations throughout the city where blocks were partially improved so that the Council could take the initiative, was discussed.

Mayor Hammond considered that this was a neighborhood problem and, as such the neighbors should get together and resolve it with the Council's assistance.

The City Manager suggested that the staff report to the Council on requests instead of making it a matter of public record and discussion.

Councilman Spaulding agreed that if these matters did not have to come out in public discussion it would be better. It is not just the people in the block who are involved but the whole city---whether the city is getting anywhere as far as developing curbs and gutters, and the whole street program. The city is not progressing under its current policy.

MOTION

That it be the Council's policy that citizens in a block may contact the staff when over 50% of the block has installed curbs, gutters and sidewalks so that this matter may be considered by the Council and proceedings initiated to require the balance of the owners to install these improvements and that it is not necessary for the owners to file a formal written protest to start proceedings.

Moved by Spaulding Seconded by Martin Unanimously carried

HEARING ON ANNEXATION OF PARK MANOR ADDITION 4-15

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the hearing on the proposed annexation of Park Manor Addition to the City of Modesto.

The City Clerk reported that the notice of the hearing had been published as required by law, that notices had been sent to owners of property in the area and that no written protests had been filed.

Mayor Hammond asked if anyone wished to file an oral protest or make any comments. No protests were filed or comments made. Mayor Hammond declared the hearing closed.

ORDINANCE NO. 387-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE PARK MANOR ADDITION TO THE CITY OF MODESTO"

was adopted and ordered printed and published by the following vote:

Moved by Spaulding Seconded by Adams
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

REPORT ON BURNEY STREET 4-22

Pursuant to referring the letter from Miss Bernice Wood regarding the clarification of the status of the proposals for Burney Street to the staff, the City Manager reported on the staff's studies. He noted that the Planning Department had submitted previously to the Council a report and map.

Planning Director Smeath summarized the previous actions and proposals. He suggested that the Council might wish to place the matter on the Agenda for further discussion at some time when the public could plan to attend. In addition to the question of whether this street is to be widened, there is the matter of the relationship between this street and Morton Boulevard. The Council has previously received a signed petition from property owners on Morton Boulevard asking that the street be reduced in traffic responsibility and that Burney be widened to take off more traffic. The precise street plan

is now under discussion with the staff. One of the questions to be cleared is how the Council wishes to handle this matter. The staff was unable to contact Miss Wood to notify her that it was being presented to the Council at this time. The signers of the petition from Morton Boulevard also were not notified that it was on the agenda.

Answering a question from Mayor Hammond, Mr. Smeath stated that the questions to be resolved were 1) whether Burney Street should be a collector street or a local residential street; 2) if it were determined to be a collector street, questions of cost are involved as both ends of the street have construction problems; and 3) whether other streets should be more heavily or less heavily used. This is a part of a street plan problem as well as construction and cost problem. The Public Works Department should be asked to give additional data on estimated costs of various alternatives.

The City Manager suggested that Miss Wood and the owners on Morton Boulevard be notified and the Planning Commission be asked to study the problems with the staff before it is again placed on the Council agenda.

MOTION

That this matter be referred to the Planning staff for referral to the Planning Commission.

Moved by Martin Seconded by Arata Unanimously carried

FURTHER CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM 4-106

Further consideration of the Capital Improvement Program was delayed to be considered along with the 1960-61 budget.

HEARING ON GARBAGE LICENSE FRANCHISE 4-113

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the hour set by the Council for the public hearing on the extension of garbage license franchises, as provided by Section 5-5.13 of the Municipal Code.

It is proposed that the following franchises be extended for a period of six months from July 1, 1960:

Airport Garbage Company

Modesto Garbage Company

Sanders Salvage Company

The City Clerk reported that the time and place for the hearing had been published in the city's official newspaper.

The City Manager recommended that the franchises be extended for the six month period.

RESOLUTION NO. 60-180

A RESOLUTION GRANTING A SIX MONTHS' EXTENSION TO MODESTO GARBAGE COMPANY FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

RESOLUTION NO. 60-181

A RESOLUTION GRANTING A SIX MONTHS' EXTENSION TO AIRPORT GARBAGE SERVICE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by Arata Seconded by Adams
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

RESOLUTION NO. 60-182

A RESOLUTION GRANTING A SIX MONTHS' EXTENSION TO SANDERS SALVAGE COMPANY FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

REPORT ON INSTALLATION OF WATER LINES BY CITY FORCES 5-1

The City Manager reported that the cost of installation of water lines with city forces in Evergreen Avenue and on Tully from Ronald Avenue to Rumble Road was \$1500.35, which was 33% below the estimate.

The cost was \$592.56 for the installation of water lines in Saratoga Manor #1 Subdivision with city forces, which was 6% below the estimate.

CLEAR PROPOSAL TO CONSTRUCT CURB ON SOUTH SIDE OF GARRISON SCHOOL PARK 5-06

The City Manager reported that cost of construction of curbs and gutters on the north side of Garrison Park had been included in the 1959-60 budget. The School has asked that curbs and gutters also be constructed on the south side of the park to improve access for pedestrians and motorists to the school and park.

Mary Grogan, Acting Director of Parks & Recreation, reported that an additional request had been received that the Carver Road side of the park also be improved concurrently with the north and south sides. The total cost of the 3 sides would be \$2300, with \$1200 budgeted. She recommended that the Council appropriate an additional sum to cover the cost.

Ross Campbell, Assistant Director of Public Works, estimated the extra cost for installing sidewalks on the south section would be \$300. The City Manager recommended that this improvement be made jointly with the curb and gutter improvement for the three sides of the park.

No Council objections were offered to including the sidewalk and curb and gutters on the three sides of the park.

RESOLUTION NO. 60-183

A RESOLUTION APPROVING APPROPRIATION TRANSFER TO CONSTRUCT CURB AND GUTTER ON THREE SIDES OF GARRISON PARK AND TO CONSTRUCT SIDEWALK ON SOUTH SIDE OF PARK IN THE SUM OF \$1,450

Introduced by Martin Seconded by Arata
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

APPROVE REBUILDING OF GREEN NO. 3 AT MUNICIPAL GOLF COURSE 5-40

The City Manager stated that money had been budgeted for the rebuilding of one green on the 9 hole Municipal Golf Course. Originally it was proposed to rebuild green No. 6 but it is now proposed to improve No. 3 green instead. The conditions are about equal but one of the suggestions received by the Planning Commission is the possibility a smaller short nine hole course might be built including No. 3 hole. If this were done no funds would be lost.

Mayor Hammond questioned whether it would be advisable to make any major improvements in the older course since the Council had gone on record to withhold its decision on the final use of the 9 hole course until Dryden Park had been in operation for one year (October 1960).

Miss Grogan estimated the cost for materials to be \$483.50, using city labor, would bring the total cost up to about \$600.

MOTION

That improvements be made to No. 3 green in the Municipal Park instead of No. 6 green.

Moved by VanderWall Seconded by Martin Unanimously carried

APPROVE CITY PARTICIPATION IN COST OF M & E T RAILROAD CROSSING AT SOUTH SANTA CRUZ AND KERR AVENUES 5-65

The City Manager reported that the Public Utilities Commission has asked that flashing lights be installed at the South Santa Cruz and Kerr Avenues railroad crossings of the Modesto and Empire Traction Co. The County has asked whether the city would participate in the cost. The City Manager stated that he had also asked that Empire Avenue crossing be checked. The city's estimated cost for the two westerly crossings would be \$3,000 with the hope that \$1,500 would be reimbursed from the State Grade Crossing Protection Fund.

Director of Parking & Traffic Carmody reported on the incidence of accidents at these crossings. On the basis of traffic signals the city would normally participate by paying one fourth of the cost.

The City Manager reported that the Empire Street crossing had not been checked out yet and it was possible a different type of arrangement might have to be worked out with the County. This crossing has not been recommended by the P.U.C., Mr. Carmody reported.

The City's position on participating with the County in the installation was generally discussed by the Council. Councilman Martin questioned whether or not the amount of activity at these crossings warranted the expenditure.

Councilman Spaulding considered that if the installation had to be made, the city should participate with the County.

MOTION

That the staff be authorized to work out arrangements with the County to participate in the cost for Santa Cruz and Kerr Avenues crossings.

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Moved by Spaulding Seconded by Adams

Mayor Hammond declared that the motion carried.

No action was taken on the Empire Avenue crossing.

Councilman Knoles arrived at this time.

ACCEPT IMPROVEMENT OF TULLY ROAD RECONSTRUCTION FROM M. J. RUDDY & SON 6-15

RESOLUTION NO. 60-184

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF TULLY ROAD, BETWEEN 99 HIGHWAY AND STODDARD AVENUE BY M. J. RUDDY & SON; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENT OF AMOUNTS DUE

Introduced by Spaulding Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

REPORT FROM PLANNING COMMISSION 6-26

Planning Director Smeath report on the request of Ralph Bridges for a lot split on east Las Flores Avenue. Section 4-4.302(d) of the Subdivision Regulations prohibits a lot being more than three times greater in length than in width. Mr. Bridges has requested the granting of an exception to this section of the Code so that the Commission may then act on the lot split application. The Commission adopted Resolution No. 601 recommending to the Council the granting of this exception under certain conditions which are set forth in the resolution.

RESOLUTION NO. 60-185

A RESOLUTION GRANTING AN EXCEPTION TO SECTION 4-4.302(d)(3) OF THE MUNICIPAL CODE RELATING TO SUBDIVISION REGULATIONS TO RALPH BRIDGES TO PERMIT A LOT SPLIT

Introduced by Spaulding Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

DISCUSSION ON TRAMPOLINE CENTERS 6-60

The City Manager reported that the Planning Commission has asked for Council guidance on applications filed for unclassified use permits on trampoline centers. The Planning staff has prepared and distributed copies of a draft of an ordinance with proposed standards for regulating trampolines. These regulations have been worked out by the staff based primarily on experience of other cities.

Planning Director Smeath briefly outlined the provisions of the proposed ordinance which were to be approved or modified by the Council for direction to the Commission on a temporary basis. The Commission will meet May 31 to pass upon three trampoline center applications for conditional use permits which will be returned to the Council for a public hearing and approval or rejection.

Mr. Smeath stated that the recommendations in the proposed ordinance had not been approved unanimously. He listed the following items:

- 1) Whether or not there should be any ordinance at all;
- 2) Whether or not trampoline supervisors should be approved by some board or agency of the city. The ordinance provides they must be trained and experienced in the operation of trampolines. If it is left this way there is no standard by which anyone can determine the experience or training. Some of the people using the centers have had no experience and it is a dangerous sport. If the supervisors do not know when the customers are acting dangerously, accidents will happen. If the Council does not give the Commission some guidance on this problem it may stipulate that the city recreation staff or police department be required to determine that the supervisors have adequate training.

Mayor Hammond considered that the persons most concerned about the qualifications of the supervisors would be the operators. Nothing will kill their business faster than being improperly supervised. There should only be a requirement in the law that a permit is granted on the basis of providing the experienced supervisors.

Mr. Smeath suggested that because of the complications on this problem it might be eliminated from the ordinance until procedures could be determined at a later date.

- 3) The provision that the supervisor should be of good moral character as approved by the Police Department was not generally approved. Other recreational activities are not so regulated.

Councilman Spaulding considered that the city should not get into too much regulating of this type of business. The problem is between the operator and his insurance carrier.

The age of 18 years required for supervisors was generally agreeable with the Council.

- 4) Insurance requirements of \$100/\$200,000 public liability and \$10,000 for property damage was discussed.

The staff recommended to the Commission that these uses be approved only in commercial zones and that the parking be a minimum of one parking space for each trampoline mat with additional parking spaces required to be equal to that amount required by any other uses that may be on the same property as provided in the zoning ordinance.

Patrick Lee, 1820 N. First Street, Fresno, distributor for trampoline equipment, suggested the following changes in the ordinance:

Section 3(e) should be changed because trampolines are twice as long as they are wide. There should be 8 to 10 feet end to end and 4 or 5 feet side to side.

Section 3(c) 5 or 6 feet would be sufficient clearance for any structure instead of 8 feet proposed in the ordinance. The distance is provided mainly to keep the participants from jumping from trampoline to trampoline. This is where injuries occur.

Mr. Lee recommended limits of \$25/50,000 public liability insurance. He pointed out that most of the regulations listed in the ordinance could properly be handled by the Planning staff or building inspection staff.

Section 3(g) hours of operation. During the summer months in the valley it gets warm and most of the centers are closed between the hours of 1:00 P.M. and 6:00 P.M. The closing hour of 10:00 P.M. is too early as there is very little noise at the center.

Mr. Smeath stated that the reason 10:00 P.M. was placed in the ordinance is to conform with the county regulation.

Section 7(c) Supervisors. An operator is a qualified supervisor. The insurance companies require this also. Mr. Smeath reported that Fred Earl had recommended that there be one supervisor for six trampolines but after further discussion the requirement was left that 12 trampolines require one supervisor.

Mr. Lee stated that drinking is not permitted in his center and a person appearing to be under the influence of liquor is not permitted to use the trampoline. This is a means of protection to the person, operator and insurance carrier.

Answering a question from the City Manager, Mr. Lee stated that some regulations on the part of the city or county were desirable if they were not too strict to "hamstring" private business.

The City Manager stated that the obligation of the city was to see that some reasonable standards are established and followed to protect the public.

Mr. Lee considered that the matter of seeing that the center is properly located and developed should be left to the Planning Director and Chief Building Inspector.

Council discussion:

1. To get into the matter too far in the way of specific requirements should be avoided. The Planning Department could approve the installation and building should follow already established standards. Supervision requirements should not be adopted. The insurance company will take care of this problem by refusing to insure a center. The Council should not decide on the hours of operation as the public will determine these. Only minimal restrictions should be included in an ordinance. (Councilman Spaulding)
2. The regulations should provide that the supervisors should be experienced and a minimum of 18 years of age, so that they can command authority. (This was generally agreeable with the Council.) The location should be in a commercial zone and the spacing required to prevent jumping from one trampoline to the other. The six foot distance is reasonable and the 8 to 10 foot on the ends is also reasonable. (Mayor Hammond)

COUNCIL ACTION 8-62

MOTION

That the ordinance be limited as far as regulations for supervisors, that they be experienced and 18 years old and one for every 12 trampolines. (Deleting the police department approval)

Moved by Mayor Hammond Seconded by Adams Unanimously carried

MOTION

That the insurance limits in the ordinance be \$100,000/200,000 public liability and \$10,000 property damage as recommended.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

MOTION

That the distances be five feet and ten feet (Section 3 (a) of Ordinance).

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

MOTION

That Section 3(c) requiring 8 foot distance between the trampoline and any structure remain as proposed.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

MOTION

That no closing hour regulations be included in the ordinance.

Moved by Martin Seconded by Spaulding Unanimously carried

The City Manager noted if there were special conditions where a center might be constructed next to an apartment house, the Planning Commission has the authority to set a time limit as a condition, subject to Council approval.

The parking requirements listed in the ordinance were approved.

MOTION

That recommended provisions as amended be transmitted to the Planning Commission for its direction and clearance and preparation of ordinance for Council action.

Moved by Adams Seconded by Knoles Unanimously carried

Councilman Arata returned to his chair.

APPROPRIATION TRANSFERS 9-25

The City Manager reported on a new procedure proposed for inclusion in certain funds, the extra costs which are logically chargeable to those funds, i.e. library, parking and traffic and working capital fund. These extra costs relate to retirement,

group health insurance, etc. This would more accurately show the true cost of this operation.

RESOLUTION NO. 60-186

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CURB AND GUTTER INSTALLATION ON NORTH SIDE OF LALOMA NEXT TO THE CITY PARK AND ON THE SOUTH SIDE AROUND THE LALOMA BRIDGE 9-50

RESOLUTION NO. 60-187

A RESOLUTION APPROVING APPROPRIATION TRANSFER TO PROVIDE SUFFICIENT FUNDS FOR CURBS, GUTTERS AND SIDEWALKS AT LALOMA BRIDGE IN THE SUM OF \$2,600

Introduced by Adams Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY 9-60

The City Manager introduced Ernest Dunham, newly appointed City Purchasing Assistant in the Finance Department.

REPORT ON FIRE PROTECTION IMPROVEMENT PROGRAM 9-66

The City Manager stated that this was an important and complicated matter on which the staff wished to keep the Council posted. He noted that a report had previously been sent to the Council on this subject.

He stated that the construction of a new fire station on Orangeburg should be cleared out shortly. It will be further discussed during the budget discussion.

One of the areas where the city can make some gains are in the provision of additional manpower. This is an expensive area to gain points i.e. a fire station costs about \$35,000 to build and the annual operating costs is of the same order. One of the staff's major efforts in this field over the past few years has been to try to work out, drawing from experience of other cities in working with the National Board Committee and others, ways by which manpower can be provided at lesser costs and still provide easily available reserve strength. The city rarely uses all its manpower but when it is needed it is really needed. A number of reports on this matter have been sent out to the Council on this problem.

One of the suggestions made is that college students and others be trained by the city and placed in the fire stations during their off hours. The staff feels that this presents a real opportunity for full strength manpower at far less than full cost. If the Council wishes to consider this, an indication to the staff would permit further study.

The City Manager suggested that the staff summarize for the Council the different proposals made on manpower to provide additional

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strength for the entire fire department operation by filling in with people who would be on a nominal pay basis, fully trained and constantly available to fight fires.

Mayor Hammond asked that the City Manager present some specific proposals on manpower for the Council's information.

REPORT ON CLOSING OF ONE BLOCK ON BRADY AVENUE 9-120

The City Manager reported that the Enslen School had requested permission to close Brady Avenue between Smith and Coldwell Avenues on June 10, between the hours of 7:15 A.M. and 1:00 P.M. to hold its annual folk dance festival.

The City Manager pointed out that the staff did not have the authority to close the street. The original request had been for May 25 and the letter did not arrive in the office in time for Council consideration. The School had scheduled the performance and it was going to be necessary to close the street. The staff can close streets under an emergency situation. The Council should know that while the staff uses the emergency procedure very rarely but in similar cases something must be done and cleared later with the Council because there is no other way to do it. In this case we were prepared to do this and report later but the date has been changed. No objections to this procedure were offered.

RESOLUTION NO. 60-188

A RESOLUTION GRANTING PERMISSION TO THE ENSLEN SCHOOL TO CLOSE BRADY AVENUE BETWEEN SMITH & COLDWELL AVENUES ON JUNE 10, 1960 DURING THE HOURS OF 7:15 A.M. AND 1:00 P.M. TO HOLD ITS ANNUAL FOLK DANCE FESTIVAL.

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond

Noes: None Absent: None

LOCATION OF SANTA FE LOCOMOTIVE IN BEARD BROOK PARK

The City Manager reported on a proposed location for the Santa Fe Locomotive which had been donated to the city for placing in the Children's Park area in Beard Brook Park. It is proposed to place it near Morton Boulevard by the end of June.

Mr. Schuyler Hafely outlined the plans for the Children's Park which it is hoped can be opened by July 4.

MOTION

That the placing of the locomotive in the location outlined by the City Manager be approved subject to working out engineering details.

Moved by VanderWall Seconded by Spaulding Unanimously carried

CLEAR REQUEST BY CITY OF SEASIDE FOR ATTENDANCE BY DIRECTOR OF PARKING & TRAFFIC AT MEETING ON PARKING IN SEASIDE

The City Manager reported that the City Manager of Seaside had requested that Director of Parking & Traffic Douglas Carmody be permitted to attend a meeting in Seaside on parking needs.

The City Manager recommended that permission be granted in the interest of inter-city cooperation. No extra compensation is involved. No objections were offered by the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Arata Unanimously carried

The meeting was adjourned at 10:00 P.M.

ATTEST:


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 the City Hall, 801 11th Street, Modesto, California, Mayor Pro Tempore Thomas Spaulding presiding in the absence of Mayor Hammond.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Knoles, VanderWall, Mayor Pro Tempore Spaulding

Absent: Councilmen: Adams, Martin, Mayor Hammond

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

A moment of silent prayer was observed.

Councilman Martin arrived at 4:05 P.M.

City Attorney Allen Grimes being absent, Acting City Attorney Wilmar Jensen acted in his place.

APPROVAL OF MINUTES

Council members having received copies of the minutes of May 4, 1960, and the same being available for public inspection, and there being no objections, the minutes were approved.

COMMUNICATIONS 1-30

A letter from Glen Shirk, Secretary, Modesto High School Key Club, was read to the Council expressing thanks for the experience provided the club on Youth in Government Day, and the hope that the city and county would continue this project in the future. The letter was ordered filed.

A letter was read from Jay Pattee, Coach, Modesto High School, regarding the possibility that the 9 hole golf course would be changed into a park, and expressing his reasons why the course should be retained.

Mayor Pro Tempore Spaulding stated that there was undue excitement and misunderstanding about the golf course, that nothing was changed since the last Council action was taken, that the course be left as is for one year after the Dryden Course was opened, and that at that time (October, 1960) the matter would be re-evaluated; that no disposition of the course can be made without Council action. It was requested that a letter to Mr. Pattee be prepared over the Mayor's signature informing him of this fact, and also that the matter is under consideration of the Planning Commission in connection with its park plans, and it may make a recommendation prior to October.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS IN INSTALLATION OF CURB AND GUTTER AND SIDEWALK IN GARRISON, KEWIN AND BROOKWAY PARKS 1-70

The City Manager stated that this work had previously been approved and that bids should be called for and opened 2:30 P.M., June 13.

RESOLUTION NO. 60-189

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF CURB AND GUTTER AND SIDEWALK IN GARRISON, KEWIN AND BROOKWAY PARKS

Introduced by VanderWall Seconded by Arata
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

FINAL ADOPTION OF ORDINANCE NO. 384-C.S.

ORDINANCE NO. 384-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 5 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SPORTSMEN OF STANISLAUS)"

introduced on May 18, 1960, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

CONSIDER RENEWAL OF LEASE AGREEMENT WITH DARRELL OLSON FOR HANGAR AT AIRPORT 1-85

RESOLUTION NO. 60-190

A RESOLUTION APPROVING RENEWAL OF AGREEMENT BETWEEN THE CITY OF MODESTO AND DARRELL OLSON FOR RENTAL OF A PORTION OF HANGAR NO. 5 AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by VanderWall Seconded by Arata
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

RESOLUTION AUTHORIZING FINAL ACCEPTANCE OF STRATHMORE SUBDIVISION UNIT NO. 1 AND ACCEPT CASH BOND 1-90

The City Manager stated that he had a check from Charles V. Jeffers in the amount of \$550.00 made out to the City of Modesto Public Works, and a letter from Mr. Jeffers enclosing another check for \$246.19 covering inspection costs, Strathmore Subdivision.

The Director of Public Works reported that all work in connection with the improvements in Strathmore Subdivision have been completed and the fees paid, and that the cash bond is to cover Strathmore Subdivision's share of costs for abandonment and renewal of three irrigation structures which encroach 9 to 18 inches on the north alley, and repair of the alley. Part of the bond also covers a temporary overhead electric line to complete the street lighting system when the street lights are energized.

RESOLUTION NO. 60-191

A RESOLUTION ACCEPTING THE IMPROVEMENTS IN STRATHMORE SUBDIVISION UNIT NO. 1 AS COMPLETED BY CHARLES V. JEFFERS AND MARGUARITTE K. JEFFERS, SUBDIVIDERS, AND APPROVING THE POSTING OF CASH BOND IN THE SUM OF \$550 TO GUARANTEE REMAINING IMPROVEMENTS

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

RESOLUTION AUTHORIZING FINAL ACCEPTANCE OF HACIENDAS DEL OESTE
 SUBDIVISION AND RELEASE OF BOND 1-108

RESOLUTION NO. 60-192

A RESOLUTION ACCEPTING THE IMPROVEMENTS IN THE HACIENDAS DEL OESTE SUBDIVISION, AS COMPLETED BY PHIL-BART HOMES, INC., AND AUTHORIZING RELEASE OF GREAT AMERICAN INSURANCE COMPANY BOND NO. 8019817 FILED BY STANDARD MATERIALS COMPANY TO GUARANTEE IMPROVEMENTS

Introduced by Arata Seconded by VanderWall
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

NOTICE FROM THE COUNTY OF CANCELLATION OF CONTRACT FOR MAINTAINING
 CITY PRISONERS

The City Manager reported that although it was not formally noted and filed for the record, receipt of the notice of cancellation of this contract was received sufficiently in advance to effect the cancellation of this contract as of July 1, 1960, and the staff is now working with the County on the matter. Mayor Pro Tempore Spaulding ordered the matter filed.

CLEAR PROPOSAL FOR SALE OF CITY OWNED PROPERTY ADJACENT TO
 MODESTO CITY SCHOOLS ADMINISTRATION BUILDING 1-116

The City Manager reported that the City purchased from the Modesto City Schools an area of land to the west and a very small portion to the north of the School administration building. The Modesto City Schools system now wishes to buy back a small portion of this area and has asked if it might be developed appropriately if they are permitted to purchase the small area to the north of the school only. It was the City Manager's opinion that this could be done although the details have not as yet been worked out.

MOTION

That the Modesto City Schools be allowed to purchase the small area of land north of the school on the same basis as sold to the City of Modesto, and the balance of said area be placed on the market.

Moved by Knoles Seconded by Arata Unanimously carried

PRESENTATION OF THE 1960-61 BUDGET

The City Manager reported briefly on the preliminary budget which was presented. He explained that the city operates with two types of funds: first, special funds limited to special purposes for which they may be expended; secondly, the general fund which may be used for any city purpose. He stated that all funds other than the general fund were in strong condition, that the capital funds for this year amount to approximately 1½ million dollars, but for the first time the existing estimated revenues from existing sources at existing rates were not sufficient to cover the proposals for general fund purposes-- actually were about \$211,000 short. He pointed out that during the

past five or six years, the property tax has been reduced by about 38¢; that if the 38¢ had been maintained, it would essentially balance the budget, but the City, and rightly so, proceeded on the basis that the rates could be reduced. He stated that the City, during the past year, has gone far beyond the normal in extension and improvement to sewers and water lines, and has used up about \$200,000 of the carry-over balance which had been accumulated during preceding years. He stated that this was not serious or critical in a fiscal sense, but meant simply that the City has used up the "slack" and has come up against the fact that every time a residential area is annexed, the tax base is diluted and not enough money is derived to cover the costs of it.

Councilman Arata brought up the question as to whether water rates could be increased proportionately in relation to distance of installation, such as is done on sewer charges. The City Manager stated that this could be considered along with the other alternatives listed in the preliminary budget to balance the budget.

Mayor Pro Tempore Spaulding ordered the preliminary budget filed for the record and be placed on the agenda for further discussion at the next regular Council meeting.

CONSIDER AN ORDINANCE AMENDING THE PUBLIC HEALTH REGULATIONS OF THE MUNICIPAL CODE

The City Manager noted that copies of proposed amendments to the health regulations had previously been distributed to the Council members for study.

Dr. Herbert H. Westphal, County Health Officer, recommended that the following section which had been deleted from this ordinance, be added:

"SEC. 5-1.103. PERMIT REQUIRED . . .

"It shall be unlawful for any person to own, to control, or to carry on as a principal agent or otherwise in the City the business of a hotel, a motel, an apartment house, a lodging house and/or a rooming house accommodating more than five boarders or tenants, without first applying for and securing a permit in writing so to do from the Health Officer. Any permit issued under the requirements of this section shall not be transferred or sold."

Dr. Westphal felt that the addition of this section to the ordinance would permit the fire department and building inspector the right to inspect such buildings at routine intervals, particularly old homes that are being converted into apartments, to see that they are maintained properly and in a sanitary manner.

The City Manager recommended that this section be included in the ordinance.

Dr. Westphal stated that the ordinance had also been amended to permit the sale of cream pies, cream puffs, and pastry mixtures containing custard or cream fillings, whether made from eggs, milk or cornstarch, and all other food products capable of supporting pathogenic bacteria the year round, but they should be kept under refrigeration at fifty degrees Fahrenheit, or below, at all times.

The question of whether or not a fee would be charged for the permit was raised and generally discussed by the Council. Councilman Arata stated that the City at one time had its own inspection crew, but this work was turned over to the County so that it could collect funds furnished by the State for inspections, and if any fee is charged for the permit the County should have it.

Councilman Martin requested that the staff prepare a report showing the fees charged, or not charged, for this type of service in the various city departments. There being no objections, Mayor Pro Tempore Spaulding directed the staff to prepare this report and present it to the Council.

ORDINANCE NO. 388-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 5-1.102, 5-1.103, 5-1.106, 5-1.107, 5-1.109, 5-1.110 AND 5-1.111 OF ARTICLE I OF CHAPTER I OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 5-1.112 THERETO; REPEALING ARTICLE 2 OF CHAPTER I OF TITLE V: AMENDING SECTIONS 5-1.301, 5-1.306, 5-1.310, 5-1.311 AND 5-1.313 OF ARTICLE 3 OF CHAPTER I OF TITLE V AND REPEALING SECTIONS 5-1.303 AND 5-1.304 THEREOF: AMENDING SECTION 5-1.502 OF ARTICLE 5 OF CHAPTER I OF TITLE V: AMENDING SECTIONS 5-2.01 AND 5-2.22 OF CHAPTER 2 OF TITLE V; AMENDING SECTION 5-3.01 OF CHAPTER 3 OF TITLE V AND REPEALING SECTIONS 5-3.02 THROUGH 5-3.11 THEREOF; AND AMENDING SECTIONS 5-5.02, 5-5.03 AND 5-5.08 OF CHAPTER 5 OF TITLE V AND REPEALING SECTIONS 5-5.09 AND 5-5.26 THEREOF RELATING TO SANITATION AND HEALTH REGULATIONS"

was introduced to be amended as outlined to include the amendment to Section 5-1.103, and ordered printed and published as required by the Charter.

Moved by Arata Seconded by VanderWall
Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
Noes: None Absent: Adams, Mayor Hammond

The City Manager voiced his appreciation of the joint health service between the City and County, stating that the cooperation has certainly worked out for the benefit of the public.

HEARING ON THE APPEAL OF ALICE JOSEPH TO THE DECISION OF THE PLANNING COMMISSION DENYING REZONING REQUEST OF LOTS 1 TO 4 IN BLOCK 118 3-65

Mayor Pro Tempore Spaulding announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the hearing on the appeal of Alice Joseph to the decision of the Planning Commission denying rezoning request of Lots 1 to 4 in Block 118. The Council members had previously been given a copy of Planning Commission Resolution No. 596 denying this request.

The City Clerk reported that the Council members had copies of the report regarding the hearing; and that notice had been given as required. The City Clerk read letters of protest to the proposed rezoning from the following individuals, all residents in the vicinity of the proposed rezoning: Mrs. Bertie E. Morris, William H. DeLane; E. C. Bushong; E. B. Crist, and Mrs. Nellie F. Fero.

The Director of Planning reported that each member of the Council and the Mayor had received a copy of the verbatim transcript

of the Planning Commission meeting of April 19, 1960, at which time Mrs. Joseph's rezoning request was denied. The Planning Commission adopted Resolution No. 596 denying the rezoning on the basis that: (1) There is no demonstrated need for additional commercial zoning in the area as only 6% of the approximately 25 acres zoned commercially in the immediate vicinity is presently used as commercial; (2) Rezoning to C-1 would constitute a rezoning of individual property for individual purposes not in harmony with the plan of zoning for the area; (3) Commercial uses on the property would be incompatible with the residential development existing on the same property.

Director of Planning Smeath showed the Council members a map indicating in color the land uses in this area, stated that the lots had been counted-- in the commercial zone west of this area, already zoned commercial, 106 properties are used as residential and 15 commercially. In the R-3 zone, there are 59 lots used residentially and 5 used commercially, so that out of the total in this whole area, 165 lots are used residentially and 20 used commercially. He stated that it was the thinking of the Citizen's Committee and the Planning Commission, that there is a need to reduce the commercial zoning in this area rather than enlarge it. On this basis, the Planning Commission felt that to zone one property in the residential area for commercial purposes would be to extend a commercial zone and use into a strictly residential area, and on this basis it recommended a denial.

Mrs. Alice Joseph presented a petition to the Council stating that it was signed by 28 people indicating their approval of the rezoning. The City Clerk pointed out that many of the signatures were signed "Mr. and Mrs." Mrs. Joseph also presented a building plan to the Council which she said she had prepared herself.

Mayor Pro Tempore Spaulding declared the hearing closed. He stated that in view of the fact that all of the property surrounding Mrs. Joseph's property was residential, it would not be feasible to rezone it commercial, and he recommended that the Planning Commission's decision be upheld.

RESOLUTION NO. 60-199

A RESOLUTION AFFIRMING THE DECISION OF THE MODESTO CITY PLANNING COMMISSION AS INDICATED IN ITS RESOLUTION NO. 596 BASED ON THE FINDINGS SET FORTH THEREIN DENYING THE APPEAL OF ALICE JOSEPH FOR THE REZONING OF LOTS I TO 4, BLOCK 118 OF THE CITY OF MODESTO

Introduced by Martin Seconded by Knoles
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

APPLICATION BY RUDY BONZI FOR CITY SWILL LICENSE

The City Manager stated that he had applications from Rudy Bonzi and American Hog Farm for swill license renewals, both accompanied by a check for \$50.00. Unanimous consent of the Council was given to include the application of American Hog Farm at the present Council meeting. Public hearing for renewal of the swill licenses was set for June 8, 1960 at 7:45 P.M.

RESOLUTION NO. 60-193

A RESOLUTION SETTING TIME AND PLACE FOR PUBLIC HEARING ON THE APPLICATIONS FOR RENEWAL OF FRANCHISE LICENSE TO COLLECT SWILL IN THE CITY OF MODESTO (RUDY BONZI AND AMERICAN HOG FARM)

Introduced by Knoles Seconded by Martin
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

REPORT ON PROPOSED PROJECT STATEMENT FOR EXPENDITURES OF GAS TAX FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 1961 4-50

Director of Public Works Ray reported on the proposed project statement for expenditures of gas tax funds for the fiscal year ending June 30, 1961, and stated that all of these were cleared with the Council previously except Briggsmore Avenue from Aloha Way to Tully Road.

MOTION

That the staff be authorized to submit the proposed project statement to the State on the basis outlined.

Moved by Knoles Seconded by Martin Unanimously carried

REQUEST FOR CURB CUT VARIANCE AT 1309 McHENRY AVENUE, EL PATIO, R. C. WATSON 4-90

The City Manager presented a request from R. C. Watson, dba El Patio Restaurant, 1309 McHenry, for a curb cut variance to widen an existing driveway from 23 feet to 40½ feet, Mr. Watson to replace curb and gutter, and replace sidewalk area with blacktop rather than by concrete. Mr. Watson waived the five-day notice required so that the Council could act on his request.

The Director of Public Works reported that he had discussed the matter with Mr. Watson, and his recommendation, subject to Council approval, was a maximum of a 30-foot drive way, allowing for a shift of 17 feet to the south as requested by Mr. Watson, since the driveway actually is in the wrong location. The existing driveway is blacktop recently installed by the Division of Highways, and since the entire area is blacktop, Mr. Ray considered it would be unrealistic to require a concrete driveway in one small section.

RESOLUTION NO. 60-194

A RESOLUTION GRANTING VARIANCE TO ROBERT C. WATSON TO REINSTALL PLANT MIX SURFACING IN THE SIDEWALK AND DRIVEWAY AREA AT 1309 McHENRY AVENUE AND APPROVING RELOCATION AND WIDENING OF EXISTING DRIVEWAY TO NO MORE THAN MAXIMUM WIDTH OF 30 FEET

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

CONSIDER MONTH-TO-MONTH LEASE ON CITY OWNED PROPERTY AT 907 EYE STREET, MODESTO 4-125

The City Manager reported that the City has had an offer from Manuel Lopez, Jess League and Lillian L. League to rent a portion of city owned property at 907 Eye Street for the sum of \$30.00 per month, on a month-to-month basis. This building has been vacant for many months and the rented room would be used for storage of merchandise. Approval was recommended by the staff.

RESOLUTION NO. 60-195

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MANUEL LOPEZ, JESS LEAGUE AND LILLIAN L. LEAGUE FOR THE RENTAL OF ROOM IN RIGGS BUILDING (907 EYE STREET)

Introduced by Martin Seconded by Arata
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

OPEN HOUSE, NEW CITY HALL, JUNE 2, 1960, 4:00 TO 8:00 P.M. 5-1

The City Manager stated that the County was opening the new Courts building to coincide with the City's open house, and that all department heads should try to be present most of the time. He expressed the hope that as many Council members as possible would be present.

APPROPRIATION TRANSFERS 5-20

RESOLUTION NO. 60-196

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,350 FROM SPECIAL CAPITAL OUTLAY RESERVE (PARKING AND TRAFFIC) FOR CONSTRUCTION OF TRAFFIC SIGNALS AT FOURTEENTH AND D STREETS

Introduced by Arata Seconded by VanderWall
 Ayes: Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond

REPORT FROM PLANNING COMMISSION 5-40

Councilman Arata left his chair.

The City Manager reported that the Planning Commission at its meeting on May 31, 1960, adopted a resolution recommending the granting of unclassified use permit for establishment of a trampoline center to W. R. Patton, said center to be located at McHenry Village Shopping Center, and to Mrs. Ruth C. Diller for establishment of a trampoline center on Lot 12, Block 2088, located on the north side of Yosemite Boulevard between Santa Barbara and Santa Cruz Avenues.

RESOLUTION NO. 60-197

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT FOR ESTABLISHMENT OF A TRAMPOLINE CENTER (W. R. PATTON) (June 15, 1960 at 4:30 P.M.)

Introduced by VanderWall Seconded by Knoles
 Ayes: Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond, Arata

RESOLUTION NO. 60-198

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT FOR ESTABLISHMENT OF A TRAMPOLINE CENTER (RUTH C. DILLER) (June 15, 1960, at 4:35 P.M.)

Introduced by Knoles Seconded by VanderWall
 Ayes: Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Adams, Mayor Hammond, Arata

The Director of Planning reported that the Planning Commission had raised the question of the training and qualification of trampoline supervisors, and it directed the staff to work with the Parks and Recreation Department to prepare a set of proposed standards to be submitted to the Council for consideration, the point being that some department must be responsible for how trampoline supervisors are to be trained and qualified. The Planning Commission proposed a recommendation worded as follows:

"Any trampoline supervisor shall be not less than 18 years of age, trained and experienced in the use of and performance upon a trampoline, and shall have been approved as a trampoline supervisor by the Parks and Recreation Department in accordance with standards approved by the City Council."

The Director of Planning stated that he would try to have something ready to present to the Council on this matter at the time of the hearings.

Councilman Arata returned to his chair.

REPORT ON CITY STREET DEFICIENCIES 5-80

Director of Public Works Ray reported to the Council on the annual Street Deficiency Report submitted by his department and enumerated the differences between this report and the one submitted in May to the Division of Highways. The report was ordered filed.

PRELIMINARY REPORT ON FEDERAL POPULATION CENSUS 6-30

The City Manager read a letter from Adolph Kiersch, Census District Supervisor, giving the preliminary census count taken as of April 1, 1960, for the City of Modesto, as 36,153.

It was recommended by the chair that the city continue advertising by press and radio in an effort to reach people who were not counted, and also that a spot check be made of two or three districts to check on the accuracy of the enumerators.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Arata Unanimously carried

The meeting was adjourned at 5:27 P.M.

ATTEST:


CITY CLERK

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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: Arata, Knoles, VanderWall, Mayor Hammond
Councilman Spaulding arrived at 8:30 P.M.
Absent: Councilmen: Adams, Martin

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

Reverend Magnus Anderson gave the invocation.

Mayor Hammond extended a welcome to students present from the Union Academy.

PETITIONS REMONSTRANCES AND COMMUNICATIONS

A letter was read from Paul D. LaVine, Farm Advisor, University of California Agricultural Extension Service, in praise of Dwight Long of the Parks and Recreation Department, telling of the high esteem in which Mr. Long is held with the professors of the landscape management department at the University, and his statewide reputation in the care of street trees.

City Manager Miller stated that within the last year or so Mr. Long was on a program there and demonstrated the method he had developed of staking and nurturing young trees.

The chair recommended that a copy of Mr. LaVine's letter be sent to Mr. Long, and a copy placed in his personnel file.

TELEGRAM, REFERENCE CITY TRAFFIC SAFETY PROGRAM

The following telegram from G. C. Stewart, Executive Vice President, National Safety Council, was read by the City Clerk: "Outstanding achievement certificates awarded your city for exceptional death record and progressive accident prevention program activities, and school traffic safety education on basis of traffic inventory program. Appreciate your informing inventory coordinator, George Bowers, Chief of Police. Sponsors will announce engineering, enforcement and court awards later. Please hold public announcement for June 3 national release. Congratulations."

COPY OF LETTER TO MARVIN RAY, DIRECTOR OF PUBLIC WORKS, FROM VALLEY TRACTOR COMPANY RE: REPORT ON CATERPILLER-MOTOR GRADER

A letter from Emmett Crandall, President, Valley Tractor Company, was read to the Council taking exception to a statement appearing in the Modesto Bee that a secondhand Caterpillar motor grader purchased by the City from Valley Tractor Co. had cost the City \$1300 in repairs since its purchase in June, 1959. Valley Tractor records indicated that repair parts purchased by the City from them totaled \$618.72 instead of the \$1300 reported. Mr. Crandall felt that since this statement was publicized, it might be construed as a criticism of Caterpillar products.

A letter from Director of Public Works Ray to Valley Tractor Company was read to the Council in which he stated that the figure of \$1300 for repairs was in error -- the actual cost of repairs was \$817.67; that since its purchase the grader had been operated a total of 681 hours, making the hourly cost of maintenance and repair \$1.20, a figure he considered reasonable. Also, that the brand of tractor had not been mentioned and there was no criticism or condemnation of the Caterpillar grader expressed or implied in the discussion with the City Council. A very substantial savings was obtained by the City in acquiring the used equipment and in a similar situation he would make the same recommendation.

Mayor Hammond expressed the opinion that the operating costs seemed to be very reasonable.

LETTER FROM FRANK ANDREWS

A letter from Frank Andrews was read regarding the fact that no flag was flying on the flag pole of the City Hall on Memorial Day.

LETTER FROM GRISWOLD & WIGHT RE: GARBAGE COLLECTION IN THE CITY OF MODESTO

A letter from Gordon Wight was read commending Modesto Garbage Company for the fine service rendered by this company and recommending that their license be renewed.

It was recommended by the chair that the letter be referred to the Council at the hearing for renewal of licenses.

LETTER FROM CHARLES G. WRIGHT RE: PARKING OF SNO-CONE TRUCKS NEAR CITY PARKS 2-5

A letter from Charles G. Wright, 528 Bystrom, Modesto, was read to the Council in which he requested permission to park his sno-cone trucks at the parks, as he has done in the past two or three years.

Mr. Wright, who was in the audience, said that he wished to speak to the Council on the matter.

The City Attorney explained to Mr. Wright the action taken by the Council - that selling from vehicles within 1,000 feet from school grounds be prohibited and that parking any place on public streets would not be allowed for more than 15 consecutive minutes, the time limit to apply for parks also; that the matter would be up for consideration by the Council in ordinance form at its meeting on June 15, 1960. Mr. Wright was also informed that he could continue to sell under the present law until the ordinance becomes effective.

Mr. Wright voiced objections to the 15 minute parking limitation.

Mayor Hammond suggested that Mr. Wright review the proposed ordinance with the City Attorney and attend the next Council meeting on June 15, when the matter would be up for discussion.

COMMUNICATIONS RE: CITY HALL OPEN HOUSE

Letters of regret over inability to attend the City's open house on June 2, 1960, were received from the following: Harry D. Wiser, President, Modesto Junior College; Harold V. Pederson, Manager, Industrial Department, San Diego Chamber of Commerce; Elwood Ennis, San Francisco, Calif.; E. Earl Udall, City Manager, Merced, Calif.; Howard Gardner, Associate Director, League of California Cities; telegram from Congressman John J. McFall.

The City Manager stated that he had received numerous requests to have another open house some Thursday evening for the benefit of those who missed it the first time.

APPLICATIONS FOR SWILL LICENSE IN THE CITY, RUDY BONZI AND AMERICAN HOG FARM

Mayor Hammond announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the hearing of the applications of Rudy Bonzi and American Hog Farm for renewal of swill licenses for a period of six months. The City Clerk announced that the notice of hearing was published on June 5, 1960, and the two interested parties were notified by mail of the hearing.

There being no objections, the hearing was declared closed.

RESOLUTION NO. 60-200

A RESOLUTION GRANTING A 6-MONTHS EXTENSION TO RUDY BONZI FOR COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by Knoles Seconded by VanderWall
Ayes: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin, Spaulding

RESOLUTION NO. 60-201

A RESOLUTION GRANTING A 6-MONTHS EXTENSION TO AMERICAN HOG FARM FOR COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Arata
Ayes: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin, Spaulding

HEARING ON ANNEXATION OF THE NAVON ADDITION 2-105

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the hearing on the proposed annexation of the Navon Addition to the City of Modesto.

The City Clerk reported that the notice of hearing had been published in the Modesto Bee and the Turlock Daily Journal on the 11th and 18th of May, 1960, and notices were mailed to the owners of property in the area and other interested parties on May 20, 1960. Notices were distributed in the area on May 20. No written protests have been filed with the City Clerk.

Mayor Hammond asked if anyone present wished to speak or file an oral protest. No protests were filed or comments made. Mayor Hammond declared the hearing closed.

ORDINANCE NO. 389-C.S. entitled

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

Moved by Knoles Seconded by Arata
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin, Spaulding

The City Attorney stated that it is proposed that the territory will remain in the Modesto School District and a resolution will be prepared later withdrawing the territory from the Burbank-Paradise Fire Protection District.

RESOLUTION AWARDING BID FOR GARAGE SIGNS (CITY HALL PARKING LOT)
 2-100

The City Manager reported that three bids had been received for the signs and the low bid was submitted by Ad Art Sign Company in the sum of \$1,235.52. It was recommended that award be made to this company.

RESOLUTION NO. 60-202

A RESOLUTION ACCEPTING THE BID OF AD ART SIGN CO. IN THE AMOUNT OF \$1,235.52 FOR INSTALLATION OF TWO INTERIOR ILLUMINATED SIGNS-CITY HALL PARKING LOT

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin, Spaulding

CONSIDER ACQUISITION OF POWER LINES AND TRANSFORMERS AT THE
 MODESTO SEWAGE TREATMENT PLANT 2-120

Director of Public Works Ray reported that the City has an offer from the Modesto Irrigation District to dispose of its transformer stations and other facilities at the Sewage Treatment Plant for the price of \$10,984.26. Purchase and maintenance of these facilities by the City would result in power being supplied through one master meter to the Sewage Treatment Plant transformer stations. The cost of the master meter would involve about \$75 worth of labor and materials. M.I.D. engineers and the city's Chief Electrician have made a thorough study of this matter and their investigation indicates that savings to the City would be about \$5,225 per year, thus almost paying for the purchase of the system in two years. The City would from that time on maintain and replace any poles, wires, etc. from the point of the master meter on through our system. The transformers, which are the principal item of investment, last for many years. One can blow up but this seldom happens. Power supplied through one master meter to the transformer stations means a cheaper rate to the City.

Director of Public Works Ray reported on installation of capacitors on electric motors at the Sewage Treatment Plant. This matter was brought out as the result of the detailed investigation made by M.I.D. engineers and General Electric engineers, and Mr. Viss, Chief Electrician. An accurate estimate indicates that if all of the City's electrical motors had capacitors installed, an annual savings of \$2,800 would be anticipated. He recommended that capacitors be purchased for a majority of the units at the

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plant, but mainly those operating on an intermittent basis, which would cost \$2,298, plus sales tax. The annual savings for this number of installations would be \$2,400. Mr. Ray further recommended that the needed equipment be obtained through Wille Electrical Supply Company.

Mr. Viss, Chief Electrician, explained to the Council the function of capacitors by stating that in a transformer there is a certain loss, especially if the motor is not loaded up perfectly. Technically, you pay for a certain amount of power, but are only getting and using 72% of it. The City is losing because the power company has to furnish lines and equipment to supply that. The power company will pay the city a premium if the power factor is brought up to 85%.

MOTION

That the staff proceed with the acquisition of power lines and transformers.

Moved by Arata Seconded by VanderWall Unanimously carried

MOTION

That the staff be authorized to purchase the recommended equipment from Wille Electric Company.

Moved by VanderWall Seconded by Arata Unanimously carried

HEARING ON ANNEXATION OF THE EAST FLOYD NO. 2 ADDITION 3-90

Mayor Hammond announced that the hour of 8:05 P.M. having arrived, the time set for the hearing on the proposed annexation of East Floyd No. 2 Addition to the City of Modesto. The City Clerk reported that the notice of hearing was published in the Modesto Bee and the Turlock Daily Journal on May 11 and 18, 1960. Notices were mailed to all the property owners in the area and interested parties, and notices were distributed in the area. No written protests were filed.

Mayor Hammond asked if anyone wished to file an oral protest or make any comments. No protests were filed or comments made. Mayor Hammond declared the hearing closed.

ORDINANCE NO. 390-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE EAST FLOYD NO. 2 ADDITION TO THE CITY OF MODESTO"

was adopted and ordered printed and published by the following vote:

Moved by Knoles Seconded by Arata
Ayes: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin, Spaulding

The City Attorney stated that it was proposed that it remain in the Sylvan School District and that it would be withdrawn from the McHenry-Dry Creek Fire Prevention District.

HEARING ON ANNEXATION OF THE EAST ORANGEBURG ADDITION TO THE CITY OF MODESTO

Mayor Hammond announced that the hour of 8:10 had arrived, the time set for the hearing of the proposed annexation of the East Orangeburg Addition to the City of Modesto.

The City Clerk reported that the notice of hearing was published in the Modesto Bee and Turlock Daily Journal on May 11 and 18, 1960. Notices were mailed to all the property owners in the area and other interested parties, on May 20, 1960, and notices distributed in the area on May 20, 1960. No written protests have been filed.

Mayor Hammond asked if anyone in the audience wished to file an oral protest or make any comments. No protests were filed or comments made. Mayor Hammond declared the hearing closed.

ORDINANCE NO. 391-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE EAST ORANGEBURG ADDITION TO THE CITY OF MODESTO"

was adopted and ordered printed and published by the following vote:

Moved by VanderWall Seconded by Knoles
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin, Spaulding

The City Attorney reported that this area included the Safeway Store at the corner of McHenry and Orangeburg, the Tropics Apartments, the fire station, and parcels owned by Julius and Willie May Ward, and Paul and Jessie M. Cleveland, which is the Diamond Match property. Since this area is in the Modesto School District, it will remain there, but it will be withdrawn from the McHenry-Dry Creek Fire Protection District.

REPORTS FROM THE PLANNING COMMISSION - RECOMMENDATION FOR INTERIM ZONING - EAST ORANGEBURG ADDITION

The Director of Planning reported that the Planning Commission has recommended interim zoning for this area, the proposal being that all the property be run into the city as interim zone C-2, except the Tropics Apartments and the City owned fire station, which would be multiple family, R-3.

The City Attorney reported that this annexation cleared up an illegal annexation proceeding involving the East Orangeburg fire station site.

REPORT ON INSTALLATION OF CURB AND GUTTER ON OAK STREET BETWEEN FRANKLIN AND CITY LIMITS, BLOCK 4094

The City Manager reported that this matter had previously been cleared by the staff. No action was taken.

FILE STATEMENT ON ANNEXATION MADE BY DIRECTOR OF PLANNING ON BEHALF OF THE CITY OF MODESTO, PRESENTED TO COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT AT ITS MEETING IN OAKLAND ON MAY 5, 1960 4-1

The City Manager stated that on April 27, 1960, the Council authorized the making of a Statement on Annexation, and he was not sure that the statement was ever filed with the Council records of that date.

The chair ordered that the Statement on Annexation be filed with the Council records of April 27, 1960, and also with the record of the present meeting.

CONSIDER 1960-61 BUDGET 4-10

The City Manager commented on the term "deficit financing". He stated that he wanted to make it clear that there could not legally be any deficit, that the budget must be balanced. This year, for the first time, a budget has been presented which is not in balance but will be when it is adopted.

June 22, 1960, at 8:00 P.M. was set for public hearing of the budget.

RESOLUTION NO. 60-203

A RESOLUTION SETTING THE DATE FOR THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1960-61

Introduced by Knoles Seconded by Arata
Ayes: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin, Spaulding

Mayor Hammond recommended setting up special meetings for reviewing the budget as had been done in the past two years, limiting the meeting to 1½ hours twice a week, and reviewing a few divisions at a time.

The City Attorney suggested that a special meeting be called for the first meeting, and that it then be adjourned to the series so that the Council could have a separate set of minutes for the special budget hearings rather than running them in with the regular Council meetings.

MOTION

That 4:00 P.M., Tuesday, June 14, 1960, be set for the hearing of special budget meeting.

Moved by Knoles Seconded by VanderWall Unanimously carried

It was decided that the budgets of the following departments would be set up for review at the first hearing: City Council, City Manager, City Attorney, City Clerk and Auditor, Finance, Personnel and Planning.

The City Manager suggested that if department representatives did not want to sit through the whole meeting waiting for their turn, they would be notified at the time their budget was up for consideration.

(b) CONSIDER ALTERNATE PROPOSAL FOR EXTRA HELP FOR CITY ATTORNEY AND CITY MANAGER 4-70

The City Manager reported that he and the City Attorney had been working on this matter for several months, and that he had a draft of a report which he would like to send to the Council for review before the matter was considered formally.

Mayor Hammond suggested that the Council set up a special committee to discuss operating problems, management policies and assistance with the City Manager and City Attorney.

MOTION

That a special committee be set up to discuss management policies and assistance with the City Manager and City Attorney.

Moved by Mayor Hammond Seconded by Arata Unanimously carried

Mayor Hammond appointed the following to serve on this committee:

Councilmen Martin and Knoles, and Mayor Hammond, chairman.

The City Attorney stated that over a period of years, since 1955, the Council authorized special contractual assistance to the City Attorney's office to handle the extra work in prosecutions and other matters. The law firm of Jensen and Underwood was employed for this purpose. This firm has informed the City Attorney by letter that their practice has grown to the extent that they do not have sufficient time to do this work for the City and properly care for their own private practice, and have given notice of their intention to terminate their contract with the City as of July 1, 1960. In the past, the City has also employed the law firm of Hoover, Lacy & Bienvenu under a special contract for assistance. He proposed that the Council appoint Robert Bienvenu as acting City Attorney in his absence or disability in the place of Wilmar Jensen, to be effective July 1, 1960, compensation to depend upon the hours worked under contract.

RESOLUTION NO. 60-204

A RESOLUTION APPOINTING ROBERT C. BIENVENU AS ACTING CITY ATTORNEY DURING THE ABSENCE OF THE CITY ATTORNEY

Moved by Arata Seconded by VanderWall
 Ayes: Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin, Spaulding

(c) CONSIDER ATTENDANCE OF CITY ATTORNEY AT MEETING OF BOARDS AND COMMISSIONS

The City Attorney stated that his work load has developed to a point where it is not always possible to perform the duties assigned and attend the various meetings of the Boards and Commissions. He suggested that now that City offices and the Council meeting room are under one roof, it might not be necessary for him to attend all of the meetings since he could be immediately available on call if legal problems should arise.

MOTION

That the City Attorney not be required to attend all of the meetings of the Boards and Commissions, but that he be on call in the building during the time the meetings are held.

Moved by VanderWall Seconded by Arata Unanimously carried

**RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE SYLVAN
ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION
TO THE COUNCIL 5-25**

RESOLUTION NO. 60-205

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

Introduced by VanderWall Seconded by Arata
Ayes: Arata, Knoles, VanderWall, Spaulding, Mayor Hammond
Noes: None Absent: Adams, Martin

**REQUEST BY THE MODESTO REDS TO SUBLET DEL WEBB FIELD FOR OCCASIONAL
ATHLETIC EVENTS 5-40**

The City Manager read a letter from Mr. Pepelis, Manager of the Modesto Reds, requesting permission to sublease Del Webb field to Louie Miller for wrestling matches on Saturday nights when the Modesto Reds are not using the field. \$100 per event has been offered and Mr. Miller would be informed that he would have to pay 3¢ admission tax on each ticket sold at each performance. Mr. Miller would be responsible for all damages or injuries incurred at Del Webb Field. Mr. Pepelis requested that Mr. Miller's letter be returned to him.

A letter from Louie Miller, Richmond, was read by the City Manager, which stated that he would like to rent the ball park on each Saturday available for \$100.00 per event, \$75.00 being for rent and \$25.00 for lights; he would carry the necessary liability insurance to protect the Modesto Reds and the Park; the Modesto Reds to have full control of concessions; the Modesto Reds to clean the park before and after each match; rent to be paid in advance before matches. He stated that the Athletic Commission required that he have a letter from the City confirming that the ball park is available to him on certain dates.

A letter of recommendation from V. J. Richardson, commending Mr. Miller as a wrestling promoter and a credit to his community was read.

The City Attorney stated that the Modesto Athletic Association holds the master lease, but that this lease contains a reservation that the City has the right to use the ball park and allow any other organization to use the ball park when the Modesto Reds are not using it. The lease also contains a provision that the Modesto Reds shall not assign the agreement or sublet the premises to any person or organization without prior consent of the City.

The question arose as to who would receive the rental fee. Councilman Arata stated that the City gains because the people attending the matches will spend money in the city.

It was resolved that the matches will be scheduled not more than 30 days in advance and only on Saturday nights when the field was not in use by the Modesto Reds or any other civic group, with the understanding that the City will not furnish police protection, that

Mr. Miller will meet the terms and specifications for insurance liability.

RESOLUTION NO. 60-206

A RESOLUTION AUTHORIZING THE MODESTO COMMUNITY ATHLETIC ASSOCIATION TO SUBLET DEL WEBB FIELD TO LOUIE MILLER FOR PROMOTING WRESTLING MATCHES

Introduced by Arata Seconded by VanderWall
 Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin

PROPOSAL FOR DISCUSSION OF STUDY OF RELOCATION OF TIDEWATER SOUTHERN RAILWAY FACILITIES IN MODESTO

The City Manager stated that he would like this matter placed on the agenda of June 15, 1960, at which time a representative of the firm of DeLeuw, Cather & Company would be present to review the report and answer questions.

The hearing on this matter was set for 4:15 P.M., June 15, 1960.

INTRODUCTION OF SPECIAL GUESTS

Chief of Police George Bowers introduced Captain Dabiri and Lieutenant Farid, Gendarme Police of Iran, who are visiting this country in connection with a program of inter-relationship in the police field with foreign countries, to study police methods in the United States.

REPORT ON STATUS OF PLANNING FOR AIRPORT CONTROL TOWER

The City Manager reported that Director of Public Works Ray has been working with representatives of F.A.A. and has been informed that funds for operation of the control tower have not yet been budgeted by Congress. The F.A.A. suggested, and the staff concurred, that work on planning be suspended and that no expenditure of funds be undertaken until the operating budget is approved by Congress.

PRESENTATION OF THE FINANCIAL STATEMENT FOR THE MONTH OF MAY

This matter was held over.

CONSIDER FOURTH OF JULY FLOAT 6-50

A report was read stating that for \$325 Valley Decorating Company could furnish a float similar in quality to that rented by the City last year. The unit is 12 feet longer than last year's, and quite suitable for carrying Miss Modesto and various queens.

It was also reported that the Executive Committee and the Board of Directors of the Chamber of Commerce have decided that the Chamber should not participate in furnishing a float for the parade.

The cost of a do-it-yourself float would be around \$150-\$175, with props or superstructures extra, at a total cost of approximately \$200 to \$250.

The City Employees Association reported lack of talent to design and construct a float of quality standards appropriate to represent the City.

The City Manager reported on expenditures for last year, which was Diamond Jubilee year. A total of \$2563 was spent; \$2,000 was budgeted for specific purposes and, of the remaining \$563, \$312 was spent for the float. He recommended that the City either rent a float or not enter one at all.

It was Mayor Hammond's opinion money would be more beneficial to the 4th of July Committee to assist with expenses, than the entry of a float would be.

MOTION

That the City not have a float this year.

Moved by Mayor Hammond Seconded by Arata Motion carried

It was Councilman Spaulding's opinion that the City Employee's Association could make a voluntary effort to prepare a float for the City.

The City Manager stated that if the City would provide \$150 toward the costs, he would obtain the assistance of the employees to finish the job. He also suggested that perhaps a permanent City of Modesto trophy would put the City in a position of assisting instead of competing with a float.

PURCHASE OF CITY LADDER TRUCK

With the unanimous consent of the Council, Director of Public Works Ray presented this matter to the Council. He stated that on May 25, 1960, the Council approved proposals for the purchase of an aerial ladder for the electrical division. This was an electrically operated ladder as opposed to a hydraulically operated ladder. At that time the merits of each were discussed briefly, including the difference in cost - \$600. Since the order was placed, the company has now offered to split the difference with the city for \$300. It was Mr. Ray's recommendation that in view of the additional safety features of the hydraulically operated ladder and the offered reduction in cost, that the Council approve the purchase of the hydraulically operated ladder. The additional cost to the City would be \$298.35.

MOTION

That the motion adopted May 25, 1960, "That the issuance of a purchase order in the sum of \$3,738.22 for the purchase of this equipment be authorized" be amended to provide for the purchase of a hydraulically operated ladder.

Moved by VanderWall Seconded by Arata Unanimously carried

CLEAR VACATION SCHEDULES FOR CITY MANAGER AND CITY CLERK

MOTION

That the request of the City Manager for four weeks vacation beginning in late July or early August be approved.

Moved by Arata Seconded by Knoles Unanimously carried

MOTION

That the request of the City Clerk for two weeks' vacation beginning June 14, 1960 be approved.

Moved by Spaulding Seconded by Arata Unanimously carried

With the unanimous consent of the Council, the City Attorney requested two weeks' vacation during the last two work weeks of August.

MOTION

That the City Attorney be granted two weeks' vacation during the last two work weeks of August, 1960.

Moved by Spaulding Seconded by Knoles Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Spaulding Unanimously carried

The meeting was adjourned at 9:10 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 2-1.07 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1960-61.

The Assistant City Clerk called the roll and there were

Present: Councilmen: Knoles, Spaulding, VanderWall, Mayor Hammond

Absent: Councilmen: Adams, Arata, Martin

The City Manager explained the method used in preparing the annual preliminary budget.

Budget Summary and Revenue Estimates Pages 1 through 27

The City Manager stated that these pages contained a summary of all of the funds involved in the budget.

Summary of 1960-61 Budget by Funds Page 2

General Fund

The City Manager pointed out that the budget was not balanced, and asked the Council for guidance in selecting those projects to be eliminated or in finding methods of increasing revenue.

1953 Sewer Improvement Bond Page 2

The City Manager stated that the remainder of the sewer bond funds are set up for use this year for the construction of additional treatment units.

Director of Finance Bird stated that there are two sewer funds. One is the actual bond money that is available for expenditure and is entitled "1953 Sewer Improvement Bond". In this fund is \$230,000, available for appropriation for construction projects. The second sewer fund is for the retirement and payment of interest of the outstanding bonds.

Business Licenses, Registration and Mill, Page 11

Director of Finance Bird stated that the registration and mill taxes are listed separately to make it easier to estimate revenue. One is paid annually and the other quarterly.

Sales Tax Page 11

The City Manager reported that this is about 6% over last year. The State's estimate of sales tax was used in the budget.

Motor Vehicle Fuel Tax Page 17

The Director of Finance stated that this particular revenue item is based on information supplied by the State. This figure is based on a population basis of 40,000 and since it is over the preliminary federal census, it is possible that this estimate is higher than it should be. However, if there are enough cities that have lost population, the unit apportioned per person may offset the loss due to lesser population.

Comparative Summary - 1960-61 Budget Page 25

Mayor Hammond stated that it would be helpful to him if the figures for actual and proposed departmental expenditures were reduced to percentages for each year tabulated.

The City Manager stated that as certain items are considered, they should be reviewed to determine whether or not they are self-supporting. He pointed out that the building inspection program lacks about \$8,700 of being self-supporting this year. It was Mayor Hammond's opinion that it was better to have the specialized services on a self-supporting basis than to increase taxes.

Mayor Hammond suggested that the staff make recommendations as to which activities should be self-supporting. The following were suggested: The golf course, building inspections, garden refuse pickup; water department, and adult recreation.

Mayor Hammond pointed out that the Council has already expressed itself and established a basic policy that the community service center, the golf course and adult recreation should be self-supporting.

The City Manager stated that from an operating standpoint, the water revenue pays for itself with the possible exception of depreciation; that the problem to be considered now is the one of expansion and extension.

MOTION

Requesting the staff to give the Council a report on inspection, water service, and garden refuse service with the idea of recovering operating costs.

Moved by Spaulding Seconded by VanderWall Unanimously carried

CITY MANAGER Page 33 3-70

302 Books & Periodicals

Mayor Hammond stated that he would like a total of all the books and periodicals purchased by the departments.

The City Manager itemized the books and publications received by the City Manager and Police Departments.

221 M & R, Office Equipment Page 33 4-1

The City Manager stated that this item covers the repair and maintenance of office and other equipment. A tabulation is being kept on the repair of office and radio equipment, and it is getting to the point where it might be feasible to hire someone to care for this equipment on a full or part-time basis.

208 Business Expense Page 33

The City Manager stated that this item covers expenses incurred for business meetings.

CITY CLERK AND AUDITOR Page 37 4-15

The City Manager stated that salaries budgeted are lower because new personnel was employed at a lower range than was being paid to a twenty-four year veteran employee, Mrs. Collins, who is retiring June 30.

230 Advertising, Legal and Other Page 37

The City Manager stated that legal advertising is a requirement of the City Charter. Some cities have Charter provisions that require posting in certain specified public locations thus eliminating the expense of publishing. He stated that any contemplated change in the Charter should be considered before election next year.

Councilman Spaulding stated that publication seems to be a tremendous waste of money, that the only people who read them, such as attorneys, know where to look them up.

FINANCE Page 39 5-45

Accounting and Purchasing

The City Manager stated that for the first time the budget for the Central Office Services has been separated from other finance department activities, such as accounting and purchasing.

Punch Card Equipment - Text Page 39

The City Manager stated that this would be a capital item. The installation of this machine would eliminate purchase of additional accounting machines and would take care of future growth.

Director of Finance Bird stated that the equipment would be rented, not purchased. The rental rate for a six months period is \$3,384. It would take six months to have the equipment installed. He stated that the first accounts to be processed on the equipment would be the water, payroll and business license accounts. The Police Department has requested that their crime reports be processed on this equipment.

Central Office Services, Page 41

Salaries and Wages, Regular

The Director of Finance explained the \$7,000 increase in salaries was occasioned by the fact that in the last budget the typing pool was authorized on a half-year basis. This year the typing pool staff is included for a full year. No additional personnel is involved.

505 Perforating Machine Page 41

The Director of Finance stated that this was a device that can be attached to the offset press to perforate forms to make snap-off ends.

ADJOURNMENT

MOTION

That this meeting be adjourned until 4:00 P.M., Thursday, June 16, 1960, to give further consideration to the preliminary budget.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ATTEST:

[Signature]
City Clerk Page 86-14-60

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 Assistant City Clerk called the roll and there were:

Present: Councilmen: Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Absent: Councilmen: Adams

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

Reverend John Haine gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of May 11 and 18, 1960, the same being available for public inspection and there being no objections, the minutes were approved.

INTRODUCTION OF JAMES CORSON 1-40

With the unanimous consent of the Council, James Corson, Superintendent, Modesto City Schools, was introduced. He spoke briefly, commending the City and its staff for fine cooperation with the staff of the Modesto City Schools. Mr. Corson introduced Dr. Harry Wiser, who is succeeding him as Superintendent of the Modesto City Schools. Dr. Wiser spoke briefly. A resolution commending Mr. Corson was read by Councilman Knoles.

RESOLUTION NO. 60-207

A RESOLUTION COMMENDING DR. JAMES H. CORSON FOR OUTSTANDING SERVICES TO THE MODESTO CITY SCHOOLS AND TO THE COMMUNITY

Introduced by Knoles Seconded by Spaulding
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

LETTER TO MAYOR HAMMOND FROM LAWRENCE ROBINSON, JR. RE: HELPFULNESS OF CITY EMPLOYEES 1-93

A letter was read from Lawrence Robinson, Jr., in which he passed on comments he had received from Richard White, Stockton, a representative of Inland Steel Company. Mr. White commented that "he had never received the courteous treatment and the sincere and helpful interest in any city in the valley that he received from Mr. Hermida, Mr. Smeath and Mr. Sanders. Their whole attitude was one of friendly helpfulness and their attitude displayed an outstanding example of competent, efficient and friendly civic interest".

The letter was ordered filed.

LETTER FROM INTERNATIONAL CITY MANAGER ASSOCIATION RE: CONFERENCE
IN SAN FRANCISCO OCTOBER 16 TO 20 2-05

A letter from International City Managers Association was read inviting the City Manager to attend the 46th annual congress of International City Manager Association to be held in San Francisco October 16 to 20.

The City Manager stated that both he and the Assistant City Manager would like to attend at least part of the program, inasmuch as the conference is held in California only about once in every ten years.

There were no objections by the Council.

LETTER FROM FRANK ANDREWS RE: EXPENDITURES FOR ADVERTISING AND
OLD CITY HALL 2-15

A letter from Frank Andrews dated June 4 was read in which he protested a recent newspaper article which claimed that the new building is the first new city hall for Modesto. He stated that the old city hall had originally been built as a fire station and city hall.

A summary of a letter from Mr. Andrews dated June 6 deploring the recent 20 minute power outage was read.

A summary of a letter from Mr. Andrews dated June 6 protesting large advertising expenditures by the Modesto Irrigation District was read.

The letters were ordered filed.

LETTER FROM MR. AND MRS. OTTO E. SCHAEFER, 330 BURNEY STREET RE:
POSSIBLE WIDENING OF BURNEY STREET 2-20

A letter from Mr. and Mrs. Schaefer dated June 8 was read to the Council, in which they stated that they were opposed to the widening of Burney Street and would not deed the property to the City.

Since this matter is already under discussion by the Council, it was ordered that a copy of the letter be sent to the planning staff and brought to the attention of the Planning Commission, with later referral to the Council.

LETTER FROM FRANK HABIB RE: BUSINESS LICENSE ORDINANCE 2-30

The City Manager reported that the matter raised in the letter had already been cleared by the staff.

RESOLUTION AWARDED BID FOR SEWAGE AND INDUSTRIAL TREATMENT PLANT
ENLARGEMENT 2-33

Mr. Ray reported that the low offer was submitted by Daniels Construction Co. in the amount of \$441,500. After receipt of the bids, it was necessary for the City to complete part "B" of the acceptance of the grant offer of the federal government for Public Law 660 funds. That has been done and forwarded to the Public Health Service Office in San Francisco, and until that approval is received, no action can be taken by the City. Mr. Ray stated that it is expected that approval will be back in time for action at the

Council meeting on June 22. At that time acceptance of the low offer will be recommended. The offer of Daniels Construction Co. was below the City's estimate of \$470,000.

DISCUSSION ON DeLEUW CATHER REPORT ON RELOCATION OF TIDEWATER SOUTHERN RAILWAY FACILITIES IN MODESTO 2-43

Mayor Hammond reported that the hour of 4:15 had arrived, the time set for the discussion of the DeLeuw Cather report on the relocation of Tidewater Southern Railway facilities in Modesto.

The City Attorney stated that he had received a call from Mr. Rex Kearney, President of Western Pacific, advising that he did not get notice of this meeting until a day or so ago and therefore was unable to arrange his calendar to be present. He further advised that his chief engineer, the person most interested in this report from an engineering aspect, was now in Russia and would not be back until around August 1. Mr. Kearney asked the City Attorney to pass on to the Council the request that they be able to sit down and discuss this matter with their chief engineer sometime after August 1 when he returns.

The Assistant City Clerk read a letter from the Southern Pacific Company signed by R. C. Nissen, Assistant Chief Engineer, giving his regrets for being unable to attend the hearing, but had arranged for representatives of the company to be present.

The Assistant City Clerk summarized a letter received from Frank Andrews in which he protested the proposed submerged freeway through Modesto. It was his opinion that both the Tidewater and Southern Pacific should be rerouted overhead.

The City Manager reported that the railroads involved and other interested parties had been furnished copies of the DeLeuw Cather report. The discussion today was arranged primarily to permit the Council to review it with the engineers who made the study. This study is one of three authorized by the Council, with assistance from the federal government, to help with basic problems in the central section of the City. The others are: (1) downtown central business district study which will be available very shortly, and (2) study of adjacent neighborhoods where there are some mixed uses and complicated problems.

Mr. Cecil Kern, engineer of the firm of DeLeuw, Cather and Company, gave a brief report on the recommended plan on the relocation of the Tidewater Southern Railway through the City of Modesto. Several different studies were made; however, the only one that he would discuss was the recommended plan. Modifications of the plan have been given Mr. Smeath showing the other studies and they can be viewed there.

The Tidewater Southern Railway actually operates between a connection with the Western Pacific in Stockton and Turlock. It is a single track railroad and runs along Virginia when it enters town from the north, crossing over to Ninth Street and to Morton Boulevard, where it goes over the river on its own right of way and runs south. There is both a small north yard and a small south yard. Station and local freight facilities are located at the south yard. They connect both with the Southern Pacific and with Modesto & Empire Traction. Along with the study that was recommended, they considered relocation over the Santa Fe and M. & E. T.

between Escalon and Modesto. This plan was discarded because it was found to be 5.4 miles longer and also would cut them off from their north yard and from considerable potential revenue. Secondly, a rerouting along the Southern Pacific from Manteca to Modesto was considered, and was similarly unacceptable. Thirdly, relocation was considered east of the general built up area of Modesto, east of the airport, between McHenry and Hatch Road. This would entail construction of about 10 miles of complete new railroad which eliminated this plan.

The recommended plan contemplates the relocation of the Tidewater Southern Main line from 9th Street to the Southern Pacific right of way. The proposed alignment stays at relatively the same position until Beard Street is approached, in which it will cut off and follow, with some modifications, to the Southern Pacific M. & E.T. interchange area, which would be enlarged. The main line itself would cross B Street and go over and be a new piece of trestle to connect into their existing trestle and on southward. All of their tracks on 9th Street would be eliminated. At the connection to M. & E.T. would be a new track that would cross Morton and cross 99 (Ninth Street) and follow along on private right of way down to approximately 12th, where it would connect with an existing M. & E.T. track. Under this plan, they have been able to eliminate all except two crossings of 9th Street, one at the north, one at the south. There will remain one crossing of B Street, which is the reverse connection of the industry spur to serve Flotill Cannery. No industry has been taken away from Tidewater Southern; access has not been given to Southern Pacific business or M. & E. T. What business they now have they will continue to have, each road holding its own entity and serving its own industries or potential industries.

Two other studies were made which are modifications of this; one of them require four crossings at 9th and B which is far from a good condition and the other necessitated a tail track back by the creamery in order to permit M. & E.T. to back out into 9th to get their interchange trains of 15 cars to either the S. P. or Tidewater Southern.

There is a minimum of right of way taking; there is a minimum of disruption to industry. Under the recommended plan, it is estimated that an expenditure of about \$1,140,000 will be required. Reference was made to the tabulation of cost estimates on page 19 of the report which indicated that the actual construction cost would be \$865,000. Adding the estimated costs of engineering, administration and contingencies brings the projec. cost to \$1,140,000. The decided benefits, in his estimation, were as follows: The benefits to Southern Pacific would be the use of the joint facilities which would be fully signalized. All cars which now move along the main line to these industries could be operated from this joint track which decidedly would help the Southern Pacific. Also, switching at Flotill would be improved. Two main line switches could be eliminated. These are basically the advantages to the Southern Pacific.

Benefits to Tidewater Southern -- It is undesirable to have to operate in the middle of a busy city street, both from the standpoint of safety and flexibility of rail operations. The accident rate has been relatively low; however, the recommended relocation would eliminate 15 unprotected grade crossings and put them over on a fully protected right of way. The proposed plan would permit Tidewater Southern trains to stop south of G Street clear of any grade crossings while they switch the M. & E. T. inter-

change, and also the new Tidewater Southern interchange by the Northern California Company across B Street. It also provides tail track so that the M. & E. T. and Southern Pacific coming over with their interchange trains can operate in the clear. It will also permit Tidewater Southern to increase their operating speeds through town from their present limitation (and this limitation is their own) of about 10 miles per hour maximum speed to 20 miles per hour, which would be a definite asset to them.

The prime assistance to M. & E.T. in the plan would be their ability to combine movements of Southern Pacific and Tidewater Southern and bring them across in one movement, thereby cutting down the number of crossings on 9th Street proper.

Benefits to the City of Modesto would be to reduce the accident potential. During the last 5½ years there have been 25 accidents, with \$1,670 damages. Of this number, only five occurred between Needham and C on 9th Street, four at the intersection of 9th and B, seven on D Street between 9th and 10th. Railroad crossing accident and vehicular delay data are tabulated in the DeLeuw, Cather & Co. report. Another asset to the City of Modesto would be that it would permit property prices to adjust more to improve conditions, it would assist in relieving traffic congestion, and at the same time it would greatly simplify the underpass problem in bringing in vehicles from the new freeway, because it would get the Tidewater Southern over where they are all adjacent. Mr. Kern felt that the next step, if the plan meets with the City's approval, is to meet with the railroad representatives and discuss the problem. He did not feel that there were any major points of the plan that would be objectional.

Mr. Kern felt that the City had every possibility of getting some kind of an agreement with the railroads to help alleviate the problem.

Mayor Hammond commended Mr. Kern and DeLeuw Cather & Co. for the report.

Mr. Kern stated that it was not the prerogative of DeLeuw, Cather & Co. to tell the City or either of the railroads who is going to pay. From his past experience, the railroads may see fit to contribute a portion of the money--they can see where they will benefit from it. The City will definitely benefit from it. It is also possible that the City can get part of the funds necessary as a portion of the redevelopment project that will be done. If the City cannot of its own accord come to an agreement with each of the railroads, the Public Utilities Commission would give the final answer as to who would pay what portion.

Mayor Hammond commented that this report was the first thing the City has had with which to start the program, and what the Council and community decide to do is up to them.

Mr. Kern stated that his company had had problems similar to this one in various parts of the United States; some had gone on to completion and some had not. In many instances in the far west, cities were built around railroads which are now proving to be a barrier. In some areas in the midwest, the solution has been to either depress the railroad or elevate it. In some instances the railroads have contributed and in some they haven't; it has been done strictly by the municipality.

Mr. Kern reported that he did not know the status of the Fresno proposal.

There are usually four daily movements of Tidewater Southern on 9th Street during the offpeak season. In peak, it will run perhaps two or four more daily. This is during canning season.

Another relocation considered was from a point further north up around Hetch Hetchy aqueduct, cut across practically parallel to the aqueduct across 99 Highway, and down Southern Pacific. This would get it completely out of town and off of Virginia. This would cost \$1,850,000, a longer run to the railroad, more cost per ton mile, with no obvious advantages to the City at all at this time. With the plan presented, there would be virtually nothing lost on what would be constructed now, if at some future date conditions are such that the City wanted to go ahead and carry it north and across M.I.D. canal or by way of Hetch Hetchy. Mr. Kern could not see that the expenditure is there for the disruption caused by the few trains in that general area.

Mr. Kern thanked all of the railroads, the City departments and the State Highway Department for the assistance and information given in order that the company could complete the report.

William Allen, Assistant Division Engineer of Southern Pacific Railroad Co. stated that he had reviewed the report, a very good report, and Southern Pacific Company can find nothing generally wrong with the proposal, it can find no objections to it, provided that the company does not have to finance it. He stated that a comparable relocation is going on in Stockton at the present time. The Western Pacific and Southern Pacific on Hazelton Avenue is being relocated over to the Santa Fe, and is being strictly financed by the City of Stockton through a bond issue.

The City Manager pointed out that DeLeuw, Cather and Co. worked with the railroads to the extent that they checked back and forth; and the railroads were very cooperative and helped immensely. Secondly, copies of the DeLeuw, Cather report have been sent to the Chamber of Commerce, and to the Merchant's Association. They have special committees working on it and they may wish to report to the Council at a later date.

Frank Andrews reported that when the Tidewater Southern came in as an interurban electric railroad, it was highly welcomed. He commented on the proposed relocation.

Mayor Hammond declared the discussion closed.

The City Manager was of the opinion that the matter be discussed with the railroads to find out what problems they have, any suggestions they wish to make, and to determine benefits they might acknowledge, and then further report to the Council to see if the City wishes to proceed further.

Councilman Spaulding felt that the Council needed more information as to who was going to finance it and what it would cost the city.

Mayor Hammond stated that before the Council got too involved in the discussion, the City should know a little more about

the financing - whether the cost would be shared or whether the City would have to finance all of it.

The City Manager felt that the matter should be reviewed with the Chamber of Commerce and the Merchants Association group, and particularly the property owners along 9th Street, who have expressed considerable interest in the project.

Director of Planning Smeath reported that two committees of the Chamber of Commerce have already determined that they should study this matter during the summer. The civic affairs committee and the industrial committee will be holding meetings to discuss and study this matter.

Mayor Hammond suggested that the staff review with the railroads what the relocation might mean to them in the way of dollar value, and at the same time review with Tidewater Southern reinstatement of their franchise; that the company had been using the streets without paying for them and he felt that it should be contributing the franchise tax it formerly paid.

The City Attorney stated that it might be advisable to check the sentiment of the Council again, because the last time it came up the Council then in office did not want any further discussion on this subject, so the staff ceased any further efforts.

The City Manager stated that Tidewater Southern actually offered to renew the franchise and if the Council so desired the staff would check into the matter.

Councilman Spaulding suggested that the staff pursue the matter further with the railroads and then report to the Council.

Mayor Hammond felt that the money situation should be settled from the beginning so that time and effort of the staff would not be expended to ultimately find that the City cannot afford it.

MOTION

That the staff continue to discuss the matter with the railroads and report back to the Council.

Moved by Spaulding Seconded by Knoles Unanimously carried

Councilman Arata stated that he would like to know what Fresno is getting for its franchise.

Councilman Arata was excused from the meeting for personal reasons.

HEARING ON PLANNING COMMISSION RECOMMENDATION FOR UNCLASSIFIED USE PERMIT FOR TRAMPOLINE CENTER - PATTON AT MCHENRY VILLAGE 5-10

Mayor Hammond stated that the hour of 4:30 P.M. had arrived, the time set for the hearing on the Planning Commission recommendation for an unclassified use permit for a trampoline center by Bud Patton at McHenry Village.

The City Manager read a communication from the City Clerk stating that notice of the hearing was published as required by law, notices were posted, and no written protests were received.

The City Attorney reported that there were two applications for unclassified use permits to operate trampoline centers, both processed by the Planning Commission and approved with certain conditions attached, namely, that standards be set for use by Parks and Recreation Department relating to the training and qualifications of trampoline supervisors. It was the City Attorney's opinion that if the Council planned to regulate trampoline supervisors or establish qualifications, this matter should be considered first.

Director of Planning Smeath reported briefly on the proposed ordinance setting up conditions for training and qualifications of trampoline supervisors. He stated that the Parks and Recreation Department was requested by the Planning Commission to set up proposed standards for recommendation to the Council. These were prepared and submitted to the City Attorney for consideration in setting up a resolution. Mr. Smeath read the following clause from the proposed resolution prepared by the City Attorney:

"Now, therefore, be it resolved by the Council of the City of Modesto that the following standards be adopted to guide the Parks & Recreation Department in determining the qualifications of trampoline supervisors. (1) Applicant shall be at least 18 years of age. (2) Applicant shall have completed one of the following: (a) P.E. 64, intermediate trampoline at Modesto Junior College, or (b) an equivalent course at another recognized institution or educational institution, or (c) an equivalent course of instruction under the direction of a qualified trampoline instructor. (3) Applicant shall be a qualified holder of a standard first aid certificate given by the American Red Cross

"Be it further resolved that the Director of Parks & Recreation or his authorized agent shall approve any person requesting certification as a trampoline supervisor that meets the requirements of the above standards."

Mayor Hammond stated that he did not understand that the Council was asking the Parks and Recreation Department to pass on the qualifications of the supervisors. He thought that that was up to the people doing the hiring. It was his opinion that City personnel would be interfering in a private operation. Councilmen Martin and Spaulding concurred.

Robert Bienvenu, Acting City Attorney, reported briefly on the proposed resolution he had prepared at the request of the Planning Commission. It was his opinion that it was not a good resolution in that it did not set up any standards that would give the owners of trampoline centers guidance. He stated that P.E. 64 has no well defined meaning; a certificate indicating a supervisor passed P.E. 64 would give no indication that it covered trampolines. He agreed with Mayor Hammond that this was a policy matter.

There being no further oral protests or comments, Mayor Hammond declared the hearing closed.

After general discussion by the Council, the following motion was adopted:

MOTION

That the Council does not desire to establish any standards of qualifications, training and experience

for trampoline supervisors, except that the supervisor be at least 18 years of age.

Moved by Martin Seconded by Spaulding

Councilman Knoles dissented.

Mayor Hammond announced that the motion carried.

The proposed resolution prepared by the Planning Commission recommending Council approval of an unclassified use permit for establishment of a trampoline center at McHenry Village Shopping Center was reviewed by the Council. The following changes were made:

Paragraph 2 was changed to read as follows:

"2. Any trampoline supervisor shall be not less than 18 years of age."

The following paragraphs were added:

"Failure to comply with any of the above conditions shall be grounds for revocation of this permit."

"The granting of the requested permit subject to reasonable conditions hereafter set forth will serve the public health, safety and general welfare."

"The granting of the requested permit is not unreasonably incompatible with the type of use permitted in the surrounding area as the conditions hereafter stated will reasonably assure that the basic purposes of the zoning regulations will be served."

RESOLUTION NO. 60-208

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO W. R. PATTON TO PERMIT THE ESTABLISHMENT OF A TRAMPOLINE CENTER AT McHENRY VILLAGE SHOPPING CENTER

Introduced by Spaulding Seconded by VanderWall
Ayes: Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Arata

HEARING ON PLANNING COMMISSION RECOMMENDATION FOR UNCLASSIFIED USE FOR TRAMPOLINE CENTER - DILLER ON YOSEMITE BLVD. 6-25

Mayor Hammond stated that the hour of 4:35 P.M. had arrived, the time set for the hearing on the Planning Commission recommendation for unclassified use permit for trampoline center by Mrs. Ruth Diller on Yosemite Boulevard.

The City Manager read a communication from the City Clerk stating that notice of hearing was published as required by law, notices were posted, and no written protests were received by the City Clerk at the time of the writing.

Semour Coey, 119 Santa Barbara, stated that he had set out the subdivision where the trampoline center was being set up. The subdivision has an inner parking and driving area between the highway curb and store fronts, plus a sidewalk. It was Mr. Coey's opinion that unless this property was improved in front, and

sidewalks installed, it would be a hazard to children. He stated that the entire subdivision has a sidewalk the full length, with the exception of this one property. The curb and gutter is out along the side of the highway. This is simply a sidewalk with a drop down the front to protect the people from cars going up on the sidewalk - about a five inch raise. The sidewalk area is privately owned. The site of the proposed trampoline center is in between two buildings. The inner drive is partly private property and partly state property.

The City Manager stated that the City does not require that sidewalks be installed in front of a commercial building. The City asks for it but has no authority to require it unless more than one-half of the block is improved. However, it can be required that certain improvements be made as a condition in the granting of a use permit.

Director of Planning Smeath reported that he had spoken of this matter to the applicant and she is requesting the owner have this work done as part of the lease program. It was his opinion that a sidewalk would be desirable here.

Mr. Charles Bowers of Paul's Rexall Drugs, 1313 Yosemite Boulevard, stated the thoroughfare in front of his building is narrow and parking in front of the trampoline center will have to be parallel.

There being no further oral protests or comments, Mayor Hammond declared the hearing closed.

MOTION

That an amendment be made to the pending resolution that the condition be added requiring that a sidewalk be constructed across the front of this property to conform to the existing sidewalk.

Moved by Spaulding Seconded by VanderWall Unanimously carried

It was directed by the Council that Mrs. Diller be granted an unclassified use permit to permit the establishment of a trampoline center at Lot 12, Block 2088 of the Coey Tract on Yosemite Boulevard, subject to the same conditions recommended by the Planning Commission and the amendments thereto as approved by the Council in the Patton hearing, and with the added condition that sidewalks be constructed across the front of the property to conform with that of adjacent property.

RESOLUTION NO. 60-209

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MRS. RUTH C. DILLER FOR THE ESTABLISHMENT OF A TRAMPOLINE CENTER ON LOT 12 BLOCK 2088 OF THE COEY TRACT ON YOSEMITE BOULEVARD

Introduced by Spaulding Seconded by VanderWall
 Ayes: Councilmen: Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Arata

Councilman Arata returned to the Council meeting.

RESOLUTION AWARDDING BID FOR LEGAL ADVERTISING 7-15

The Assistant City Clerk reported that there was but one bid received, the same as last year, from the Modesto Bee.

RESOLUTION NO. 60-210

A RESOLUTION ACCEPTING THE BID OF THE MODESTO BEE FOR THE PUBLICATION AND PRINTING OF THE OFFICIAL ADVERTISING FOR THE FISCAL YEAR 1960-1961

Introduced by Martin Seconded by Arata
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION AWARDING BID FOR CURB AND GUTTER - CITY PARKS 7-23

Low bid was submitted by George Reed in the amount of \$6,818.90. It was recommended by the staff that the bid be accepted.

RESOLUTION NO. 60-211

A RESOLUTION ACCEPTING THE BID OF GEORGE REED IN THE SUM OF \$6,818.90 FOR CONSTRUCTION OF CURB AND GUTTER AND SIDEWALKS IN KEWIN PARK, BROOKWAY PARK AND GARRISON PARK

Introduced by Spaulding Seconded by Knoles
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION APPROVING SPECIFICATIONS FOR LAMPS FOR FISCAL YEAR 1960-61 AND AUTHORIZING CALL FOR BIDS

RESOLUTION NO. 60-212

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INCANDESCENT, FLUORESCENT, STREET SERIES, TRAFFIC SIGNAL, AND MERCURY VAPOR LAMPS FOR MUNICIPAL LIGHTING FOR A PERIOD OF ONE YEAR BEGINNING JULY 15, 1960

Introduced by Arata Seconded by Martin
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

The time set for opening the bids was June 30, 1960, at 2:30 P.M.

FINAL ADOPTION OF ORDINANCE NO. 388-C.S. AMEND CODE RE: HEALTH REGULATIONS 7-30

ORDINANCE NO. 388-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 5-1.102, 5-1.103, 5-1.106, 5-1.107, 5-1.109, 5-1.110 AND 5-1.111 OF ARTICLE I OF CHAPTER I OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 5-1.112 THERETO; REPEALING ARTICLE 2 OF CHAPTER I OF TITLE V: AMENDING SECTIONS 5-1.301, 5-1.306, 5-1.310, 5-1.311 AND 5-1.313 OF ARTICLE 3 OF CHAPTER I OF TITLE V AND REPEALING SECTIONS 5-1.303 AND 5-1.304 THEREOF; AMENDING SECTION 5-1.502 OF ARTICLE 5 OF CHAPTER I OF TITLE V: AMENDING SECTIONS 5-2.01 AND 5-2.22 OF CHAPTER 2 OF TITLE V; AMENDING SECTION 5-3.01 OF CHAPTER 3 OF TITLE V AND REPEALING SECTIONS 5-3.02 THROUGH 5-3.11 THEREOF; AND AMENDING SECTIONS 5-5.02, 5-5.03 AND 5-5.08 OF CHAPTER 5 OF TITLE V AND REPEALING

**SECTIONS 5-5.09 AND 5-5.26 THEREOF RELATING TO SANITATION
AND HEALTH REGULATIONS"**

introduced on June 1, 1960, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Spaulding Seconded by Martin
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

**INTRODUCTION OF ORDINANCE AMENDING MUNICIPAL CODE REGULATING
SALES ON CITY STREETS**

The City Attorney presented a proposed ordinance amending Section 4-2.25 of the Municipal Code making it unlawful for any person to sell confections within one thousand feet of and from the exterior boundary of property used or occupied by any public school within the City, and amending Section 4-2.26, which would place a fifteen minute time limit on vendors selling confections to parks and playgrounds, at any given locations.

The fifteen minute time limitation was generally discussed by the Council and it was directed that the 15 minute time limitation be deleted from the proposed ordinance.

ORDINANCE NO. 392-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-2.25 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SELLING CONFECTIONS AT SCHOOLS, AND REPEALING SECTION 4-2.26 THEREOF"

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

Moved by VanderWall Seconded by Martin
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

**EMERGENCY ORDINANCE AMENDING MUNICIPAL CODE ESTABLISHING SEWER
SERVICE CHARGES 7-65**

The City Attorney presented for consideration, as directed by the Council, an emergency ordinance establishing revised sewer service charges for residential, commercial and industrial areas, as per the general schedule approved by the Council. The increase in commercial and industrial sewer service rates are to become effective July 1, 1960, and the increase in domestic sewer service rates to be effective August 1, 1960. Provisions were added that no person shall connect property outside the corporate limits of the City to the sewer system without first obtaining the consent of the Council and paying the fees and charges imposed by the City. In considering applications for furnishing sewer services to property located outside the corporate limits of the City, the Council may impose such reasonable conditions to the granting of such privilege as it deems to be in the best interest of the City, taking into consideration the fact that the sewer system is primarily designed to serve property within the corporate limits of the City.

ORDINANCE NO. 393-C.S. entitled

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"AN ORDINANCE AMENDING SECTIONS 5-6.102 AND 5-6.107 OF ARTICLE I OF CHAPTER 6 OF TITLE V AND SECTIONS 5-6.206 AND 5-6.207 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE"

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

Moved by Spaulding Seconded by VanderWall
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams

CLARIFY POLICY REGARDING ACTION ON STORM DRAINAGE PROJECTS 7-88

This matter was held over until June 22, 1960.

CLEAR FURNISHING OF POLICE AND FIRE PROTECTION SERVICES TO THE THIRD HIGH SCHOOL SITE 7-90

The City Manager filed a report prepared by the Assistant City Manager relating to the furnishing of police and fire service to the high school site. The City Manager proposed that the City Council approve the request of the Business Manager of the Modesto City Schools that the City furnish police and fire protection to the "third high school site". The City Manager requested that the City Council approve this request and that he be authorized to instruct the Police Chief and Fire Chief to furnish these services pending the annexing of the high school site to the City.

It was pointed out that while the City could furnish full fire protection service, the police service would be provided within the policy previously approved by the City Council for mutual assistance between the Modesto Police Department and the Stanislaus County Sheriff's office. This would mean that the high school site would receive regular police patrol service and that the Police Department would take immediate action when necessary, but that as soon as practicable specific matters would be turned over to the sheriff's department, that office having prime law enforcement responsibility in the unincorporated area.

MOTION

Motion authorizing Fire Department to answer calls, and Police Department to provide protection under policy approved by the Council for mutual aid, as proposed by the City Manager.

Moved by Arata Seconded by Knoles Unanimously carried

CONSIDER DIVISION OF PROPERTY AND FUNDS RESULTING FROM WITHDRAWAL OF TERRITORY FROM McHENRY-DRY CREEK FIRE DISTRICT 7-95

The City Manager reported that the City was now ready, with the cooperation of the Fire District, to clear this matter. The Fire District has requested that the Council or a Council Committee meet with representatives of the District. The City Manager suggested that the Council appoint a Committee to meet with representatives of the District.

The City Attorney reported that, according to the Finance Department's study, final determination shows assets in the amount of \$17,477.07 due the City as a result of annexations that have been made for a number of years.

MOTION

That the Mayor be authorized to appoint a Committee to meet with representatives of McHenry-Dry Creek Fire District.

Moved by Spaulding Seconded by Knoles Unanimously carried

Councilmen Spaulding and VanderWall were appointed to serve on this Committee.

CLEAR PURCHASE OF STRIPING MACHINE 7-110

The City Manager reported that money had been budgeted for a more expensive striping machine, but some of the money had been transferred for other purposes on the belief that the City might lease a machine. The City has been unable to rent one. The City Manager requested permission to purchase two machines, smaller and less expensive than originally contemplated, one at a cost of \$2,586, and the other at \$878, a total of \$3,464. \$3,251 is still budgeted, so a balance of \$213 would be required.

RESOLUTION NO. 60-213

A RESOLUTION APPROVING THE PURCHASE OF UNIMASCO COMPANY STRIPING MACHINE AT A COST OF \$2,586.

Introduced by Arata Seconded by Knoles
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

The additional \$213 needed for the purchase of the striping machines will be transferred from budget savings in another account.

CONSIDER RESOLUTION REQUIRING CONSTRUCTION OF SIDEWALK ON NORTH SIDE OF FORDHAM AVENUE, BETWEEN KEARNEY AND DEL REY 8-05

RESOLUTION NO. 60-214

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CONCRETE SIDEWALKS ON THE NORTH SIDE OF FORDHAM AVENUE IN THE CITY OF MODESTO

Introduced by Knoles Seconded by Arata
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

July 6, 1960 at 4:15 P.M. was set as the date of hearing.

CONSIDER PERIMETER STREET LIGHTS IN THE FOLLOWING: (a) HACIENDAS DEL OESTE (b) YORKSHIRE SUBDIVISION 8-12

(a) Director of Public Works Ray reported that this is in line with the policy of sharing of costs for perimeter street lights in new developments. The City's share for the lights in Haciendas del Oeste Subdivision is \$1,440.41, to be paid out of perimeter street lighting fund - electrical.

The City Manager recommended that this be paid from capital outlay funds instead of general funds.

(b) Mr. Ray reported that the City's share for lights in Yorkshire Manor No. 1 is \$297.03.

MOTION

Motion authorizing the City to pay for its share of costs for street lights in Haciendas del Oeste and Yorkshire Manor No. 1 Subdivisions, as outlined above.

Moved by VanderWall Seconded by Knoles Unanimously carried

CONSIDER SUSPENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - SAM SECRETO dba YELLOW CAB CO. AND/OR ACME AND HART CAB COMPANY 8-32

The Director of Finance reported that Mr. Secreto had called him to request that this matter be held over until the next Council meeting, and that Mr. Secreto would be in the next day to make his payment.

It was ordered that this matter be held over until June 22, 1960.

CONSIDER TIME LIMITS AND RATES FOR CITY HALL PARKING GARAGE AND LOT 8-42

The City Attorney presented a resolution to establish parking rates and charges for the 11th Street parking lot between H & I Streets, at 9:00 A.M. to 10:00 P.M. daily operation. One half hour or fraction was set at 5¢, with a 3-hour maximum time limit.

RESOLUTION NO. 60-215

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. 59-9

Introduced by Knoles Seconded by Spaulding
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION APPROVING RENEWAL OF AGREEMENT WITH STATE PERSONNEL BOARD FOR PERSONNEL SERVICES DURING 1960-61 8-59

RESOLUTION NO. 60-216

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE PERSONNEL BOARD FOR THE CONTINUANCE OF EXAMINING SERVICES DURING 1960-1961

Introduced by VanderWall Seconded by Spaulding
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

MATTERS FOR THE GOOD OF THE COMMUNITY

The City Manager requested unanimous consent to bring up the matter of refuse disposal. Councilman Spaulding dissented. The matter was carried over to June 22, 1960.

Mayor Hammond reported that Councilman Adams was out of town and thus will be unable to serve on the Corporation Yard Committee. Councilman Martin was appointed to serve temporarily in his place.

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REPORT ON CENSUS CHECK 8-110

The City Manager filed a report prepared by the Assistant City Manager and it was ordered that no further action be taken on this matter.

REPORT ON APPLICATION OF THE PACIFIC GAS & ELECTRIC COMPANY FOR A RATE INCREASE 8-110

The City Attorney reported that Pacific Gas & Electric Company filed an application with the California Public Utilities Commission for an increase in its rates for gas service, with the public hearing set for June 15, 1960 at 10:00 A.M.

The report was ordered filed.

REPORT ON EXAMINATIONS FOR FIRE OFFICERS 8-120

The City Manager filed a report on open examinations given for some of the principal offices of the Fire Department. In the examination for Assistant Fire Chief, two City employees made the eligible list, and in the field of Fire Marshal and Captain, the top men were City employees.

Albert Oliveria, newly appointed Assistant Fire Chief, was introduced to the Council.

Wayne Everett, newly appointed Fire Marshal, was introduced to the Council.

Mayor Hammond congratulated the appointees.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF MAY, 1960 9-15

The financial statement was reviewed by the Council and ordered filed.

NOTICE OF MEETING - STATE HIGHWAY COMMISSION - JUNE 24, 1960, FRIDAY, 2:15 P.M., MULTIPURPOSE ROOM, CITY HALL 9-16

The City Manager suggested that as many Council and Staff members as possible be present to meet the members of the State Highway Commission.

ADJOURNMENT

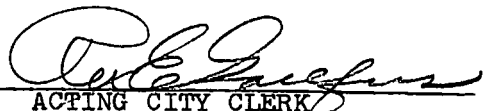
MOTION

That this Council meeting now in session be adjourned.

Moved by Spaulding Seconded by VanderWall Unanimously carried

The meeting was adjourned at 6:05 P.M.

ATTEST:


ACTING CITY CLERK

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at 801 11th Street, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1960-61.

The Acting City Clerk called the roll and there were

Present: Councilmen: Martin, Knoles, VanderWall, Mayor Hammond

Absent: Councilmen: Adams, Arata, Spaulding

FINANCE DEPARTMENT (Pages 39 & 41)

Director of Finance Bird explained the increase proposed in salaries and wages (110 regular), which related to three new positions authorized in last fiscal budget for a six months period but in this year's budget for full 12 months and also step increases for existing personnel.

REPORT ON COMPARATIVE STUDY OF ACTUAL AND ESTIMATED EXPENDITURES 1-20

As directed by the Council the City Manager filed this report and copies were distributed to the members.

REPORT ON SUMMARY OF PROPOSED APPROPRIATIONS FOR BOOKS AND PERIODICALS BY DEPARTMENT 1-22

Copies of this report which had been requested by the Council were distributed.

CITY ATTORNEY (Page 35)

The City Attorney stated that account 235-services, prof. & other (\$4,500) would be considered by the Council Committee, but suggested an increase of \$1,000 to cover the work load which will occur due to the prosecutions under the "common drunk and prostitute" laws which must now be handled by the City Attorney due to the change in the state law. These arrests are now being made under the Municipal Code provisions.

Mayor Hammond recommended that no action be taken until the case load could be determined as there were plenty of avenues to make arrests under other charges. If it becomes a burden, additional services will have to be provided, he stated.

The City Attorney reported on the different types of purchases which would be made under account 302 Books and Periodicals and under account 505 Capital Outlay, law library additions. Some books are of permanent value to the library and others are not.

PERSONNEL (Page 43)

The City Manager pointed out that one-third of the Assistant City Manager's salary was charged in this budget which will be further considered by the Council with other budgets.

Recruiting procedures were discussed. The City Manager reported that this had also been discussed with the Personnel Commission. If a person applies for a job and an examination is given he has the right to take the examination and if he passes he is placed on an eligible list for one year. This is the only way the city finds employees, under the system which is required by the Charter. Mayor Hammond considered that until the City was ready to recruit there was no point in wasting time with individuals calling at the office and placing applications for jobs.

The City Manager pointed out that this was not only a personnel problem but a problem of public relations. If the Council desires to adopt a policy that applications will not be accepted for any position unless there is a vacancy it would relieve the Personnel Department of a substantial work load. The Commission reviewed this and decided that it would not be advisable to set a flat rule.

At the request of Councilman VanderWall, Bernice Mitchel, Personnel Technician, reported on the percentage of turn-over in personnel.

She reported that within the last month additional steps have been taken to cut down on the paper load. Instead of applications being taken from every person calling at the office, short-form cards only are completed. After the exam has been given those who pass will fill out applications.

Services given the city by the State Personnel Board, under its examining contract, were briefed.

The City Manager reported that the Personnel Commission has specifically requested that extra help be employed this year to assist in the local salary survey.

The system used for giving examinations was reported by Mrs. Mitchel. To reduce examining costs, for clerical help, entrance firemen, and police officers, examinations are kept on hand and reused when feasible.

Answering a question from Councilman Martin regarding the ratio of Personnel Office employees to total city employees, Mrs. Mitchel stated that the city had an obligation to examine every applicant who meets minimum requirements, so that he will feel he has a fair chance at employment. The City Manager pointed out that this department also keeps records on vacation, sick leave and health insurance.

The City Manager stated that considerable work is being performed by the personnel staff on processing insurance claims of city employees. He reported that the local broker in charge of this insurance program will be contacted regarding assistance in administering the program.

Assistant City Manager Masonheimer reported that this department is now administering the employee award system, suggestion plan program, and the safety program which has resulted in substantial savings over the years to the city.

The City Manager stated that the program for training personnel is not sufficiently strong, and this should be reviewed when supplemental requests are considered.

PLANNING DEPARTMENT (Page 45)

Councilman Martin brought up the possibility that the indicated decline in subdivision development will decrease the work load in this department. Director of Planning Smeath stated that if there is some decline in subdivision work it will not make an appreciable difference in the total work load. This department has not anticipated any real reduction in subdivision activity.

The City Manager pointed out the possibility of increasing zoning and subdivision fees. Mr. Smeath considered that the zoning fees are in line as they were raised two years ago. There is no fee charged for any of the work done by the Planning Department on subdivisions. There would be a possibility of charging a fee for checking preliminary maps. Some cities do make a charge based on the number of lots. There is also the possibility of charging annexation fees, as some of the cities do.

The City Manager pointed out that newly annexed areas pay more for sewage service than other areas. An analysis may indicate that it would be logical to apply the same formula to water charges.

Mr. Smeath reported that approximately 32% of Planning Department staff time is required for processing of code regulations, daily administration of ordinances, (including preparation of reports for the Planning Commission and Board of Zoning Adjustment); processing of subdivisions and annexations, talking to the public, posting and preparing maps for zoning hearings and capital improvement programming.

The 207-Conference Expense increase is for conference attendance of Planning Commission and Board of Zoning Adjustment members.

The 208-Equipment Rental increase is to cover additional use of a car for field work.

Answering a question raised by Mayor Hammond, Mr. Smeath stated that no provision has been made for Advance Planning on an area basis, since the cooperative Cities-County program was discontinued. The Modesto staff has met with other cities and given some assistance. Our staff has drafted preliminary neighborhood designs for four or five areas, now adjacent to the city limits, which may later become a part of the City.

The City Manager noted that the Planning Departments supplemental budget request includes an additional Junior Planning Aide, provision of which would relieve presently authorized personnel to do more advance planning.

Mayor Hammond asked if there was some assistance the Council could give to get an advance planning program which would function more effectively.

Mr. Smeath stated that the staff believes it would be more helpful if some organization were established through which representatives of the cities and the county could discuss mutual problems as they arise and meet occasionally to review matters of over-all planning.

CITY HALL BUILDING (Page 49)

Councilman Martin asked if an estimate had been obtained for doing the janitorial work in the city hall.

The Assistant City Manager reported on conferences held with two janitorial services. The general feeling had been that the city could do it cheaper than a company could. If an estimate is desirable, specifications can be set up and bids called for. These could be prepared from the reports submitted by Mr. O'Brien and Mr. Check on the city hall maintenance.

Mr. Ray reported that the city had received one quotation on direct janitorial services relating to the outside cleaning of the windows. If the windows are cleaned once a month the cost would be \$80.

The City Manager suggested that the staff contact interested companies to determine if they wished to make an offer on the janitorial work, without getting to the formality of drawing up specifications. The Council indicated approval of this suggestion.

204-Communications: Part of the increase is due to the combining of the city offices into the new city hall (City Attorney, Parks and Recreation and Parking & Traffic).

The Council discussed the increased operational efficiency made possible by the new City Hall, and the savings which may be realized through reduced number of personnel and increased production. Mr. Smeath pointed out that sick leave would be reduced due to better ventilation in the new city hall.

235-Services, professional and other: Mr. Ray stated that the city had received some proposals for maintenance services on various types of things which are still under consideration which might effect this item. He asked that this item be kept open for the time being.

The City Manager stated that one of the major problems for the next fiscal year was to look critically at every operation in the city with the idea of reducing operation costs.

REPORT ON MUSIC AND PROMOTION EXPENDITURES

Copies of a report relating to the background on the expenditures for music and promotion were distributed to the Council members previously, the City Manager noted.

ADJOURNMENT

MOTION

That this special meeting be adjourned until Tuesday, June 21 at 4:00 P.M.

Moved by Martin Seconded by VanderWall Unanimously carried

ATTEST:


ANNE M. COLLINS, Acting
City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the City Hall, 801 11th Street, to further consider the preliminary budget for the fiscal year 1960-61, Mayor Hammond presiding.

The Acting City Clerk called the roll and there were

Present: Councilmen: Arata, Knoles, VanderWall, Mayor Hammond

Councilman Spaulding arrived at 4:31 P.M.

Absent: Councilmen: Adams, Martin

PUBLIC WORKS - ENGINEERING & ADMINISTRATION (Page 77)

Director of Public Works Ray reported that it is proposed to delete three positions in this department and to include part time extra help. This would mean that Junior College students and other people would be hired for summer jobs in the field crews and the more experienced men would be used in construction inspection. This means a net reduction of \$7,418 in this budget.

Items briefly discussed by the Council and cleared by Mr. Ray were: salaries proposed for regular help; equipment rental charges; services, prof. & others.

PUBLIC WORKS-INSPECTIONS (Page 79)

The City Manager pointed out that this was one of the areas where some adjustments could be made to place the department on a self-supporting basis.

MOTION

That the staff work out a recommended change in the fees to place the department on a self-supporting basis.

Moved by Arata Seconded by Knoles Unanimously carried

301-Books & Periodicals: Mr. Ray pointed out that every other year it is necessary to purchase building permit forms which would increase the amount of funds required in the budget this year.

PUBLIC WORKS-ELECTRICAL (Page 81)

Mr. Ray asked that a typographical error on Page 80 be corrected to show that one Electrician I is provided for in this budget instead of three.

PUBLIC WORKS-AIRPORT (Page 83)

The City Manager reported that the revenue received from the Airport made this division of the Public Works Department practically self supporting.

PUBLIC WORKS-WATER (Page 85)

Items discussed and cleared were "tools, shop, field supplies"; "construction materials"; "utilities".

The City Manager reported on a check made at the city pump at 10th and Needham to compare rate costs for pumping city water and water used for agricultural purposes.

MOTION

Instructing staff to check with M.I.D. on the rate structure of our city pumps as compared to agriculture.

Moved by Spaulding Seconded by VanderWall Unanimously carried

The City Manager reviewed the Section of the budget "Grow and Pay", Page VI. He presented the following suggestions to the Council for their consideration in eliminating the general fund deficiency:

1. Pay water improvements and extensions from capital improvement funds;
2. Retire the remaining water bonds out of this money and use that levy as a general fund item instead of a bond item;
3. Set a higher water rate for people who come in after a certain date and set higher rates for people in newer areas.

PUBLIC WORKS-STREETS (Page 89)

The City Manager pointed out that the budget is lower primarily because of construction materials. The Director of Public Works stated that this is because the program for re-surfacing certain city streets is nearly complete. There is not enough to make it economical to enter contracts for paving, etc. It has been suggested that that amount of money be deleted from this operation and placed in a fund for construction. This proposal was considered by the Council in the capital improvement program.

SEWERS (Page 91)Capital Outlay

Director of Public Works stated that the projects proposed have been moved to the special capital outlay budget except for the minor items listed.

Sewage Disposal (Page 93)210 Utilities

Mr. Ray pointed out that because of Council approval for arrangement with the M.I.D. for changeover of the utilities and for purchase of capacitors, the utilities item of this budget could be reduced by \$7,000.

MOTION

Reducing 210 Utilities by \$7,000 and making the necessary adjustments in other items of the budget.

Moved by VanderWall Seconded by Arata Unanimously carried

Garden Refuse Service (Page 95) 3-50

218 Equipment rental charges

The Director of Public Works stated that there were normally eight trucks with additional trucks for peak loads, and one pickup.

The City Manager stated that this matter was on the agenda for the next regular meeting of the Council.

Packer truck

Mr. Ray stated that they had experimented with several types. What is proposed is a cheaper type with a front-end side loading and no tilting bed, just a ram to push it out the back. It is felt that this is much more economical to operate than the conventional garbage packer and will save manhours and time of travel. An attempt is being made to rent one for a longer period of time to give it a real test before purchase. The truck would not be purchased until after it was determined that the City would continue picking up garden refuse.

504 Remodel 1½ T. Flatrack (Page 113) 4-110

Purchase of new car, City Manager

After general discussion, Mayor Hammond stated that the City Manager's car should be replaced with a new car in the medium price bracket and the car presently driven should be put to some other use rather than traded in. The City Manager stated that changes in the budget would be worked out and presented to the Council. He stated that it would not affect the general fund balance at this time.

MOTION

That the staff be authorized to make necessary changes in the budget required and present to Council.

Moved by Spaulding Seconded by VanderWall Unanimously carried

504 8 Cu. Yd. Dump Truck Replacement (Page 113)

Mayor Hammond stated that from the amount of the investment it might be cheaper to rent this equipment. Since the city is not in heavy construction, he questioned whether the use would justify the investment. He stated that he would appreciate an opportunity to review with the staff the type, kind and amount of work proposed for the truck.

504 Front-end Loader Repl. (Page 113)

Director of Public Works stated that they were trading in an old model scoopmobile on a new one. The one proposed to be traded in is of old vintage.

504 Lawn Sweeper Repl. (Page 113) 4-120

The City Manager stated two or three had been purchased previously for the golf courses.

Page 3 6-21-60

ADJOURNMENT

MOTION

That this meeting be adjourned until 4:00 P.M.,
Tuesday, June 23, 1960.

Moved by Knoles Seconded by Arata Unanimously carried.

ATTEST: 
Rex E. Gallfus, 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 Assistant City Clerk called the roll and there were:

Present: Councilmen: Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Absent: Councilmen: Adams,
Councilman Arata arrived at 4:07 P.M.

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

Rev. A. P. Gregory gave the invocation.

COMMUNICATION FROM LEAGUE OF CALIFORNIA CITIES RE: EXPENDITURE
OF GAS TAX FUND BALANCES 1-2

The City Manager summarized and commented on a letter received from the League of California Cities which urged each city to schedule early use of 5/8¢ gas tax funds received from the state. The League pointed out that this matter will again be before the legislature and it does hurt the cities if the money has not been spent. Many cities have been deferring projects for many reasons, one of which is that some of them do not get enough money for a project and hold it until they can accumulate more. Budgets should be submitted by cities for each ensuing year so as to reach the District Office by June 1. Major street systems should be reviewed, and this Modesto did rather recently. The City Manager stated that the City is well along on its formulation of a street improvement program. The practice of cities to budget the 5/8¢ gas tax to the full amount available and to become available should be encouraged, and more programs should be formulated to avoid accumulation of funds for nonspecific projects.

LETTER FROM TRANS-SIERRA AIRWAY RE: AIR TAXI SERVICE TO MODESTO
1-45

The City Manager read a letter from Theodore W. Hunt, Vice President, Trans-Sierra Airway, operating as a licensed Federal Aviation Authority Part 47 Scheduled Air Taxi, stating that his company is negotiating with United Airlines for permission to use their airport facilities at Modesto and other cities, to serve as a feeder to trunk line carriers. Their schedules are designed to connect with major airline jet departures and arrivals, thus giving direct passenger routing to and from communities. Mr. Hunt stated that communities they now serve have waived landing and operating fees in order to evaluate their operation before establishing rates, and in most cases the company has been granted one year of free operation in a cooperative effort to make the service a success. He requested the city establish air operation fees to fit the limitations and requirements of Scheduled Part 47 Operator.

The City Manager stated that the Director of Public Works and the Airport Manager have prepared tentative fee schedules. The

schedules now in effect are related to larger carriers. He commented that he did not believe these facilities should be furnished free. Trans-Sierra Airway has agreed to work with the City on this matter.

City Attorney Grimes stated that the language used by Trans-Sierra Airways is not quite correct---they ask for a waiver of fees. The Municipal Code does not establish any precise fee. The fees are subject to negotiation and our present fees with United Airlines are the result of negotiation some years ago.

It was the opinion of Councilman Spaulding that fees should not be waived for one specific air company. The City Manager pointed out that a waiver of fees had not been requested, but it was merely pointed out that waivers had been given by other cities.

MOTION

That the matter be referred to the staff for further report and negotiation with Trans-Sierra Airways.

Moved by Spaulding Seconded by Knoles Unanimously carried

NOTICE FROM STATE WATER RIGHTS BOARD ON HEARING TO BE HELD
TUESDAY, AUGUST 2, 1960, AT 9:30 A.M. IN THE STATE WATER RIGHTS
BOARD HEARING ROOM, SACRAMENTO, RE: APPLICATIONS OF TUOLUMNE COUNTY
WATER DISTRICT #2 AND TURLOCK IRRIGATION DISTRICT FOR WATER FROM
TUOLUMNE RIVER AND WOODS CREEK 1-85

Mr. Ray reported that the application was filed by Tuolumne County Water District No. 2 to appropriate waters of the Tuolumne River for power production and irrigation. Protestants are Turlock Irrigation District, Modesto Irrigation District, Department of Fish and Game, and a number of other organizations. Mr. Ray stated that he had discussed this with Mr. Plummer of the Modesto Irrigation District and offered any help the City might be able to give in connection with the protest by way of resolution or otherwise. He was advised by Mr. Plummer that at a hearing of a similar application, a ruling had been made by the hearing board that the City was not an interested party. M.I.D. is having a conference with its attorneys and have scheduled a meeting with representatives of Tuolumne County Water District No. 2 prior to the formal hearing, which may iron out the difficulties involved.

It was the opinion of the City Manager that the City is definitely an interested party and this should be made clear. The City has a letter from Modesto Irrigation District with formal assurance that it does have an interest in and rights to this water.

The City Attorney stated that if the City wants to be a protestant as a matter of record, the Council should take some action to authorize the Mayor to answer or write a letter of protest, or file an appropriate proceeding.

The matter is scheduled for hearing August 2, 1960, at 9:30 A.M.

COMMUNICATION FROM STATE DIVISION OF HIGHWAYS RE: DRAINAGE ON
McHENRY AVENUE - IMPROVEMENT DISTRICT #10 1-120

The City Manager summarized and discussed a letter received from J. G. Meyer, District Engineer, Division of Highways, which stated that the State would not participate in this drainage project. The letter was ordered filed.

CONSIDER AWARD OF BID FOR SEWAGE AND INDUSTRIAL TREATMENT
PLANT ENLARGEMENT 1-125

The City Manager reported receipt of a letter from J. B. Yutzy, Regional Program Representative, Water Supply & Pollution Control, Department of Health, Education and Welfare, granting the City permission to award a contract for sewage and industrial treatment plant improvements to Daniels Construction Company, the low bidder, in the amount of \$441,500.

RESOLUTION NO. 60-217

A RESOLUTION ACCEPTING THE BID OF \$441,500 FROM DANIELS
CONSTRUCTION COMPANY FOR CONSTRUCTION OF SEWAGE AND INDUSTRIAL
WASTES TREATMENT WORKS ENLARGEMENTS

Introduced by Spaulding Seconded by Martin
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

FINAL ADOPTION OF ORDINANCE NO. 392-C.S. - SELLING FROM CITY
STREETS 2-08

ORDINANCE NO. 392-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-2.25 OF CHAPTER 2 OF TITLE IV
OF THE MODESTO MUNICIPAL CODE RELATING TO SELLING CONFECTIONS
AT SCHOOLS, AND REPEALING SECTION 4-2.26 THEREOF"

introduced on June 15, 1960, and having been printed and
published as required by the Charter and coming on for final
consideration, was moved and adopted.

Introduced by VanderWall Seconded by Martin
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

CONSIDER ORDINANCE ESTABLISHING INTERIM ZONING ON EAST
ORANGEBURG ADDITION 2-10

The City Attorney reported that the East Orangeburg Addition
annexation has been filed and approved by the Secretary of State.
The Planning Commission has recommended that this addition be
zoned on an interim basis.

Mr. Fey of the Planning Department stated that the proposal
for this addition is that it all be zoned C-2 with the exception
of the Tropics Apartments, which should be zoned R-3. The fire
station site is also zoned R-3.

ORDINANCE NO. 394-C.S. entitled

"AN ORDINANCE AMENDING SECTION 21 OF THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY (EAST ORANGEBURG ADDITION)"

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

Introduced by Spaulding Seconded by Martin
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

Councilman Arata was excused from the Council for personal reasons.

CONSIDER ORDINANCE REGULATING TRAMPOLINE CENTERS 2-22

ORDINANCE NO. 395-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLE 15 THERETO RELATING TO REGULATION OF TRAMPOLINE CENTERS"

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

Introduced by Spaulding Seconded by VanderWall
Ayes: Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Arata

Councilman Arata returned to the Council.

CONSIDER ACCEPTANCE OF WORK AND THIRD AND FINAL PAYMENT TO W. M. LYLES FOR SEWER LINE CONSTRUCTION IN MORAN SUBDIVISION AND IN BLOCK 6000-A 2-30

The City Manager reported that this work has been completed. The contract bid price was \$10,592.08; the total work done \$10,605.58. The date for completion of work was extended because of a delay in clearing a right of way matter beyond the control of the contractor. He recommended that the work be accepted, Notice of Completion recorded, and payments be made according to the contract.

RESOLUTION NO. 60-218

A RESOLUTION ACCEPTING THE CONSTRUCTION OF EXTENSION OF SANITARY SEWER FACILITIES BY W. M. LYLES COMPANY; AUTHORIZING PAYMENT OF AMOUNTS DUE; AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Knoles Seconded by Martin
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

CONSIDER ACCEPTANCE OF WORK AND SECOND AND FINAL PAYMENT TO COLORADO FUEL AND IRON CORPORATION FOR CONSTRUCTION OF CHAIN LINK FENCE AT DRYDEN GOLF COURSE AND SEWER FARM 2-35

The City Manager reported that the contract price for this work was \$16,723.52. A change order in the amount of \$107 brought the total to \$17,092.02. The cost at Unit A, sewage treatment plant, was \$14,432.15; golf course, \$2,859.87. He recommended that the work be accepted, Notice of Completion recorded and payments be made according to the contract.

RESOLUTION NO. 60-219

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CHAIN LINK FENCE BY THE COLORADO FUEL AND IRON CORPORATION; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by VanderWall Seconded by Spaulding
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

CONSIDER ACCEPTANCE OF WORK AND SECOND AND FINAL PAYMENT TO WILLIAM MINENI FOR CONSTRUCTION OF COMFORT STATIONS IN ROOSEVELT AND WHITMORE PARKS 2-35

The City Manager reported that the contract price was \$10,925.00. A change order in the amount of \$20.00 brought the total to \$10,945.00. He recommended that the work be accepted, Notice of Completion recorded, and payments be made according to the contract.

RESOLUTION NO. 60-220

A RESOLUTION ACCEPTING THE CONSTRUCTION OF COMFORT STATIONS AT ROOSEVELT AND WHITMORE PARKS BY BILL MINENI; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Martin Seconded by Spaulding
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

CONSIDER SUSPENSION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY - SAM SECRETO DBA YELLOW CAB CO. 2-52

The City Manager reported that payments were up to date and recommended that no action be taken.

The matter of assessing late charges on delinquencies was discussed by the Council. Director of Finance Bird stated that he would prepare a recommendation that a penalty provision be added to the ordinance. At the present time there is no provision for penalty.

CLARIFY POLICY REGARDING ACTION ON STORM DRAINAGE PROJECTS 2-65

Director of Public Works Ray submitted and read a report to the Council prepared by him and directed to the City Manager, entitled, "Engineering for Storm Drainage Projects", dated June 6, 1960.

He reported that over the past several years the Public Works Department engineering staff has made intensive studies of the storm drainage picture in Modesto, which reports have been submitted to the Council.

Two improvement districts for storm drainage purposes have been initiated as a result of this work. The first was in the North Central area and was dropped after slightly more than 40% protest was received. The second was in the Northgate section of the City; this proposal was successful and construction of storm drainage facilities is now underway.

The Council discussed the possibility of establishing a percentage of area protest. No formula was established.

MOTION

That the recommendations of Director of Public Works Ray be accepted as policy on future drainage district projects.

Moved by Knoles Seconded by Arata Unanimously carried

BUDGET FOR FISCAL YEAR 1960-61 2-125

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for hearing of budget for fiscal year 1960-61.

The City Manager stated that a report from the City Clerk indicated that notice of hearing was published as required, and no written protests were received.

Nelson Mendenhall, 2310 Monte Carlo, representative of Dads' Clubs and Parent-Teacher Associations, asked that the Council consider improvement of the north central parks. He referred to a letter written to the Council stating that the organizations he represented would like improvements expedited, particularly the construction of four tennis courts in Roosevelt Park, which have been planned for some years, to be included in the 1960-61 budget. He stated that a check of Planning Commission recommendations would reveal that the tennis courts were recommended in the 1955-56 and 1957-58 records, to be completed by 1960. They are now proposed to be completed some time after 1961. He felt that tennis courts should get precedence over some of the other projects planned for the park, namely wading pools, volley ball courts, etc., because the tennis courts would get maximum usage for money spent, being a year-around activity, and would be an additional athletic facility which would be used by Roosevelt Junior High School.

Mary Grogan, Acting Director of Parks and Recreation, reported that the 1960-61 budget provides for \$4,500 for capital improvements for Roosevelt Park, which will complete the area around the restrooms, provide a wading pool and the remainder of the playground equipment. The tennis courts are proposed by the Planning Commission for construction some time between 1960 and 1963, at an estimated cost of \$18,200. This would cover four cement courts, with necessary fencing. Miss Grogan stated that it would be possible to provide two courts at a time; however, in discussion with the school it was determined that two courts would not be of much help in the school's physical education program.

Mayor Hammond stated that this matter would be discussed further at the special budget hearing.

EMERGENCY ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO 3-72

City Attorney Grimes stated that an emergency ordinance should be considered in connection with the budget, the appropriation of the sum of \$350,000 for the payment of the usual current expenses of the City beginning July 1, 1960, and continuing until the adoption of the budget. The ordinance would be superseded at the adoption of the regular 1960-61 budget.

ORDINANCE NO. 396-C.S. entitled

"AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO"

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

Moved by Spaulding Seconded by Knoles
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams

EMERGENCY ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF SPECIAL CAPITAL PROJECTS OF THE CITY OF MODESTO 3-98

City Attorney Grimes stated that an emergency ordinance appropriating funds for the payment of special capital projects listed below should be considered:

SPECIAL FUND FOR CAPITAL OUTLAY:

Golf Course Clubhouse	\$ 1,000.00
McHenry Avenue widening	1,000.00
Street Improvements	56,000.00
Communication Center and Police Building	10,000.00
Sub-trunks and Perimeter Sewers	25,000.00
Reserve	682,268.00
	<u>\$775,268.00</u>

PARKING FUND:

11th Street Garage	\$ 5,000.00
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PARKS & RECREATION FACILITIES FUND:

Parks Site Acquisition-New Sylvan School Area	\$ 17,500.00
Park Site Acquisition-LaLoma Area	6,000.00
	<u>\$ 23,500.00</u>

1953 SEWER IMPROVEMENT BOND FUND	\$230,000.00
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The City Manager stated that these matters have already been authorized by the Council and this ordinance will permit the City to make charges against the funds pending final adoption of the budget.

Councilman Arata stated that he was opposed to a new police station unless the voters pass a bond issue to finance it.

Councilman Martin asked if the \$10,000 appropriated for communication center and police building would be expended before final adoption of the budget; if not, he suggested that it be stricken out until it all comes up at one time.

The City Manager reported that money has been budgeted in the 1960-61 budget for a fire alarm system and the communications center. It had been proposed from the beginning that the communications center be designed so that it can become a part of the police building, but that it be built in advance and placed into use as a separate project. It is a project that will eliminate five full time positions and save approximately \$25,000 a year in salaries alone. Mr. Miller stated that a report would be presented to the Council later in the meeting, that if favorable action were taken money would be needed.

Mr. Miller stated that the City has been spending at the rate of over \$1,000,000 a year in capital improvements without going to the voters, that whether the communication center and police building are paid from capital outlay funds or by bond issue becomes purely a matter of policy. It was his opinion that this building could be financed by cash from existing sources earmarked for capital purposes without a bond issue if the Council wished to do so.

It was ordered that the \$10,000 appropriated for preliminary work on the communication center and police building not be spent without Council approval.

ORDINANCE NO. 397-C.S. entitled

"AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF SPECIAL CAPITAL PROJECTS OF THE CITY OF MODESTO"

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

Moved by Spaulding Seconded by VanderWall

Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

Gene Leluch, 509 North Morton Boulevard, asked the Council if the budget provided for construction of a clubhouse at Dryden Park Municipal Golf Course.

The City Manager stated that the staff and the Planning Commission have recommended that \$15,000 be made available in the 1960-61 budget to get the construction underway, with the help of outside participation. The Council has made \$1,000 immediately available so that plans can get underway, the balance coming up for consideration in the final adoption of the budget. Mr. Miller explained that by participation, he meant the kind of cooperation the City had received so far from the golfers--labor or materials.

Councilman Arata stated that the reason the golf course is not a paying proposition is because of the lack of a clubhouse.

MOTION

That more money be provided in the 1960-61 budget for Dryden Park Municipal Golf Course clubhouse.

Moved by Arata

The Motion died for lack of a second.

Councilman Spaulding stated that this matter should be discussed at the special budget meeting for the Parks & Recreation Department.

Nelson Mendenhall stated that he felt that if the City had \$15,000 to provide for construction of the golf course clubhouse, \$18,200 should be appropriated for construction of the tennis courts at Roosevelt Park.

Councilman Arata stated that \$15,000 was received for the sale of walnut trees at the golf course and he felt that it should go back into the golf course.

Mayor Hammond stated that work has been speeded up on the golf course because of the tremendous assistance the golfers themselves have rendered, plus the fact that the Council has been operating on the basis that the golfers themselves, through their green fees, pay the operating costs of that course.

Gene Leluch denied Mr. Mendenhall's statement that funds for other areas of recreation had been diverted for use on the golf course. The budget provided for funds and they were spent.

Councilman Arata stated that he did not play golf, but he was in favor of improving the golf course as a means of preventing juvenile delinquency.

Mr. Mendenhall stated that he was a golfer, was in favor of the clubhouse, but did not believe "that all accessible public funds should be used for that particular operation".

The City Manager stated that he wanted to clear one point--- help on the golf course. The golfers have helped from the beginning and have assured the Council from the beginning that they would help with the clubhouse. If help is not forthcoming from them, at least twice as much money will be required.

Mrs. Lillian Mendenhall, 2310 Monte Carlo, commented that many families are unable to afford golf for their children, and many more children could benefit from parks, tennis courts and supervised recreation.

Mayor Hammond declared the hearing closed.

CONSIDER PURCHASE OF PUMP SITE IN IMPROVEMENT DISTRICT #10 5-95

The City Attorney presented an ordinance authorizing the purchase of certain real property by the City of Modesto from Roosevelt Center, Inc., to be used as a pump site, and execution of the agreement. On the basis of the option exercised, the City is paying \$2,500 plus transfer costs--the seller to furnish the deed and all revenue stamps.

Director of Public Works Ray stated that the \$2,500 will be advanced from general city funds, the fund to be reimbursed by $\frac{1}{2}$ the cost, or \$1,250, out of improvement district funds.

ORDINANCE NO. 398-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE ROOSEVELT CENTER, INCORPORATED"

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

Moved by VanderWall Seconded by Knoles

Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: Adams

CONSIDER APPROVAL OF SEWER AGREEMENT WITH LANCE ELLIS FOR MAY FAIR ESTATES 5-105

Director of Public Works Ray reported that this agreement covers construction of a subtrunk sewer to serve the third high school and May Fair estates, who will share the costs. The City is merely acting as agent to call for bids and to inspect construction. The agreement with Mr. Ellis is necessary to assure participation by the subdividers of their fifty per cent.

RESOLUTION NO. 60-221

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LANCE ELLIS FOR CONSTRUCTION OF A SANITARY TRUNK SEWER AND LIFT STATION ON TULLY AVENUE TO SERVE MAY FAIR ESTATES AND THE THIRD HIGH SCHOOL

Introduced by Knoles Seconded by VanderWall

Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: Adams

CONSIDER RESOLUTION REQUIRING CONSTRUCTION OF CURB AND GUTTER ON EAST SIDE OF HACKBERRY AVENUE BETWEEN COLDWELL AND GRISWOLD 5-115

City Manager Miller read a communication from A. A. Dixon, 721 Enslin, requesting that he not be required to install a curb and gutter at Lot 22, Block 715.

Mr. Dixon is the only property owner left on both sides of the block between these two avenues who has been unwilling to put in curbs and gutters, the City Attorney reported.

RESOLUTION NO. 60-222

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 Spaulding

Seconded by VanderWall

Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None

Absent: Adams

The time and date of hearing was set for July 20, 1960 at 4:30 P.M.

CONSIDER SETTING TIME FOR CONSIDERATION OF TELEPHONE PERMIT SYSTEM FOR CERTAIN PLUMBING AND ELECTRICAL PERMITS 6-10

MOTION

That the hearing for consideration of telephone permit system for certain plumbing and electrical permits be set for July 6, 1960 at 4:30 P.M., and that required notice be given.

Moved by Arata Seconded by VanderWall Unanimously carried

PLANNING COMMISSION REPORTS 6-15(a) Capital improvement projects for 4th, 5th & 6th years

The City Manager discussed the recommendations of the Planning Commission for the capital improvement program for the last three years of a six-year period. The recommendations for the first three years have already been presented to the Council. He pointed out that it does contain proposals for a driving range, includes considerable improvement in additional parks, and consideration is also given for a 4th swimming pool at the third high school if the need warrants it.

(b) Recommendation for change of street name

RESOLUTION NO. 60-223

A RESOLUTION CHANGING THE NAME OF LOS PINOS WAY TO LOS PALOS WAY IN THE CITY OF MODESTO

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams

(c) Recommendation for block number change

The City Manager reported that this change is requested because of a duplication of Lot Number 6135; the Planning Commission, by Resolution No. 606, recommends the change of this number to 6149 in Quaresma Homes Unit 1 Subdivision.

RESOLUTION NO. 60-224

A RESOLUTION RENUMBERING CERTAIN CITY BLOCKS IN THE CITY OF MODESTO

Introduced by Martin Seconded by Spaulding
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams

The City Clerk was directed to forward an authenticated copy to the Stanislaus County Recorder.

(d) Consider exception to subdivision regulations

City Manager Miller reported to the Council that this is a proposal to reduce the size of the lot requirements from 10,000 to 9,000 square feet. The present ordinance requirement with septic tanks is 10,000square feet. 9,000 square feet is proposed as a regular standard. The Health Officer says this is sufficient. The proposed change will conform with the County.

RESOLUTION NO. 60-225

A RESOLUTION APPROVING RECOMMENDATION OF THE PLANNING COMMISSION TO GRANT AN EXCEPTION TO SECTION 4-4.802 (e)(2) OF THE SUBDIVISION REGULATIONS

Introduced by Arata Seconded by Mayor Hammond
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams

The City Attorney stated that this is the first subdivision, to his knowledge in the last nine years, where the subdivider intends and has made specific application to construct improvements in the subdivision under improvement district procedures. The City's subdivision regulations expressly recognize and grant the right to do so. He stated that a meeting was arranged through the courtesy of the Planning office and others, where factors in the use of these improvement district proceedings in constructing subdivision improvements were outlined. In this case the Council would serve as the agent to get the improvements in the subdivision through improvement district procedures. All the costs are chargeable against the project itself, including engineering, legal, administrative, collections, etc. It will entail some activity by the City's engineering department, but this can be charged to the project.

The City Manager was of the opinion that this matter should be brought fully and clearly to the attention of the Council with a carefully prepared report. He stated that the subdivider has already been asked not to proceed on the assumption that he is going to do this, before it is cleared with the Council.

The City Attorney agreed and felt that the subdivider should be provided with representation in presenting his point of view, and that the matter should be staffed out for further report.

Mayor Hammond commented that it did not seem advisable that the City provide staff for private purposes even though expenses incurred by the City are reimbursed.

The City Attorney stated that the engineering would be contracted out. The City would provide general supervision.

The staff was directed to submit a report to the Council at its meeting on July 6, 1960, stating the circumstances, extent of participation by the City, etc.

RESOLUTION EXTENDING AGREEMENT WITH HARRY N. JENKS, CONSULTING ENGINEER, FOR CONSULTING SERVICES 6-90

RESOLUTION NO. 60-226

A RESOLUTION APPROVING EXTENSION OF AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY N. JENKS FOR CONSULTING SERVICES TO JUNE 30, 1961

Introduced by Arata Seconded by VanderWall
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION APPROVING RENEWAL OF AGREEMENT FOR RENTAL OF AIRPORT HANGARS 6-98

RESOLUTION NO. 60-227

A RESOLUTION APPROVING RENEWAL OF AGREEMENT BETWEEN THE CITY OF MODESTO AND NATHAN J. PROVINCE, DONALD E. MONTGOMERY, GARY SMITH AND WALTER FOUNTAIN FOR RENTAL OF AIRPORT HANGARS

Introduced by Arata Seconded by Knoles
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

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APPROPRIATION TRANSFERS

The following appropriation transfers were approved:

FROM:	Special Capital Outlay Sewer Construction 503 (321)	\$2,700
TO:	Land Acquisition Dist. #10 (501-301)	2,700
FROM:	Parking Reserve - 600	5,000
TO:	11th St. Garage 501 (209)	5,000
FROM:	Salaries and Wages 110-22	3,800
TO:	Contractual Services	3,800
FROM:	Special Capital Improvements 503-321 9th, Needham & Kansas Traffic Signals	1,700
TO:	Special Capital Improvements 503-321 12th & J St. Signals	1,700
FROM:	General Reserve - 600	415
TO:	Library Furniture - 502 (201)	415
FROM:	McHenry Library Capital Outlay Reserve	500
TO:	Parking Lot adjacent to McHenry Library	500

RESOLUTION NO. 60-228

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by Martin Seconded by VanderWall
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams

CONSIDER GRADING ALONG COUNTY ROAD ON NORTH SIDE OF AIRPORT 6-124

Director of Public Works Ray reported that Mr. Sham, Airport Manager, has been consulting with County representatives regarding improvement along the south side of Snowden Avenue extension, which is along the north side of the airport property. This will entail lowering the grade to correspond with the grade of the ground on the airport. The cost for performance of this work will be \$460, one-half of the cost to be borne by the County if approved by the Supervisors at their meeting on June 28. The City will assume the cost of City labor for removal and replacement of the fence to permit grading operations. Mr. Ray stated that an appropriation of funds would be required for this work which could be taken out of gasoline tax refunds. The Council directed Mr. Ray to report further on this matter at the adjourned Council meeting on June 28.

MOTION

That this work be done on the basis that the County pay one-half of the costs incurred.

Moved by Knoles Seconded by VanderWall Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 7-22

John McCaffery, 1529 Cherrywood Drive, requested permission from the Council to close both ends of the 1500 block of Cherrywood Drive for a block party on July 4 between the hours of 4:30 and 10:00 P.M.

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Acting Director of Parks and Recreation Mary Grogan submitted a request from Doris E. Rydelius, for the closing of both ends of Arbor Drive between Madrone Drive and Cypress Avenue from 4:30 to 10:00 P.M. for a block party on July 4.

RESOLUTION NO. 60-229

A RESOLUTION AUTHORIZING THE CLOSING OF STREETS FOR FOURTH OF JULY BLOCK PARTIES (CHERRYWOOD DRIVE AND ARBOR DRIVE)

Introduced by Spaulding Seconded by VanderWall
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams

Dryden Golf Course Clubhouse

E. R. Curran, 415 Tuolumne Boulevard, inquired about the construction of the clubhouse at Dryden Park Municipal Golf Course. He asked why the plans had not been drawn, when, at a meeting between the Council Golf Course Committee and a committee from the golf club sometime between March 9 and 16, he was informed that the Council at its previous meeting had voted that the plans be drawn by Mr. Abst.

Mayor Hammond stated that the matter of the clubhouse had been up for discussion earlier in the meeting, and that budget problems involving the construction of the clubhouse would be heard at the special budget hearing scheduled for the coming week.

The City Manager stated that he had checked with members of the Council Committee individually, and there still remain details to be cleared before the plans could be drawn.

In answer to Mr. Curran's complaint that the matter was "dragging on", Councilman Spaulding stated that the Council had many projects before it, that the golf course clubhouse matter had been set ahead as rapidly as possible, and that complaints from the golfers that the Council was not working on the matter was not doing the golfers any good, except to build antagonism.

Councilman Martin stated that he had objected to some of the specifics in the submitted plan, he believed that the golfers had received a maximum proportion of attention, and resented the implication that the golfers were being slighted.

Mr. Curran stated that the golfers felt that delay in construction of the clubhouse was resulting in loss of money to the City by reason of less play.

The City Manager stated that the City has an agreement with Mr. Abst under which he will proceed as soon as he is told precisely what to do. He told Mr. Curran to feel free to call at his office to discuss the matter with him. He reported that the City is now working on seven different matters that affect the course. The Council has just spent \$3,000 to put an extra fence around a portion of it.

Mayor Hammond stated that the people who are connected with the "golf push" should be cognizant of the fact that some of the comments that have just been made, and others, are being bandied around the community; that the Council acts according to the wishes of the people of this community, and it would be well for them to temper some of the comments and criticisms that have been made, and they should be cautious about building up

antagonism when others in the community are requesting parks, tennis courts, swimming pools, etc., that are part of a community and need consideration along with the golf course.

Retirement of Anne M. Collins

A tribute to Anne "Millie" Collins, Assistant City Clerk, entitled "Modesto's Magnificent Millie" was read by Mayor Hammond. Mrs. Collins is retiring after over 24 years' service with the City.

REPORT ON MEETING TO CONSIDER COUNTY CHARGES FOR MAINTAINING CITY PRISONERS 8-60

The City Manager reported that the County has given notice of termination of the present agreement under which the City pays \$1.00 per day for city prisoners at the County farm and \$1.25 for city prisoners in the County jail. During the last legislative session, a former ceiling of \$1.00 per day for road camp prisoners was repealed.

Mr. Hane, County representative, made a study and indicated to the County Board that it cost an average of \$3.12 per day to keep prisoners in the County jail and County farm and therefore the County should charge \$3.12 per day for city prisoners in the County jail and the County farm. It was pointed out to them that county taxes are paid equally by people inside and outside the city, so city people pay over one-third of all the costs. It was also pointed out that police forces assume responsibility for police protection in the City and City taxpayers also support two other police forces outside the City, namely the Sheriff's office and the State Highway Patrol. Half of this community is outside the city limits and regular police service is provided to them by the Sheriff's Office and, we pay one-third of all those costs. The State Highway Patrol gives traffic service and investigates traffic accidents in the unincorporated areas and we also pay our share of their salaries.

The County of Merced charges \$1.50 on a somewhat different basis, continuing at the old rate. San Joaquin County has decided to charge \$1.75 on a compromise basis. Modesto has met with representatives of other cities in the County and a suggestion was made that cities which do not have holding jails pay \$1.50 per day, and those who do pay \$1.25. This offer was not accepted by the County. At this meeting the cities concurred in general that they should not pay the full average per diem cost because many of these costs are there whether or not there are city prisoners. The City offered to assist the County in figuring out the actual additional cost to the County of having city prisoners, with the thought that this might offer some reasonable basis.

REPORT ON CONFERENCE WITH DEL ESTE WATER CO. RE: LINES IN ROSE AVENUE AREA 9-1

This matter was held over.

REPORT ON POSSIBILITY OF USING H & I STREETS FOR TRUCK TRAFFIC

This matter was held over.

REPORT ON DISPOSAL OF GARDEN REFUSE AT ALTERNATE LOCATION

The City Attorney presented a proposed agreement between the City of Modesto and H. J. Boyd for disposal of any and all city

garden refuse on his property for filling and mulching purposes. No compensation is involved on either side. The lease is for an indeterminate period and may be cancelled upon six months prior written notice by either party to the other.

RESOLUTION NO. 60-230

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND H. J. BOYD FOR DISPOSAL OF GARDEN REFUSE

Introduced by Arata Seconded by Knoles
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

Councilman Knoles left the Council room for personal reasons.

REPORT ON LOCATION OF THIRD SWIMMING POOL 9-40

The City Manager reported that the Schools have indicated that they can provide help in construction of a third swimming pool, and the Junior College was chosen as the preferable site. The City Manager recommended approval on this basis.

MOTION

That the staff be authorized to proceed on basis outlined in the report that City participate on a 50/50 basis with the Schools, the location of the swimming pool to be at the Modesto Junior College.

Moved by Spaulding Seconded by VanderWall Unanimously carried

Councilman Knoles returned to the Council room.

PROGRESS REPORT ON PLANNING FOR COMMUNICATION CENTER 9-45

The City Manager briefly reviewed the report which had previously been presented to the Council. After general discussion, Mayor Hammond recommended that first consideration be given to bringing Mr. George Mason, Santa Clara County Director of Communications, to Modesto to look over our general communication needs and make recommendations regarding the nature of the communications center.

MOTION

Approving Item A of report to bring George Mason, Santa Clara County Director of Communication to Modesto to look over general communication needs, with expenses to be paid out of this allocation.

Moved by Knoles Seconded by Martin Unanimously carried

PROGRESS REPORT ON ANALYSIS OF GARBAGE AND REFUSE DISPOSAL 9-87

The City Manager reviewed the report submitted to the Council by the Department of Public Works dated June 20, 1960. The first question discussed was:

1. Should garbage be collected and disposed of by use of City forces and equipment? If so decided, it would be necessary to make studies regarding:

- a. The types and number of pieces of equipment required for collection, and estimated costs;
- b. The amount of manpower needed for this operation, with estimated costs;
- c. Costs of accounting, billing, and collection;
- d. a., b., and c. would determine the financial requirements in order to provide for city service;
- e. After the above determinations were made, it would be necessary to establish a schedule of rates in order to make the operation self-supporting, if that were intended.

MOTION

That the City should not handle the collection of garbage, that it continue to be provided by private enterprise.

Moved by Knoles Seconded by Martin Unanimously carried

The second question before the Council was:

2. If collection is by private collectors, should just one collector be licensed or should multiple licensing be retained?

Discussion on this matter was withheld until garbage operators could be present to present their views.

3. What should the term in period of years be of a new franchise or contract?

This matter was withheld pending a hearing with the garbage operators.

4. Garden refuse collection and disposal -- by city forces or by contract.

This item was generally discussed by the Council. The annual cost of collection and disposal is approximately \$100,000. In his report, the Director of Public Works estimated that a fee of \$1.00 per month per customer would cover the costs of collection and disposal.

The City Manager pointed out that in newer areas there is less garden refuse. As the area gets older and shrubs and trees grow, there is more pruning and trimming.

The City Manager stated that the principal benefit of a discussion with the garbage operators would be to determine if they are interested in bidding on the garden refuse pickup.

The Director of Public Works stated that the answers to the questions submitted in this report would determine the staff's ability to meet the August 1, 1960 deadline set by the Council.

MOTION

That July 13, 1960, at 8:00 P.M. be set for time and date of informal hearing of Items 2, 3, and 4 of report;

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that the garbage companies be informed of the hearing date and furnished copies of the report so that they can present their views.

Moved by Spaulding Seconded by VanderWall Unanimously carried

REPORT ON STATUS OF STREET PROJECTS 10-115

The City Manager reviewed a report of a summary of City street projects from 1952 to 1960. The report did not include the McHenry Avenue project, as it is not a city street project.

The City Manager also reviewed a report submitted to the Council during the month of May and which was approved as the course to follow. The Roseburg project has been broken down in three parts; the first is the portion from College to Mills. It was proposed earlier that this portion of the project be improved this summer if the right of way could be cleared within approximately 30 days; since the right of way has not been cleared, the staff recommended that this be removed from the summer.

The second part of Roseburg from Sycamore to McHenry, if the right of way can be cleared within approximately thirty days, was to be improved this summer. The City Manager stated that there was a very good possibility of clearing all of this except possibly one or two parcels. There are one or two residential owners with whom the City has not been able to clear. It may still be possible to get clearance on a voluntary basis and if not, the City Manager recommended that condemnation proceedings be instituted. This would permit paving the street with gas tax money from Sycamore to McHenry with the possible exception of a small portion on the McHenry end, and if necessary City funds could be used.

The City Manager pointed out the urgency of completing this work during the summer months.

The third portion of the proposed improvement of Roseburg is from Tully Road to College Avenue. The City Manager stated that the staff could see no chance of clearing this section now.

Director of Public Works Ray stated that he had a proposal to transfer a portion of the gas tax monies that would remain unused to another project.

MOTION

That the staff be authorized to proceed on this basis.

Moved by VanderWall Seconded by Knoles Unanimously carried

Granger Avenue:

The City Manager reported that if the right of way could be cleared on Granger Avenue from McHenry west to the railroad within thirty days, this project was to be paved. If the westerly portion could not be cleared, the balance was to be paved. The City has been able to clear this except for the north side of the westerly portion, from the Catholic Church west, and three residential parcels. In two cases it is felt that damages may be due them and in these the City would get possession and proceed to clear them out, with condemnation if necessary.

MOTION

That the staff be authorized to proceed on this basis.

Moved by Knoles Seconded by Arata Unanimously carried

Tully Road from Stoddard to Yale Avenue

The City Manager reported that if Tully Road could be cleared from Stoddard to Yale Avenue by late this calendar year, it was to be set up for construction next spring. Even if it can be cleared from Stoddard northward only through Coldwell intersection, this portion will be proposed for construction next spring. It may be possible to clear a portion of this for construction later this summer.

Director of Public Works Ray stated that it would not be cleared in time for construction this summer.

Norwegian Avenue

The City Manager reported that Norwegian Avenue should be improved this summer from McHenry to the east city limits. If the necessary right of way on the south side is cleared, it could be improved in the regular manner and if not, it would be paved to the existing right of way line where the regular width of the right of way cannot be obtained. The primary reason for this improvement is the unusually high crown. The City Manager suggested an amendment that instead of paving it on the south side, where we can't clear the right of way, we pave the 12-foot portion next to the center line.

Director of Public Works Ray stated that we would not be able to use gas tax funds on this project. The estimated cost is \$15,000 and plans are 95% complete.

The City Manager stated that if approved this project could be paid out of capital outlay funds of \$56,000 authorized by the Council.

After a brief discussion, the Council withheld decision on this project.

Sutter Avenue

The City Manager reported that the staff is working with the County to help clear out a co-operative project there.

B Street between 7th and 9th Streets

In the report submitted to the Council in May, it was stated that a check would be made on the condition of B Street between 9th and 7th to determine the desirability of reconstruction of this section. After checking it, it was found to be in sound structural shape. The City Manager recommended that it not be reconstructed at this time.

Fourteenth Street between H & J Streets

Director of Public Works Ray stated that plans already approved by the Council are in the hands of the State.

Construction of Sidewalk, 10th & Needham

The City Manager reported that the City owns a pump station at 10th and Needham. There is a stretch along Needham Avenue where there is no sidewalk. The City Manager requested Council approval to construct this sidewalk. If necessary to remove trees, they will be replanted inside the sidewalk. Funds are available and the work could be completed before the end of the year.

Approval was granted by the Council to construct this sidewalk.

Neece Drive

The City Manager reported that the golf course and the S.O.S. Club have added substantially to traffic on Neece Drive. It is presently designated as a truck route.

The staff was directed to submit a report on the possibility of eliminating this as a truck route.

The City Manager stated that the City could get by with the condition of Neece from Tuolumne to Rouse although the curve might be straightened out a little. Specifically, the area of Neece Drive from Rouse, which is the south end of the ball park, down to the new clubhouse, is in rough condition. The engineering department has also been requested to submit estimates on two possibilities; one, that the road just be shaped out and oiled; secondly, constructing the road as it really should be done. A turn-around is proposed at the end of Neece; this must be surveyed and graded to tie in with Neece Drive and all the other streets which come in there, with the S.O.S. Club and the entrance of the golf club. It will require acquisition of a tip of the triangular lot that runs down through this section with the possibility the southerly block of Sunset could be closed off entirely.

The staff was directed to submit a further report on this matter.

Virginia Avenue

Director of Public Works Ray reported that this street is in need of improvement from Needham to Lateral No. 4. Part of this section is plant mix blanket on the old oil dirt which is gradually breaking up. The shoulders are particularly bad, and a complete reconstruction job is needed. It was his opinion that an approved or revised memorandum of agreement with the Division of Highways for expenditure of gas tax funds could be obtained so that construction could be completed before fall. A rough estimated cost is \$19,000. Mr. Ray recommended that this amount be transferred from the Roseburg Avenue project to this one.

The road from the lateral out to Griswold Avenue was improved with gas tax funds in 1953 and is in good condition. From Griswold Avenue to Roseburg, Virginia Avenue has not been improved. Mr. Ray expressed doubts that the City could obtain gas tax funds again because of the width of the street.

MOTION

Approving improvement of Virginia Avenue between Needham Avenue and Lateral No. 4.

Moved by Martin Seconded by Knoles Unanimously carried

ADJOURNMENT

The City Manager suggested that this Council meeting be adjourned to 4:00 P.M. June 28, 1960, to eliminate the necessity of calling a special meeting.

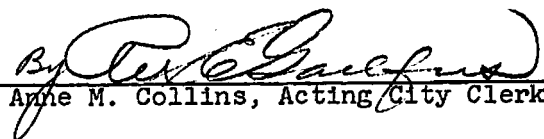
MOTION

That the meeting now in session be adjourned to 4:00 P.M., June 28, 1960.

Moved by Martin Seconded by Knoles Unanimously carried

The meeting was adjourned at 10:15 P.M.

ATTEST:


Anne M. Collins, Acting City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chambers at the City Hall, 801 11th Street, to further consider the preliminary budget for the fiscal year 1960-61, Mayor Hammond presiding.

The Acting City Clerk called the roll and there were

Present: Knoles, Martin, VanderWall, Mayor Hammond

Councilman Spaulding arrived at 4:20 P.M.

Absent: Adams, Arata

FIRE DEPARTMENT (Page 51) 1-10

The City Manager reported that the personnel is the same as authorized in the last part of last year's budget. It includes the proposed manpower for the Orangeburg station, construction of which has not been formally cleared by the Council.

It was Mayor Hammond's opinion that the money for the Orangeburg station personnel should be carried in the general reserve until such time as construction of the fire station is approved. He felt that perhaps there are other things that could be done to obtain the same rating and not call for this investment.

City Manager Miller felt that there were other things that might be done to improve the rating for less money than construction of the station. The nearest fire station is located at Virginia and Coldwell, a distance of approximately 1½ miles.

The City Manager stated that if the Communications Center were approved and constructed, it might well be operated by civilians rather than uniformed firemen.

Councilman Martin stated that he was against scattering small units around because of the overhead costs of maintaining them. It was his opinion that the widening of McHenry Avenue has speeded the getting to fires in that area considerably more than moving a mile or so closer with the old highway.

MOTION

Deleting the additional manpower and operating expenses for the Orangeburg station from the budget and making corresponding changes in totals of the budget.

Moved by Martin Seconded by VanderWall Unanimously carried

MOTION

Deferring construction of Orangeburg fire station until after the City gets its new fire rating.

Moved by Martin Seconded by Knoles Unanimously carried

302 Books and Periodicals (Page 51) 1-105

The City Manager stated that the increase was related to the building codes and 13,000 copies of National Fire Protection Association pamphlet distributed in connection with fire prevention.

Capital Outlay (Page 53)502 Painting outside each station

Fire Chief Wemyss stated that this was for the complete outside painting of each of the stations listed.

POLICE DEPARTMENT (Page 55)

The City Manager stated that the budget provides for the already authorized force, provides \$3,000 for undercover work which is based on the increasing problems of vice control, and an increase in contractual services, primarily jail costs, of approximately \$10,000, because of the Supreme Court's ruling that Section 647.11 of the Penal Code is unconstitutional.

Councilman Knoles stated that the supplemental request for additional patrolmen should be provided in the budget, as it was his opinion that the existing force for a city of the size of Modesto is too small.

Chief of Police Bowers stated that the police force in 1950 numbered 37. The present police personnel is 63, which includes clerical, pound, and janitorial help; 54 are sworn police. No increase in police personnel was authorized last year. An increase of three was authorized in fiscal year 1958-59. Chief Bowers stated that last year the Police Department had an arrest record of approximately 4,000. It has gone ahead this year by at least 500 arrests to date. Intoxication arrests total 2,897 either under the 647.11 charge or the local ordinance.

Mayor Hammond stated that he would like to have a breakdown of the arrest record for at least the past three years.

Chief Bowers stated that there are preventive measures that stem from other than the Police Department. He stated that more realistic action taken on the sentences meted would probably help get rid of some of them; that more than 60 or 90 day sentences assigned to repeaters might cause them to move on. He doubted that a rehabilitation center would provide the total answer. In 1959, 33,151 manhours of time were expended on police service. This included investigations, but did not include preventive patrol. It is his contention that at least 50 per cent of a patrolman's time should be spent on preventive patrol. With the present force only about 25 per cent of a patrolman's time is spent on preventive patrol.

Chief Bowers stated that another preventive measure would be to rid the City of some of the cheap rooming houses and bars that attract drunks, which would constitute rehabilitation of an area. Steps are being taken to accomplish this in Stockton.

The City Manager stated that if the Council so indicated, the State Division of Housing would be asked to check housing standards, which would result in housing being improved to a point

where the cost would be beyond this element, or razed and rebuilt.

Mayor Hammond suggested that this matter be brought up at a regular Council meeting.

The City Manager recommended that the Council consider the utilization of overlapping areas of police and fire department activities before its final decision to hire the additional personnel.

208 Business Expenses (Page 55) 3-70

Chief of Police Bowers stated that this fund covered out of state extradition expenses. This is a reimburseable expense--the full cost of extradition is reimbursed by the State.

Capital Outlay

504 Portable Radios 4-85

These are small portable radios that officers can wear.

504 Graphic View Camera & Flash (Page 55)

Chief of Police Bowers stated that this was for a new tripod type camera, making a total of two for the department. its proposed use for crime scene work and photographing prisoners in the station.

DISASTER AND CIVIL DEFENSE (Page 59) 3-125

Assistant City Manager Masonheimer stated that the Disaster and Civil Defense is not a police or fire department matter, but provides overall municipal services during a disaster.

308 Tools, Shop, Field Supplies 4-1

This fund covers the purchase of guns, rain gear, boots and uniforms.

PARKS AND RECREATION (Page 61) 4-12

The City Manager reported that the City Schools have been paying \$5,900 toward the costs of the after-school programs and the County an allocation of approximately \$15,000.

Mayor Hammond stated that the \$15,000 received from the County had been the same for a number of years, and it was his belief that as the area grows, the County's responsibility should grow proportionately.

The City Manager stated that the matter has been discussed in prior years with the County and also with the schools.

Mayor Hammond stated that this was an area which required further discussion with both the County and Schools.

120 Extra Help (Page 61) 4-80

Acting Director of Parks & Recreation Mary Grogan stated that a portion of the money allocated for extra help is recovered by revenue from the adult recreation programs. The amount recovered from adult basketball is \$1,200; adult softball, \$1,800; adult volleyball, \$680. The swimming pool is not revenue producing. A report is being prepared for submission to the City Manager proposing an increase in swimming pool rates.

Councilman Martin felt that this was one of the areas that could be considered in an effort to balance the budget.

Miss Grogan stated that a report submitted to the Council at an earlier date indicated that the adult recreation programs were self-supporting.

Councilman Martin stated that it is the Council's responsibility for making decisions as to money vs. desirability of things, that the money is being well spent within the range of the programs, but asked "When do we stop on these desirable but not essential programs?"

Mayor Hammond recommended that the staff provide the Council with information on the various activities so that they may be examined more carefully with a view to establishing charges for services that are being provided.

315 Voc. & Rec. Supplies (Page 61) 5-42

The City Manager requested that a report be submitted by the Acting Director of Parks and Recreation explaining the increase in this allocation.

Maddux Youth Center (Page 63)

The City Manager gave a brief history of the Center. Acting Director Mary Grogan listed the activities at the Center. The average age of children attending is between 13 and 17 years. Miss Grogan was requested to submit an up-to-date report on the Center activities.

Parks (Page 65) 5-102

235 Services, Prof. & Other

The City Manager stated that this covered employment of a landscape architect on a contract or part time employment basis to assist with planning the development of the newer parks.

The matter was generally discussed and it was Mayor Hammond's opinion that this item should be held in abeyance until the parks improvement program is considered.

MOTION

Deleting 235 Services, Prof. & Other, in amount of \$4,600 allocated for employment of landscape architect from Parks and Recreation - Parks budget, and making necessary changes in the budget totals.

Moved by Martin Seconded by VanderWall Unanimously carried

430 Taxes (Page 65) 6-92

Director of Public Works Ray stated that several sites owned by the City would be subject to taxes next year, the Legion Park has not been annexed, and the California site although annexed, was not accomplished in time to cancel some of the taxes assessed by the first Monday in March. The City is also in the process of purchasing park sites which will be subject to tax next year.

ADJOURNMENT

MOTION

That this meeting be adjourned until 4:05 P.M., Tuesday, June 28, 1960.

Moved by VanderWall Seconded by Knoles Unanimously carried

ATTEST:


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 2-1.07 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: Adams, Knoles, VanderWall, Mayor Hammond
Absent: Councilmen: Arata, Martin, Spaulding

COMPLIMENTARY USE OF GOLF COURSE BY GUESTS AT MEETING OF CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES IN MODESTO ON JULY 28, 1960

With the unanimous consent of the Council, this matter was presented by Mayor Hammond.

RESOLUTION NO. 60-231

A RESOLUTION GRANTING FREE USE OF DRYDEN PARK MUNICIPAL GOLF COURSE TO DELEGATES ATTENDING THE LEAGUE OF CALIFORNIA CITIES QUARTERLY DINNER MEETING JULY 28, 1960

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin, Spaulding

APPROPRIATION TRANSFERS 1-30

Approval was requested for the following appropriation transfers:

FROM: General Reserve - 600	\$400
TO: Advertising, Legal & Other 230-14	\$400
FROM: General Reserve - 600	\$1,500
TO: City Attorney - Services, prof. & Others	\$1,500

The City Attorney objected to this money being taken out of his budget. He stated that this was an auditing matter and not connected with legal services.

After general discussion, Mayor Hammond stated that all of the costs, both staff and outside, relating to holiday pay litigation, should be put in one separate control account, as the Council would probably be referring to it often. The staff was directed to keep a record of staff costs by way of memo records.

MOTION

Authorizing staff to transfer holiday pay litigation account from City Attorney's budget, Services, prof. & Others, Account No. 235, to Miscellaneous Unclassified, Holiday Pay Litigation, Account No. 234-65

Moved by Knoles Seconded by VanderWall Unanimously carried

FROM: General Reserve - 600 \$500
 TO: Land Leveling, City-County Airport 501(306) \$500

The City Manager stated that the County has agreed to pay one-half the cost of the land leveling along the county road on the north side of the airport.

FROM: Sewer Construction 503 (321) \$3,000
 TO: McHenry Avenue Storm Drainage - 503(321) \$3,000

FROM: Parking Reserve - 600 \$3,100
 TO: 11th St. Garage - 502 (209) \$3,100

RESOLUTION NO. 60-232

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by Adams Seconded by Knoles
 Ayes: Adams, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Arata, Martin, Spaulding

ITEMS PERTAINING TO CLOSE OF FISCAL YEAR 2-30

Purchase of fencing, Graceada Tennis Courts 2-35

The City Manager reported that the original plans were to replace fencing on two tennis courts only. Fencing can be purchased from Modesto Builders Supply for all four courts at a cost of \$1,781.78, and the City can install. Budgeted funds are available.

MOTION

Authorizing the staff to purchase fencing from Modesto Builders Supply for \$1,781.78, to replace fencing at four tennis courts at Graceada Park.

Moved by VanderWall Seconded by Knoles Unanimously carried

Purchase of dictaphone equipment - City Attorney's Office

The City Attorney requested Council approval to purchase a combination dictator and transcriber and two transcribing units for the City Attorney's office. Total cost to the City will be \$1,100. This figure includes \$120 trade-in allowance for present equipment. Funds are available from the current year's budget by consolidating funds remaining in various accounts.

MOTION

Authorizing the purchase of a combination dictator and transcriber and two transcribing units for City Attorney's office.

Moved by Adams Seconded by Knoles Unanimously carried

City Prisoner Costs to County

The City Manager reported that the County Board of Supervisors met on June 28 and adopted a resolution setting a rate of \$3.12 per day for city prisoners in the county jail and county farm. The \$3.12 is to be charged for a full day or a portion of a day. He stated that the additional cost to the city will be approximately \$40,000 per year, which has not been budgeted yet.

Mayor Hammond stated that he was not quarreling with the \$3.12 figure, but did feel that in this instance the "give and take" situation existing between the County and City was not being considered. He asked that the staff submit a report to the Council reviewing the City's fiscal relationship with the County.

The City Manager reported that the staff has made a thorough review of recreational facilities provided by the City, to which the County contributed. He stated the following contributions were received from the County:

1953-54	\$14,400
1954-55	16,000
1955-56	14,595
1956-57	14,595
1957-58	14,486
1958-59	14,475
1959-60	15,000

During the fiscal year 1959-60, the County provided less than it did in 1954-55. The City Manager stated that other areas that could be reviewed were the library, health, and fire protection.

Mayor Hammond commented on a newspaper article he had read where the City of Stockton is considering setting up a "holding tank" for drunks or overnight prisoners. It was his opinion that this possibility could be explored, inasmuch as a high percentage of city arrests are for drunks.

Robert Carter, Attorney at Law, 1221 Purdue Avenue, spoke briefly on the \$3.12 County charge for City prisoners. He suggested that the City consider the possibility of leasing the old jail from the County as a holding facility for drunks.

RECESS

MOTION

That the meeting recess until after the special budget meeting

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting recessed at 4:45 P.M.

The Council meeting reconvened at 5:17 P.M.

APPROPRIATION TRANSFER 4-95

The City Manager discussed the policy already established regarding the payment of sewer construction and extension costs from capital outlay funds.

After general discussion, the following appropriation transfers were approved:

Special Capital Outlay Fund

FROM: Fire Station, McHenry Village 502(321)	\$34,000
Communication Center 502(321)	45,000
Reconstruction, Dennet Dam 503(321)	84,000
Traffic signal, Tuolumne, Paradise and Sutter 503(321)	7,000
TO: Water Line Extension and Improvements	170,000

RESOLUTION NO. 60-233

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Arata, Martin, Spaulding

The following appropriation transfer was approved:

Special Capital Outlay Fund

FROM: Consulting Services, Sewage Plant	\$10,000
Design 503(321)	
TO: Sewer Construction - 503(321)	10,000

RESOLUTION NO. 60-234

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 FROM SPECIAL CAPITAL OUTLAY CONSULTING SERVICES TO SEWER CONSTRUCTION

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Arata, Martin, Spaulding

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting was adjourned at 5:52 P.M.

ATTEST:


 CITY CLERK

The Council of the City of Modesto met in adjourned special session this date at 4:46 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding, to further consider the preliminary budget for the fiscal year 1960-61.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Knoles, VanderWall, Mayor Hammond
Absent: Councilmen: Arata, Martin, Spaulding

PARKS AND RECREATION DEPARTMENT - MODESTO COMMUNITY SERVICE CENTER
Page 69 1-05

In reply to Mayor Hammond's question as to how the revenue compared with the expenses, the City Manager stated that the estimated revenue is \$6,000 and the expenditures \$6,579. Renters are the Boy Scouts, League of Women Voters, Girl Scouts, and a lease is just terminating for retarded children. Mayor Hammond stated that if the program was not self-supporting, items would have to be deleted from the budget to balance it.

Capital Outlay Page 69 1-38

Acting Director of Parks and Recreation Grogan stated that the dishes, silverware and folding tables were needed to furnish two upstairs rooms of the Center so that they could be rented out on an afternoon or evening basis. She felt that the rental of these rooms would provide sufficient additional revenue to make the program self-supporting.

The City Manager suggested that the staff submit a report covering the revenues and expenses of this program, pointing out the situation to the renters with a view to obtaining, through the rentals, the amount needed to make the program self-supporting.

Councilman Adams stated that the capital investment should be made in order to realize more revenue, and the rentals adjusted to meet the operating costs.

Mayor Hammond stated that he would be agreeable to the matter when he is shown that the revenue will offset the operating costs.

9-Hole Municipal Golf Course Page 71 1-95

The City Manager stated that the estimated revenue for the
approximately \$27,000, as compared to expenditures

Miss Grogan stated that $5\frac{1}{4}$ employees are required to maintain the 9-hole course as opposed to $8\frac{3}{4}$ employees for the Dryden Park Municipal golf course because of the maturity of the trees on the 9-hole course. Maintenance of Dryden Park Municipal golf course will increase as the plantings mature and require more pruning.

Dryden Park Municipal Golf Course Page 73

The City Manager stated that the estimated revenue for the coming year is approximately \$42,000 compared to estimated expenditures of \$72,000.

The City Manager was of the opinion that better toilet facilities should be provided, which improvement might tend to increase the revenue.

Mayor Hammond commented on the construction of permanent shower facilities that could be incorporated later into the clubhouse if the future so dictates. He directed the staff to check with other communities to see what they are doing on this matter.

235 Services, Prof. & Others Page 73

The City Manager reported that the increase in this budget is occasioned by a salary raise granted the golf pro.

Councilman VanderWall stated that he did not believe the Dryden course has had a fair chance from the revenue standpoint because of the lack of a clubhouse. He asked the staff to prepare a report of green fees charged by other cities.

The City Manager stated that the most recent raises in golf course fees had been directed at what had been called "transient golfers" and had not affected the monthly rates. Actually many of those playing on daily rates are local golfers.

Councilman Adams was of the opinion that perhaps now was the time all avenues concerning the golf courses should be checked so that the Council will be in a position to make a decision on the disposition of the 9-hole golf course when it comes up for consideration in October.

Mayor Hammond stated that in October the Council's decision will be based on the Council policy that this type of activity should be self-supporting. He said that the rate structure, the degree of maintenance required, and the clubhouse facilities will need to be thoroughly reviewed.

The staff was directed to submit a report on as wide a range of facts as possible.

MOTION

Directing the staff to furnish Council with information on golf course rate structure at an early date.

Moved by Adams Seconded by VanderWall Unanimously carried

PARKING AND TRAFFIC Page 97 3-35

General Fund

The City Manager stated that this is essentially the same as last year.

301 Office Supplies

Director of Parking and Traffic Carmody stated that the increase is due to purchase of drafting supplies. It is purchased in 500' rolls and lasts for many months.

3 Engineering Aides

Mr. Carmody stated their duties as follows: They all handle complaints, but their general areas of responsibility are: 1 aide handles the parking lots, the maintenance and zoning, etc.; another aide handles the striping crew; the third aide has charge of parking meters. The Finance Department collects the money.

321 Construction Materials Page 97 3-70

Mr. Carmody stated that this account covers the purchase of paint, beads and replacement of stencils.

MUSIC AND PROMOTION Page 99440 Modesto Band

The City Manager stated that the Modesto Band gives six summer concerts, and \$350 is contributed to send the band to the State Fair.

ADJOURNMENT

MOTION

That this meeting be adjourned until Tuesday, July 5, 1960 at 4:00 P.M.

Moved by VanderWall Seconded by Knoles Unanimously carried

The meeting was adjourned at 5:16 P.M.

ATTEST:


 CITY CLERK

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding, to further consider the preliminary budget for the fiscal year 1960-61.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Knoles, Martin, VanderWall, Mayor Hammond

Absent: Councilmen: Arata, Spaulding

The City Manager introduced James Cowie, newly appointed Director of Parks & Recreation, to the Council.

MISCELLANEOUS UNCLASSIFIED, PAGE 101 1-12

411 Comprehensive Insurance

Director of Finance Bird reported that this is based on rates which are set by the State and those rates are applied to the salaries and wages included in this budget. This includes the amount for 1959-60, plus the preliminary payment for 1960-61. This is not the exact amount we will pay for the fiscal year 1960-61, but a combination of two years. The audit will be performed for 1959-60 sometime in July and then we will be billed based on actual salaries and wages times the rate which is applied by the State.

207 Conference Expense Page 101 1-35

The Director of Finance stated that this is an estimated amount for the League Conference which will be held in Los Angeles and includes expenses for the Council, Department heads and staff who will attend.

413 Fire Insurance

Director of Finance Bird stated that this figure is an estimate made by the present insurance carrier. It is based on replacement value, which is a policy matter yet to be cleared. It is also based on their valuation of city property which has been considerably increased by the new city hall, and some residences which have been acquired on future park sites.

In answer to a question the Director of Finance stated that the City does not carry collision insurance on automobiles.

LIBRARY Page 105 1-75

215 Rent of Real Property

This figure covers rental of Silverthorn Branch Library.

503 Awnings

Carl Hamilton, Librarian, stated that the awnings are for McHenry Library, and are aluminum replacements for the canvas awnings. This will complete the replacement program.

503 Outdoor bulletin board

The Librarian stated that the bulletin board would be located in the central flower bed area in front of the building and would advertise various library activities. It would be readily visible to passersby.

BOND REDEMPTION AND INTEREST REQUIREMENTS Page 109 1-120

The City Manager pointed out that this is the only item in the budget that cannot be reduced. The 1953 sewer bonds are paid out of revenue from sewer charges; the City Hall bonds are paid out of the sales tax revenue. The Series A and B Fire, Water & Sewer Issues are still on the property tax.

SUPPLEMENTAL REQUESTS, 1960-61 BUDGET 2-20

The City Manager read Finance Department Memo dated July 5, 1960, Subject: 1960-61 budget.

City Attorney Grimes pointed out in reference to alternative No. 5 "Allocate 50% instead of 25% of on-street parking revenue to General Fund, \$23,000," that parking meter revenue could not be used for general purposes. The City Manager noted that it was proposed to use it only for purposes of meter maintenance, operation, etc.

In answer to a question, the City Manager stated that leaf pickup was not included in the alternative of charging for garden refuse service.

11. (b) Community Service Center

The City Manager stated that estimates presented in this budget which were made in March, did not include revenue from rental of room to the Girl Scouts. With this figure included, we are \$1,400 over the actual operating costs with the leases already in effect.

Mayor Hammond requested that the staff prepare a report of the estimated budget costs and estimated revenues of the items listed under paragraph 11.

Councilman Adams stated that justification should also be shown.

Mayor Hammond stated that charges for these services should be directed to the people who are benefiting from them.

8. Charge for annexation to the City

The City Manager stated that some cities make charges on areas that are annexed, charging per lot or per amount of assessed valuation.

Councilman Martin stated that he was not in favor of this as it might discourage annexation of built up areas.

The City Manager stated that to some extent we are indirectly charging for annexation already, in the extra charges for sewer service, to those coming in late. He recommended that a set charge

not be made for annexation as such, but that the possibility of charging later annexations a higher water rate be considered.

The staff was directed to submit a report indicating what would have to be done to accomplish this.

11. (g) Charge subdividers for street trees 3-60

Mayor Hammond asked that the staff submit a report giving the costs of furnishing trees to subdivisions.

2. Pay Bond Redemption & Interest on 1947 Bonds out of Special Fund for Capital Outlay 3-78

Mayor Hammond stated that he did not believe this should be paid out of Capital Outlay funds.

3. Pay all or part of Capital Outlay in the Water Division out of Special Fund for Capital Outlay

Decision was deferred until further study is made on water charges.

4. Charge newer areas a higher rate for water service

A report will be prepared by the staff and submitted to the Council.

5. Allocate 50% instead of 25% of on-street parking revenue to General Fund

The City Attorney stated that this cannot be used for general purposes, but can be used only to service the meters and for purchase of off-street parking lots.

No action was taken.

6. Increase Inspection Division fees

The staff was requested to submit a report.

Councilman Martin stated that it should be self-supporting on an average basis but voiced an objection to raising the fee to offset a decreased volume of business.

9. Reduce Music and Promotions allocations

No action was taken.

10. Reduce cost of legal advertising by not requiring new ordinances (and possibly certain other matters) to be published

The City Attorney stated that it would take a charter amendment to make the change. Savings could be made by publishing only the title and a brief, concise digest of the ordinance; this would require a charter amendment, also.

It was ordered by the chair that this matter be taken up for consideration later in connection with next April's election.

11. Charge, or increase charges, for certain services to put them on a self-supporting basis, or reduce or eliminate services; a. Water

The City Manager recommended that the increase not be general, but that consideration be given to charging higher rates for new areas of the city, which might help meet the cost of serving those areas.

A report will be prepared by the staff.

c. Golf Course

A report on rates will be furnished by the staff.

d. Any adult recreation programs not now self-supporting

It was recommended that the staff make a thorough check of all adult recreation programs to see that they are on a self-supporting basis.

f. Obtain an additional allocation from the County for recreation

The City Manager stated that the County should pay a more appropriate share of the costs of the recreation program. The City Manager was directed to present figures upon which the County's share could be based.

e. Obtain an additional allocation from Schools for recreation

Mayor Hammond requested that the staff check into this matter.

g. Charge subdividers for street trees

The City Attorney stated that subdivision regulations are within the jurisdiction of the Planning Commission.

The staff was requested to submit a report giving the costs of furnishing trees to subdivisions.

h. Charge for sewer service to schools 4-50

The Director of Finance reported that it is specifically stated in the City ordinance that no charges are to be made to schools for sewer service.

Mayor Hammond brought out the fact that these schools serve a large area outside the confines of the City.

The City Manager noted that in this case City taxpayers are being taxed to furnish sewer service to another agency.

The staff was directed to furnish a report to the Council.

i. Charge for sewer and water service to churches 4-75

The City Manager stated that the policy of not charging churches for sewer and water services was established by Council at an earlier date and has never been changed.

Councilman Adams pointed out that out-of-town people attend city churches, so that again the City is providing services for people not living in the City.

Mayor Hammond recommended that this matter be reviewed further.

j. Charge the County regular rates for water and sewer

The City Attorney stated that under the zoning regulations the City exempts other governmental agencies from paying any fees in connection with building permits.

The City Manager was directed to place this item on the list of proposed charges to the County for services rendered.

1. Discontinue advancing money for water lines in subdivisions 4-95

The City Manager reported that the City constructs water lines in subdivisions, with no payment made by the subdivider. Collections are made from people who connect to the water lines. Connection charges amount to about one-half of the actual cost to the City. The other half comes out of "everybody's pocket".

Councilman Adams suggested that the connection charges be raised.

The City Manager stated that the matter of revenue could be handled in two ways: The subdivider could pay for the water lines as they go in; secondly, the connection fees could be increased to a point where you get your money back.

Councilman Martin stated that a combination of both is the most common--the subdivider pays for it and gets his money back as the people pay for their connection.

The City Manager stated that a report could be provided showing the actual cost to the City for construction of the water lines, and the money that the City gets back.

It was the City Manager's opinion subdividers have favored use of the City water system to some extent because of this provision, and it might be wiser to raise the connection fees to finally recover the cost of construction of the water lines.

Councilman Adams pointed out that if the City installs the lines, it has better control and assurance that they meet City standards.

SUPPLEMENTAL REQUESTS, 1960-61 BUDGETGENERAL FUND

No action was taken on the request for 1/2 Administrative Assistant to the City Manager and 1/2 Deputy City Attorney assigned to City Attorney, and dictating machine and transcriber requested by the City Attorney.

MOTION

That the item of administrative assistant in City Manager's budget be deleted and that no action be taken on additional assistance in the offices of the City Manager and City Attorney and equipment in the City Attorney's office pending further Council consideration.

Moved by Martin Seconded by Knoles Unanimously carried

Personnel

Request for Training and Safety Officer was not approved by the Council.

Planning - Request for 1 Junior Planning Aide

Director of Planning Smeath stated that this request for a Junior Planning Aide would involve the hiring of a man presently employed on a part time basis. This would increase the budget on Regular salaries by \$4,092 but would lower the Extra Help from \$4000 to 0.

MOTION

That the supplemental request for 1 Junior Planning Aide by the Planning Department be approved.

Moved by Adams Seconded by Mayor Hammond Unanimously carried

Resignation of City Attorney

City Attorney Grimes stated that he had submitted a letter of resignation to the City Clerk effective January 1, 1961.

The letter was ordered filed.

ADJOURNMENT

MOTION

That the adjourned special meeting now in session be adjourned.

Moved by VanderWall Seconded by Knoles Unanimously carried

The meeting was adjourned at 5:52 P.M.

ATTEST: 
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: Adams, Martin, Spaulding, VanderWall, Mayor Hammond

Councilman Knoles arrived at 4:05 P.M.

Councilman Arata arrived at 5:17 P.M.

Absent: None

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

Rev. Donald G. Weston gave the invocation.

LETTER FROM HOWARD BARTLETT RE: DEL WEBB BASEBALL DAY AUGUST 6, 1960. 1-15

RESOLUTION NO. 60-235

A RESOLUTION PROCLAIMING SATURDAY, AUGUST 6, 1960 AS DEL WEBB BASEBALL DAY

Introduced by VanderWall Seconded by Adams

Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: Arata

LETTER FROM MRS. LLOYD C. THOMPSON RE: ANTI-NOISE CAMPAIGN 1-25

A letter commending the City Council for its anti-noise campaign was read by the City Clerk. She requested the Council direct its attention to faulty and illegal mufflers on automobiles. The letter was ordered filed.

RESOLUTION OF THE BOARD OF SUPERVISORS, STANISLAUS COUNTY, ESTABLISHING CHARGE FOR MAINTAINING CITY PRISONERS IN COUNTY JAIL 1-35

The City Clerk summarized a resolution received from the County Board of Supervisors, establishing a charge of \$3.12 per day for city prisoners in the County jail and industrial road camp, effective July 1, 1960.

The City Manager stated that the staff is now reviewing programs relating to services with the County in connection with the budget.

At Councilman Spaulding's request, the Clerk was asked to place this matter on the agenda for the meeting of July 20, 1960.

The City Manager stated that the County Board of Supervisors have indicated that they would be glad to discuss with the cities the possibility that they might use a method of charging patterned after the one used in Merced County. Although the resolution indicates unanimous action by the Board, the Chairman, Jack Vencman, advised the City Manager that he had voted against the resolution.

LETTER FROM MARIO FOVINCI REQUESTING AUTHORIZATION FOR PAYMENT OF PERSONAL EXPENSES RESULTING FROM AUDITING HOLIDAY PAY CLAIMS 1-70

The City Attorney reported that the Council, by motion, authorized an agreement with Mario Fovinci, CPA, for auditing the holiday pay claims. The original authorization was by letter under the \$1,500 charter limitation. It now appears that this audit will exceed \$1,500. Mr. Fovinci has requested reimbursement for travel expenses covering a trip to Oakland at which time he consulted with Mr. Anderson, special legal counsel for the City in this litigation.

The City Manager stated that payment for the travel expenses should have been arranged for in advance, that it is not possible to pay for items that were not authorized or covered in the contract.

The City Attorney stated that the authorization requested now would cover only expenses for travel that might be authorized and incurred during the present fiscal year.

RESOLUTION NO. 60-236

A RESOLUTION APPROVING CONTINUATION OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MARIO FOVINCI FOR AUDIT OF HOLIDAY PAY CLAIMS AT THE PRICE QUOTED, AND AUTHORIZING REIMBURSEMENT FOR OTHER MISCELLANEOUS EXPENSES

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

INFORMAL HEARING ON CONSTRUCTION OF SIDEWALK ON NORTH SIDE OF FORDHAM AVENUE 4:15 P.M. 1-115

Mayor Hammond announced that the hour of 4:15 P.M. had arrived, the time set for the hearing of this matter.

The City Manager stated that the Public Works Department had informed him that this construction has been completed and the matter closed.

LETTER FROM CITY OF SEASIDE EXPRESSING APPRECIATION FOR DOUG CARMODY'S ASSISTANCE 2-10

A letter of appreciation for an outstanding presentation of Modesto's parking program to the Mayor's Planning Advisory Committee in Seaside by Doug Carmody, Director of Parking and Traffic, was read by the City Clerk.

The letter was ordered filed.

LETTER OFFERING RENEWAL OF AGREEMENT FOR AUDITING SERVICES 2-18

A letter from Nattinger & Lowry was read by the City Clerk which offered to renew the present agreement for auditing services with the City for the three fiscal years 1960-61, 1961-62 and 1962-63 for a sum not to exceed \$1,650 for each of the three years.

Mayor Hammond asked whether the auditors have knowledge of what can or cannot be legally paid.

The City Attorney stated that a recent study revealed that much of the material written by experts in this field is somewhat critical of municipalities and of auditors insofar as the scope of the audit is concerned. This criticism is based on the conclusion that simply certifying the mathematical accuracy of municipal accounts is not worth the money spent, and that an independent auditor should appraise the efficiency and economy of management in the public agency. This City's agreements re: auditing services have provided broadly that the work be done in accordance with generally accepted auditing standards and practices. Mr. Grimes stated that the League of California Cities has issued a publication which more specifically defines what the scope of an audit should be. He cited the importance to the Council and the taxpayers of thorough, detailed review of expenditures for services and facilities in governmental operations.

Mr. Grimes stated that he did not know whether other firms in this field had been given notice or the opportunity to evidence interest in doing this work for the City.

Chester Nattinger, CPA of the firm of Nattinger & Lowry, spoke from the audience. He stated that his firm follows the auditing program prepared by the League of California Cities, and that the present contract could be revised to conform with League recommendations without affecting the offer made by his firm. He said that besides submitting a formal audit report, his firm reviewed matters pertaining to systems and managerial advise with Mr. Bird or Mr. Miller, personally and/or by letters. Expenses and contracts are audited thoroughly.

The City Manager stated that the question of whether or not others were given an opportunity to express interest in doing this work for the City was a matter for the Council to decide.

The City Attorney recommended that the scope of the audit follow that outlined by the League of California Cities and that a revised agreement be prepared to specify this.

RESOLUTION NO. 60-237

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATTINGER & LOWRY, CERTIFIED PUBLIC ACCOUNTANTS, FOR INDEPENDENT AUDITING SERVICES

Introduced by Spaulding Seconded by VanderWall

Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: Arata

INFORMAL HEARING ON DISCUSSION OF TELEPHONE PERMIT SYSTEM FOR
PLUMBING AND ELECTRICAL PERMITS 3-25

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for the hearing of this matter.

The City Manager stated that this suggestion was submitted by a representative of some contractors to lessen the time in getting permits. He stated that the proposal is sound and reasonable and the cost to the City would be very nominal.

No one in the audience desiring to speak on the matter, the hearing was closed.

Director of Public Works Ray stated that meetings had been held with the electrical and plumbing contractors and they were very much in favor of the plan. He stated that all of the contractors have been informed by letter of the proposed changes and the reduction of the proposed cash bond to \$75.00.

Councilman Adams stated that the plan was worth a try and suggested that a review be made in six months to check on the workability of the system. He stated that Stockton has recently adopted this plan and a check with a Building Official of that city indicates that Stockton has found it quite satisfactory with everyone cooperating to the fullest extent.

MOTION

That the City Attorney prepare the necessary legislation to carry out the recommendations as outlined in the Public Works Department memo of July 1, 1960.

Moved by Spaulding Seconded by Knoles Unanimously carried

LETTER FROM MRS. DOROTHY TOWNSEND, 609 EL CAJON AVENUE, RE:
WOMEN'S ARCHERY CHAMPION 3-70

A letter from Mrs. Dorothy Townsend was read by the City Clerk which pointed out that the National Field Archery Women's Champion of 1960, Mrs. Faye Sconyers, resides in Modesto at 1233 Fiora Avenue, and asking if there was some way she could be recognized by the City of Modesto.

Mayor Hammond stated that he would be happy to write Mrs. Sconyers a letter of commendation.

The City Clerk was directed to write a letter of thanks to Mrs. Townsend for bringing this to the Council's attention.

LETTER FROM MODESTO CITY SCHOOLS OFFERING TO COOPERATE IN COST
OF THIRD SWIMMING POOL AT MODESTO JUNIOR COLLEGE 3-92

MOTION

That the City Attorney prepare agreement for consideration of the Council.

Moved by Martin Seconded by VanderWall Unanimously carried

RESOLUTION AWARING BID FOR LAMPS YEAR 1960-61 3-100

The City Manager stated three bids were received, and recommended that the low bid of Wille Electric Supply Co. with a 40% discount of price list and 2% discount for cash payment within ten days be accepted.

RESOLUTION NO. 60-238

A RESOLUTION ACCEPTING THE BID OF WILLE ELECTRIC SUPPLY COMPANY FOR INCANDESCENT, FLUORESCENT, STREET SERIES, TRAFFIC SIGNAL, AND MERCURY VAPOR LAMPS FOR MUNICIPAL LIGHTING FOR A PERIOD OF ONE YEAR BEGINNING JULY 15, 1960

Page 4 7-6-60

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

FINAL ADOPTION OF ORDINANCE NO. 395-C.S. REGULATION OF TRAMPOLINES

ORDINANCE NO. 395-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLE 15 THERETO RELATING TO REGULATION OF TRAMPOLINE CENTERS"

introduced on June 22, 1960, and amendment thereto introduced on July 6, 1960, having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

FINAL ADOPTION OF ORDINANCE NO. 398-C.S., PURCHASE OF PROPERTY IN ROOSEVELT CENTER, INC. 3-120

ORDINANCE NO. 398-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE ROOSEVELT CENTER, INCORPORATED

introduced on June 22, 1960, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

ORDINANCE AUTHORIZING REDUCED SPEED LIMITS ON PORTIONS OF HATCH ROAD AND EAST ORANGEBURG AVENUE 3-122

The City Attorney presented an ordinance changing the speed limit from 65 to 35 miles per hour.

ORDINANCE NO. 399-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 I OF ORDINANCE NO. 383-C.S."

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

Moved by VanderWall Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

ORDINANCE PROHIBITING PARKING OF PRIVATE VEHICLES IN TAXICAB STANDS 4-05

This matter was generally discussed by the Council and it was agreed that the matter be held over to allow the staff to work out the provisions.

ORDINANCE AMENDING THE MUNICIPAL CODE ESTABLISHING STAND FEES 4-65

The City Attorney stated that action could not be taken on this matter at the present meeting, but there was one point that should be resolved. At the Council's direction, an amendment was prepared providing for a delinquency penalty on taxicab stand fees.

MOTION

That the waiver and refund of penalty charges be omitted from this ordinance.

Moved by Spaulding Seconded by Knoles Unanimously carried

This matter was held over one week.

REPORT ON REQUEST OF TRANS-SIERRA AIRWAYS, INC. FOR USE OF THE CITY-COUNTY AIRPORT 4-90

The City Manager stated that this was a further report on the matter presented to the Council at the previous week's meeting. He reviewed the matter briefly. It is the staff's recommendation that the \$45.00 be charged for each of the first two daily scheduled landings and \$30.00 for each additional scheduled landing.

Mr. Hayes, representative of Trans-Sierra Airways, Inc. of San Francisco, spoke from the audience.

Mr. Hayes stated that his company believes the rates are a bit out of line for its operation, since it is not a subsidized airline. He stated that United Airlines in San Francisco had agreed that Trans-Sierra Airways could use United's ramp area for loading and unloading passengers. No parking space is required; turn arounds are five minutes. No office is needed; tickets are sold through a travel agency in town. No tie down space is required since planes do not stay overnight. Trans-Sierra Airways is pioneering an airline that comes from San Francisco through Modesto, Sonora, Lake Tahoe, and returning in the morning to meet the jet flights of the major airlines out of San Francisco. He asked if this matter could be discussed further before final Council decision.

Robert Schatz, Manager, United Airlines, Modesto, spoke from the audience. He stated that United Airlines is not subsidized in any way. He was not aware that United Airlines in San Francisco had given Trans-Sierra Airways permission to use United Airline's ramp in Modesto. He stated that United Airlines is paying \$410 a month for landing fees, plus \$40 a month for lease of the land upon which the building is constructed. According to United's lease with the City, entered into approximately 15 years ago, the building reverts to the City after 20 years.

The matter was carried over to the next Council meeting.

REPORT TO THE COUNCIL ON DEVELOPMENT OF SUBDIVISION BY IMPROVEMENT PROCEEDINGS 5-60

Mayor Hammond announced that the hour of 5:00 P.M. had arrived, the time set for the hearing of this matter.

The City Attorney stated that he had sent the Council a memorandum on this subject with an enclosed brochure on financing streets and other improvements in new subdivisions. Due to the inability of Mr. Sturgis and his associate, Mr. Ness, to attend the hearing, the matter was held over until next week's meeting for hearing at 7:35 P.M.

RESOLUTION CLARIFYING THE BASIS FOR PAYMENT OF A UNIFORM MAINTENANCE ALLOWANCE FOR POLICE AND FIRE PERSONNEL 5-72

RESOLUTION NO. 60-239

A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT OF UNIFORM ALLOWANCE FOR POLICE AND FIRE PERSONNEL

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

RESOLUTION APPROVING AMENDED FREEWAY AGREEMENT ON U.S. HIGHWAY 99 5-84

This matter was held over, to be heard next week.

REPORT FROM THE STATE WATER POLLUTION CONTROL BOARD ON DRY CREEK WATER ANALYSIS 5-90

The City Manager briefly summarized a report prepared by J. T. McCarty, of the State Water Pollution Control Board, Subject, "Special stream Survey - Dry Creek, Stanislaus County". The report indicated that no serious pollution problem exists in Dry Creek from either an organic or a bacteriological standpoint, but that the local health department was making additional checks.

The City Manager suggested that copies of this report be sent to Frank Rossi and to others who have expressed concern over this matter. Copies have been sent to the County Health Department, State Department of Public Health, and the Fish and Game Service.

Councilmen Adams and Spaulding requested a copy of the report.

The report was ordered filed.

CONSIDER RENEWAL OF VARIOUS INSURANCE COVERAGES 5-105

- (a) COMPREHENSIVE LIABILITY POLICY, EXCLUDING AUTOMOBILE
- (b) AVIATION LIABILITY INSURANCE

The City Manager stated that the comprehensive liability policy, excluding automobile, and the airport liability policy should be considered together. The City pays an advance premium which covers what we now have in the way of risks, and is subject to an audit at the end of the year to cover additional risks which

may have been added during the year. The total advance premium for general comprehensive liability insurance is \$13,952.34; the advance premium for aviation liability insurance is \$960; the total premium is \$14,912.34, as compared with \$14,625.76 last year.

In answer to a question submitted by Councilman Martin asking why this item was not submitted for bid, the City Attorney stated that the Insurance Agents Association has been assisting the City in looking over its insurance coverage needs, handling the details, and submitting proposals.

Mayor Hammond stated that the fee is split between members of the association.

Director of Finance Bird stated that the company providing insurance last year submitted a bid for this year's coverage that seemed excessive to the Association. They did solicit bids from other companies and the low price was accepted. In answer to Mayor Hammond's question, Mr. Bird stated that this policy does not cover any accidents that might occur in the use of city owned automotive equipment--this is covered by another policy.

The City Attorney stated that the Insurance Agents Association locally does not include non-stock mutual companies. Although he stated that he did not know this to be a fact, he was informed that not all people in the insurance business have an opportunity to bid.

The City Manager recommended that we obtain services from a firm specializing in this field to review the City's insurance program to determine if it is excessive or inadequate, and whether the rates are in line with the service we are receiving.

The City Attorney asked the Director of Finance whether this policy covered claims against the City, such as improperly authorized issuance or revocation of a building permit under a lot split.

The Director of Finance stated that it was his understanding that the policy covered this type of malpractice, but he would have to verify it to be absolutely sure.

The City Attorney recommended that the Council consider taking additional coverage for this type of thing if not included in this policy.

RESOLUTION NO. 60-240

A RESOLUTION AUTHORIZING THE CITY TO RENEW ITS GENERAL COMPREHENSIVE LIABILITY INSURANCE AND AVIATION LIABILITY INSURANCE

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

MOTION

That the staff be directed to prepare a report on an appraisal and evaluation of the City's insurance program.

Moved by Arata Seconded by Spaulding Unanimously carried
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REPORT ON PROPOSAL FOR CHARGES FOR CERTAIN ADULT RECREATION
ACTIVITIES 6-55

The City Manager stated that when it had been discovered that charges were not being made for adult tennis lessons in accordance with city policy, the people concerned were notified that it would be necessary to pay a fee to help defray costs.

Mrs. Roberta Arnerich, 545 Ramona Avenue, spoke to the Council and stated that many of the people taking tennis lessons were resentful of the fact that they were not notified that a fee was required until two weeks after the lessons started. She also stated that she thought the \$11.00 fee per person too high in comparison with other sports and adult night courses.

Mayor Hammond stated that the Council was also surprised to hear that no fees were being charged for adult tennis lessons, in view of the policy adopted that adult recreation should be self-supporting.

Mary Grogan, Acting Parks & Recreation Director, stated that as soon as it was discovered that no fees were being charged, steps were taken to collect them. She stated that there are still 23 people signed up for the class.

The City Manager stated that he had received letters protesting the procedure of the Parks & Recreation Department.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF
THE SYLVAN ADDITION 7-10

The date of hearing was set at 4:30 P.M. August 17, 1960.

RESOLUTION NO. 60-241

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

Introduced by Knoles Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond
Noes: None Absent: None

RESOLUTION EXTENDING THE TIME FOR FILING OF FINAL MAP OF
SARATOGA MANOR SUBDIVISION TO JULY 7, 1961 7-20

RESOLUTION NO. 60-242

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR FILING FINAL MAP OF SARATOGA MANOR SUBDIVISION

Introduced by Martin Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond
Noes: None Absent: None

RESOLUTION AUTHORIZING REDUCTION OF IMPROVEMENT BOND FOR WALNUT
GROVE SUBDIVISION (DANA HOMES, INC.) 7-20

The City Manager stated that a request had been received from Elliot Navon, subdivider of Walnut Grove Subdivision, that his performance bond be reduced from \$63,000 to \$6,300. A field inspection of the subdivision indicated that all work within the subdivision, with the exception of the six foot wood fence on the north side of the east-west alley bounding the commercial area in the subdivision has now been completed. He recommended that the bond be reduced.

RESOLUTION NO. 60-243

A RESOLUTION AUTHORIZING THE REDUCTION OF GREAT AMERICAN INDEMNITY COMPANY SUBDIVISION BOND FILED BY DANA DEVELOPMENT ASSOCIATED, INC. TO GUARANTEE IMPROVEMENTS IN WALNUT GROVE SUBDIVISION TO \$6,300 (ELLIOT NAVON)

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

LETTER FROM A. F. SAULS RE: NEW CITY HALL PARKING LOT 7-25

The City Manager read a letter from A. F. Sauls, Attorney, which requested that plans for construction of the planter box along the north side of the parking lot on 11th Street, between H and I Streets, be revised to provide a walkway through the planter box, the suggested walkway to be between 40" and 48" wide, and to be located approximately 38 feet from the easterly edge of the sidewalk on the west side of 11th Street. A walkway through the curbing at the southeast corner of the building presently operated as the Royal Cafe was also requested. Mr. Saul's assured the Council that the City will receive the fullest cooperation from Mr. Harris, the owner of the building, as well as his tenants, to render the rear of the Elias-Harris building more presentable. Mr. Saul's clients would reimburse the City for any additional costs incurred if the walkway were provided, he stated.

The City Manager stated that it was the feeling of the staff that an opening to the north thru the curb would be helpful to the public and could be provided with very little problem, that a walkway through the planter area would involve removing one of the parking stalls.

Attorney Sauls spoke from the audience. It was his opinion that the public would be better served if an opening was provided through the planter box, also. He stated that Mr. Meyner, a tenant of the Elias-Harris building, who has not been in business too long, was denied a license until he complied with certain requirements of the City Fire Department--additional lighting, remodeling of the rear entrance, and additional widening of the hallway. In case of fire, people leaving the Bench would either have to follow the rear of the building or go over the planter box. Trucks making deliveries to the rear of the stores will have to come from the alley down to the corner.

Mayor Hammond stated that the parking spaces are expensive and a walkway through the planter would necessitate the elimination of a parking space.

Mr. Sauls stated that his clients were not asking that a parking stall be eliminated, that there is considerable distance between cars when parked which would allow pedestrian traffic.

Councilman Arata stated that he did not believe the trucks could drive in the parking lot for the purpose of unloading-- they would still have to come through the alley.

It was Councilman Adams opinion that the only cars helped by the walkway through the planter would be ones parked adjacent to the planter box.

Mayor Hammond stated that if an opening was made through the planter box without providing a walkway, the City might be liable for injuries to pedestrians.

MOTION

That provision be made for a curb cut to the north as recommended by the Traffic Engineer.

Moved by Martin Seconded by Arata Unanimously carried

APPROPRIATION TRANSFERS 8-20

None

MATTERS FOR THE GOOD OF THE COMMUNITY

None

REPORT ON ANNUAL ONE-DAY SUMMER MEETING, CITY MANAGER'S DEPARTMENT, BERKELEY, FRIDAY, JULY 15, 1960

The City Manager stated that he or the Assistant City Manager or both, if it could be arranged, would attend the meeting.

There were no objections by the Council.

REPORT ON ANNUAL CONFERENCE IN LOS ANGELES ON OCTOBER 23 TO 26, INCLUSIVE 9-27

The City Manager stated that reservations have been made for members of the Council to attend the conference. If Council members are unable to attend, it should be so reported so that the reservations may be cancelled.

MOVING LOCOMOTIVE TO CHILDREN'S PARK

With the unanimous consent of the Council, the City Manager presented this matter. Permission was requested to close Morton Boulevard between 12th Street and Grand Street from July 7 to 14, 1960, for the purpose of moving a locomotive given the City for the Children's Park.

RESOLUTION NO. 60-244

A RESOLUTION AUTHORIZING THE CLOSING OF MORTON BOULEVARD BETWEEN TWELFTH STREET AND GRAND STREET FROM JULY 7 TO 14, 1960, TO MOVE LOCOMOTIVE TO CHILDREN'S PARK IN BEARD BROOK PARK

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

RESOLUTION COMMENDING JAMES H. MOTT 8-55

RESOLUTION NO. 60-245

A RESOLUTION COMMENDING CADET LIEUTENANT JAMES H. MOTT FOR HIS OUTSTANDING ACHIEVEMENT AS A CIVIL AIR PATROL CADET

Introduced by Knoles Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Hammond
 Nocs: None Absent: None

SUPPLEMENTAL REQUESTS, 1960-61 BUDGET

With the unanimous consent of the Council, this matter was presented for further discussion.

Police Department

Chief of Police Bowers stated that the department is asking for seven additional patrolmen because the volume of business has increased to the point where only about 1/2 of the service required is being provided for preventive patrol. The addition of these patrolmen would provide five additional beats: one to the day watch, two beats to each of the night watches.

The matter of joint training of police and fire department personnel was discussed generally by the Council. Councilman Martin stated that he was in favor of hiring the additional patrolmen, contingent upon a training program being set up to maximize utilization of manpower of the two departments.

Councilman Spaulding concurred with Mr. Martin's statement but he felt that the additional patrolmen are needed now and he was in favor of authorizing the employment of these men with the understanding that when the program is organized that they be available for it. Only when the plan is in operation will it be known whether more patrolmen are needed.

MOTION

That the supplemental request for additional patrolmen be authorized and that a program be set up for a supplemental training program for Police and Fire Department personnel.

Moved by Spaulding Seconded by Adams Unanimously carried

DISASTER AND CIVIL DEFENSE 10-60Radio Equipment

The City Manager stated that this is a supplemental request made by the Police Department for a radio unit to go into the police car that the additional patrolmen hired will use on patrol.

MOTION

That the supplemental request for radio equipment be added to the budget.

Moved by Adams Seconded by Knoles Unanimously carried

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GENERAL FUND- PARKS 10-80

At the request of the City Manager, discussion of this item was held over until the arrival of the new Director of Parks and Recreation.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Arata Unanimously carried

The meeting was adjourned at 6:25 P.M.

ATTEST: 
CITY CLERK

Modesto City Council
July 13, 1960

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 Pro Tempore Spaulding presiding in the absence of Mayor Hammond.

The City Clerk called the roll and there were:

Present: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Pro Tempore Spaulding

Absent: Mayor Hammond

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

Rev. Ray L. Singer gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of May 25, June 1 and June 8, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM FRANK ANDREWS RE: MODESTO IRRIGATION DISTRICT ADVERTISING AND COST OF ELECTRICITY TO OTHER GOVERNMENTAL BODIES 1-12

The City Clerk read a letter from Mr. Andrews which enclosed a letter written to the Board of Directors, Modesto Irrigation District, requesting that it grant the City of Modesto and Stanislaus County free electric power for the 1960-61 season, that the T.I.D. furnish one-half the power used by the County.

The letter was ordered filed.

LETTER FROM RALPH E. SHERMAN, 1437 PRINCETON AVE., RE: TRAFFIC PROBLEM IN THE PIKE PARK AREA 1-30

The City Clerk read a letter from Mr. Sherman which stated briefly that many months ago when Pike Park petitioners were denied their petition for a rezoning of the commercial area bounded by Kearney and Princeton Avenues, the Council agreed to request that the commercial vehicles using the area would not use Princeton Avenue, but an alley would be opened from Kearney Avenue running west to Haney Avenue near Highway 99. The letter stated that to date no alley had been opened, even though the City has a deeded right of way for that purpose. Particular offenders in the use of Princeton Avenue are the Langendorf Bakery trucks late at night, and the various seed company trucks during the day. At the same time the alley was promised, it was also promised that some sort of study would be made about a raised curbing type of divider for the Kearney-Princeton intersection to prevent trucks (and other vehicles) from cutting the corner, but nothing has been done on this project either.

The City Manager stated that the matter of the barriers at the intersection of Kearney and Princeton, together with plans, was

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presented to the Council in May, 1959, with the recommendation that the barriers not be constructed as it was felt that this would not solve the problem. The Council recommended that it not be approved.

Mr. Miller stated that the alley was dedicated to the City. The owner is now prepared to pave at least the first section which would get over to the Bottling plant. This will be undertaken during the summer season. Attempts are being made to get the alley opened clear through with a temporary surface. Since the sewers are not in, the owners does not want to install permanent paving in that portion.

The City Manager stated that if trucks are using this street for regular truck traffic they are in violation. The Chief of Police has been asked to contact the violators and ask them to use Coldwell Street as an access to the truck route.

The City Clerk was directed to notify Mr. Sherman of the Council's action.

INFORMAL HEARING ON IMPROVEMENT PROCEEDINGS, SUBDIVISION
DEVELOPMENT 7:35 P.M. 1-85

Mayor Pro Tempore Spaulding announced that the hour of 7:35 P.M. had arrived, the time set for the hearing on improvement district proceedings for subdivision development.

The City Manager read a report prepared by him dated July 11, 1960, Subject: "Use of Improvement District Procedure for the Financing and Construction of Subdivision Improvements".

The City Attorney stated that this procedure is not new. It would be the same procedure that the City has used for downtown street lights, sewers and drainage. The only difference would be that in a subdivision one person owns all the land, whereas in our prior improvement district, drainage, for example, it has already been subdivided, so you find individual lot owners.

Mr. Ness, an associate of Gene Sturgis, City bond counsel, spoke from the audience. He briefly outlined the mechanics of handling the proceedings to show what the obligations of the City would be and the possible costs to the City in the course of this improvement. The difference is that the bonds are sold in advance of doing the work, and the assessment becomes a lien against the property early in the game. The proceeds of the sale of the bonds is placed in the hands of the City Treasurer before a spade of dirt is even turned. The Treasurer then makes progress payments to the contractor as he proceeds to do this work, just as is done on any public contract. The proceeding would be initiated by a petition from the subdivider in which he petitions the City Council for the right to form an assessment district. In that petition he states that he has hired his own engineer and legal firm and he names them. He states in the petition that if there is not sufficient money in the proceedings from the sale of the bonds to pay these funds, that he alone remains obligated to do so -- that there is no obligation on the part of the City. Payments are made as the work proceeds and are made pursuant to a certificate furnished by the engineer who has been hired by the developer. This certificate is approved by the City's Public Works Department and submitted to the Treasurer for payment. The City is paid for its inspection work just as it is for any subdivision improvement, as

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the work proceeds. The City is also paid a bond service charge to reimburse the Department of Finance and the Treasurer for the handling of the collection of the assessments and the payment of the bond coupons over the years. Upon completion and acceptance of the work by the City, and the assessments have become a lien against the property, nothing more is required of the City except that it does have to collect the assessments and make the payments over the years. Research conducted by their office revealed that the average length of life for these assessments in a new subdivision is two years. The assessments are generally paid off early in the picture so that they do not stay on the property over a long period of time. 1911 bonds are used so that there is no legal obligation or fiscal liability on the part of the city to make up any deficit payments. The property is the sole security for the bonds. The bond holder looks to the property holder for his satisfaction if there is any default in payment.

Mayor Pro Tempore Spaulding declared the hearing closed.

City Attorney Grimes stated that this being the first request for the use of improvement proceedings, the subdivider would like some indication on the part of the Council that he could proceed in accordance with the provisions of the Code.

Mayor Pro Tempore Spaulding stated that if the Council by motion decided to make no changes, the subdivider should feel sure that there was no likelihood that the Council proposed any change.

It was Councilman Martin's opinion that the City would be serving a particular segment of a particular industry, that although the City would be reimbursed for the collection of assessment money and for direct inspection, the City would not be paid for the overhead costs.

The City Manager suggested that if the Council decided not to change the Code, that it be followed with a motion to direct the staff to be sure that all overhead costs, administrative and otherwise, be charged against the improvement district.

MOTION

That no action be taken to change the Code in this matter.

Moved by VanderWall Seconded by Adams Motion carried

MOTION

That the staff be instructed to charge all the costs incurred, both administrative and otherwise, involved in these proceedings, to the improvement district and report to the Council.

Moved by Adams Seconded by Martin Unanimously carried

INFORMAL HEARING ON GARBAGE AND REFUSE DISPOSAL, ITEM 2, 3 AND
4 OF REPORT 8:00 P.M. 3-2

Mayor Pro Tempore Spaulding stated that the hour of 8:00 P.M. had arrived, the time set for the hearing of this matter. He pointed out that this was not a public hearing, but was set to give

representatives of the various garbage companies and other interested parties an opportunity to give their assistance by answering questions the Council might wish to ask. Unanimous consent of the Council was given to call on anyone in the audience who wished to speak on this matter.

The City Manager briefly reviewed previous action taken on this matter. There were four basic questions to be considered.

- (1) Should garbage be collected and disposed of by use of city forces and equipment? It was the Council's decision that private enterprise carry out the garbage collection and disposal. The City participates to the extent of furnishing the site.
- (2) If collection is by private collector, should one collector be licensed, or should multiple licensing be retained?
- (3) What should the term of years be for a new franchise or contract?
- (4) Garden refuse pickup and disposal by city forces or by contract.

The last 3 questions had been left open for discussion and further consideration.

A. R. Friedman, Attorney at Law, representing Modesto Garbage Company, Sanders Garbage Company and the Airport Garbage Company, spoke from the audience. Referring to the report prepared by the staff and submitted to the Council, he stated that his clients objected to billing the public \$1.00 per collection of garden refuse, when they have been provided with free service, and it would be extremely difficult to start billing them for the same service.

Mr. Friedman stated that his clients wished to continue on as three separate garbage collection agencies. He doubted that maintenance of three offices added to the cost of garbage, since the companies also operate in the County and would maintain the same office and staff. He pointed out that according to Western Cities Magazine, Modesto has one of the lowest garbage rates of any city in California.

Mr. Friedman stated that a ten-year franchise would be a desirable period to make it economically feasible for the operator to purchase the best type of equipment possible to take care of Modesto's needs for years to come.

All three of the present companies are willing to contract with the City for the collection of garden refuse at a substantial savings to the City.

Mr. Friedman referred to the dissension between Rudy Bonzi and Modesto Garbage Company and stated that he is hopeful that the existing areas of friction will be eliminated. It was his opinion that the City ordinance is loosely worded in the definition of garbage, waste and refuse, and because of the wording, an area of doubt has arisen as to its true intent and meaning. If the ordinance was amended, these problems could be resolved.

Answering a question submitted by Councilman Adams pertaining to the definition of "garbage", Mr. Friedman stated that the ordinance, in defining garbage, refuse and waste, ends each sentence by saying "discarded or abandoned by the owner". He cited as an example that you could take the juiciest can of garbage and if the owner says, "I haven't abandoned this", it is not garbage. It was his opinion that an actual definition of garbage should be made and provisions put in the ordinance defining what is discarded and what is abandoned, and defining what is saleable paper.

The City Attorney stated that he disagreed with Mr. Friedman, that it wasn't so easy to determine whether something is garbage or whether it has economic value. He stated that this was the basis of the controversy between Mr. Bonzi and the Modesto Garbage Company.

Gerald Underwood, Attorney at Law, representing Mr. Rudy Bonzi, spoke from the audience. He affirmed that his client and Mr. Friedman's clients are very close to agreement. He stated that Mr. Bonzi is interested in submitting a bid, either formal or informal, on garden refuse and clippings. He stated that he was in accord with Mr. Friedman that the ordinance should be redefined. The main question that his client was interested in was whether or not the matter was to be put out for public bids.

The City Attorney stated that our present regulations afford any interested party the opportunity to submit an application, accompanied by a fee, requesting a license, either exclusive or not exclusive, as he chooses, to pick up garbage in the entire area or any portion thereof, of the City. If this procedure is not followed, those provisions would have to be repealed from the Code, and plans and specifications devised, and submitted for bid. The City could ask for a premium, or ask each applicant to submit a figure as to what percentage he would offer the City for the contract. The Council would act on each application, but in determining the lowest responsible bidder, it would take into consideration, no doubt, the service, the equipment, the experience, the amount of money it would return, and all other factors. The present franchises will continue until January 1st, so anyone, by following the procedure in the Code, could submit to the City an application for an exclusive license to pick up all of the garbage in the City, requesting it for ten years, and it would be perfectly in order.

In answer to a question submitted by Councilman Knoles, the City Attorney stated that the City should accept the best responsible bid submitted, whether the contract was awarded under present Code regulations or by a call for bids. Under present Code regulations, the amount the City is to receive is specified -- license fees, \$25.00 and five percent of the gross. If it was submitted for public bid, the bidder could be asked to specify how much of the gross he was willing to pay.

Mr. Underwood asked the City Attorney if it wasn't a fact that under the present setup it was not incumbent upon the City to accept the lowest responsible bidder. The City Attorney replied that that was correct - it is open to negotiation.

Answering Councilman VanderWall's question as to who sets the charges for the householders, the City Attorney replied that the charges are prescribed by the Council, and it has the right to change it.

Councilman Martin asked Mr. Friedman to confirm his statement that the collection of garbage refuse would "undoubtedly be for much less". Mr. Friedman stated that he used the Director of Public Works' figure of \$100,000 cost per year to the City for garden refuse pickup, assuming that there would be the same number of pickups. At a previous Council meeting when the question of garden refuse was discussed, it was suggested that the operators and the City staff get together before the expiration of the six months extension period to discuss this matter with a view to finding out just what the cost would be. He stated that the saving could be in excess of 20%.

Councilman Martin asked if there would be any overlap of equipment to the two functions.

John Borghello, Modesto Garbage Company, stated that it would be possible to pick up some of the garden refuse, leaves and clippings, at the same time the garbage was picked up. Big branches would have to be picked up in another truck. The ability to pick up both at the same time would effect the savings.

Councilman Adams stated that we would be using up our fill land much faster and this matter should be checked by the staff and the Public Works Department.

Mr. Borghello stated that it may take four years before the present dump is filled in and it might take the City six months to find another.

The City Manager pointed out the importance of resolving this matter as soon as possible. He also stressed the importance that all of the bids or proposals be on the same basis so that they can be compared logically and accurately. He stated that the matter could not be cleared by August 1.

In answer to a question by Councilman VanderWall, the Director of Public Works stated that the \$100,000 listed in his report as the cost to the City of picking up garden refuse did not include the cost of collecting leaves. This has not been discussed with the garbage companies and involves a different operation -- sweeping and loading on the streets.

The question arose as to whether the garbage matter and garden refuse were to be tied together, or to be considered separately by the Council.

Mayor Pro Tempore Spaulding stated that there was nothing to preclude their being considered both ways, separately and combined. He suggested that all interested parties present their proposals to the staff and that an informal meeting be set up with the Council Public Relations Committee, members of the staff, and interested parties. The staff was ordered to proceed on this basis.

The hearing was declared closed.

LETTER FROM EDWARD G. WETZEL, INSTITUTE OF TRAFFIC ENGINEERS
RE: TRAFFIC AWARD TO CITY OF MODESTO 5-40

A letter from Edward G. Wetzel congratulating the Council for the City's traffic engineering program during 1959 was read by the City Clerk. An award in the form of a plaque will be ready for presentation soon.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN QUARESMA HOMES UNIT NO. 2 5-60

July 25, 1960, at 2:00 P.M. was set for the time and date of opening of sealed bids.

RESOLUTION NO. 60-246

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN QUARESMA HOMES UNIT NO. 2

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
Noes: None Absent: Mayor Hammond

FINAL ADOPTION OF ORDINANCE NO. 395-C.S. OPERATION OF TRAMPOLINES

ORDINANCE NO. 395-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLE 15 THERETO RELATING TO REGULATION OF TRAMPOLINE CENTERS"

introduced on June 22, 1960, and amendment thereto introduced on July 6, 1960, having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Knoles Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
Noes: None Absent: Mayor Hammond

FINAL ADOPTION OF ORDINANCE NO. 399-C.S. SPEED LIMITS 5-70

ORDINANCE NO. 399-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. 383-C.S."

introduced on July 6, 1960, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
Noes: None Absent: Mayor Hammond

FURTHER CONSIDERATION OF REQUEST OF TRANS-SIERRA AIRWAYS FOR USE OF CITY-COUNTY AIRPORT 5-72

A letter from L. L. Camphouse, Regional Manager of Property, United Air Lines, to Mr. T. Hunt, Trans-Sierra Airways, was read by the City Manager, which stated that the ramp at the City-County

Airport was common use area and could probably be utilized for their operation subject to necessary arrangements being made with the City of Modesto. The letter also stated that United Air Lines would be pleased to discuss utilization of their exclusive facilities, such as the terminal building area.

Mr. T. Hunt, representative of Trans-Sierra Airways, spoke from the audience. He stated that the maximum rate the company could pay would be about 10 cents per thousand pounds takeoff weight. This would be 88 cents per landing. He compared this with the $13\frac{1}{2}$ cents charged in Stockton, which includes utilization of the terminal building.

Mayor Pro Tempore Spaulding stated that at the Council meeting held last week the rate of \$90.00 per month was proposed for two landings a month, and \$30.00 per month for each additional daily landing. This would include land for parking the plane. At that time Trans-Sierra requested that final decision be withheld pending further discussion with the staff but failed to contact the staff for any negotiations concerning the matter.

Mr. Hunt stated that their proposal was 10 cents per thousand pounds takeoff weight, "take it or leave it--Stockton wants us and we can go to Stockton for considerable less than your rate".

MOTION

That if the rate offered Trans-Sierra at the Council meeting of July 7, 1960 is not satisfactory, that the matter be dropped.

Moved by Martin Seconded by Arata Motion carried

RESOLUTION APPROVING AMENDED FREEWAY AGREEMENT FOR U. S. HIGHWAY THROUGH MODESTO 6-40

Parking and Traffic Director Doug Carmody stated that the only technical difference between the original agreement and the amended agreement now up for approval was that the original agreement showed an interchange at both K and L Streets, and the new freeway agreement shows the actual on and off ramps as they are detailed in the three drawings on display. There will not be an interchange at both K & L Streets. The on ramps and off ramps will be shared jointly with the intersections to the south, H & I Streets. Street and alley closures remain the same.

RESOLUTION NO. 60-247

A RESOLUTION OF THE CITY COUNCIL OF MODESTO, CALIFORNIA, APPROVING AGREEMENT REGARDING A FREEWAY ON ROAD X-STA-4-MOD, BETWEEN THE SOUTHERLY AND NORTHERLY CITY LIMITS OF THE CITY OF MODESTO

Introduced by Adams Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Mayor Hammond

REPORT ON RECOMMENDATION BY STANISLAUS COUNTY HIGHWAY ADVISORY COMMITTEE TO THE STATE HIGHWAY COMMISSION ON CONSTRUCTION PROGRAM FOR STATE HIGHWAY IN STANISLAUS COUNTY 1961-62

The report was presented to the Council. A copy is available for inspection in the City Manager's office.

REQUEST BY ATTORNEY SAULS FOR RECONSIDERATION OF PROPOSED NORTH EXITS TO NEW CITY HALL PARKING LOT 6-100

With the unanimous consent of the Council, Attorney A. F. Sauls spoke to the Council and reviewed briefly the proposal previously presented to the Council in behalf of the owner and tenants of the Elias-Harris Building, that, indemnifying the City against any costs whatsoever, an opening be provided through the planter box to the north of the new City Hall Parking Lot for easier access to and egress from the building. This request was denied by the Council at its meeting July 6, 1960, and Mr. Sauls asked that it be reconsidered. It was his opinion that the matter had been considered by the Council "in an off-hand manner".

The matter was generally discussed by the Council. A report prepared by Al Oliveria, Assistant Fire Chief, was read by the City Manager, which recommended that a pedestrian way be provided through the planter, which would be of value in evacuating the building in case of fire, and would facilitate access into the building by the Fire Department for the purpose of taking in fire hose and other equipment. Sufficient means of egress will still be provided from the building to meet existing Codes without an opening in the planter box.

MOTION

That no changes be made in the design of the planter box, affirming Council's decision of July 7, 1960.

Moved by Adams Seconded by Knoles Unanimously carried

RESOLUTION APPROVING FINAL MAP FOR THE QUARESMA HOMES, UNIT NO. 2 8-35

RESOLUTION NO. 60-248

A RESOLUTION APPROVING THE FINAL MAP OF THE QUARESMA HOMES UNIT NO. 2 OF THE CITY OF MODESTO

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
Noes: None Absent: Mayor Hammond

CONSIDER INCLUDING "NON-COLLUSION AFFIDAVIT" IN ALL FUTURE CITY CONTRACTS 8-50

The City Attorney reported that he had received a communication from the League of California Cities pointing out that the Attorney General had requested the League office to bring to the attention of all City Attorneys a letter which has been distributed by the Attorney General's Office. This letter makes a recommendation that there be included in Public Works contracts a provision against collusion by inclusion of a non-collusion affidavit. He recommended that a provision along this line be included in future specifications.

MOTION

That the non-collusion affidavit be included in all future City Public Works contract documents.

Moved by Knoles Seconded by VanderWall Unanimously carried

CONSIDERATION OF 1960-61 CITY BUDGET 8-80

The City Manager presented a memorandum prepared by the Director of Finance, Subject 1960-61 Budget, dated July 13, 1960. The memorandum listed the changes in the preliminary budget proposed by the Council, and listed additional items proposed for the consideration of the Council, and changes discussed by the Council but not acted upon.

GENERAL FUND: Changes made to preliminary budget by Council action.

The items listed were reviewed briefly by the City Manager.

GENERAL FUND: Items proposed for City Council consideration and changes discussed by the Council but not acted upon. Pages 2 & 3 of report.

City Hall 235 Services, Professional & Other

The City Manager stated that there were still items to be cleared on maintenance for the City Hall. He reviewed a report prepared by the Assistant City Manager dated July 13, 1960, Subject: Service and Maintenance Agreements - New City Hall, which listed formal or informal offers for service and maintenance agreements for the City Hall. The City Manager recommended that they be approved.

Director of Finance Bird stated that there was no contingency item included in the budget for unforeseen occurrences, such as breakage by vandalism, etc.

The City Manager stated that all the items appearing on pages 2 and 3 of the report under General Fund would mean a net increase to the General Fund of \$53,407.

SUMMARY OF ADJUSTMENTS TO PRELIMINARY BUDGET, Page 4 of Report 10-3

The City Manager pointed out that the estimate of sales tax revenue had been decreased by \$6,300.

The Director of Finance stated that if the Council approved all the proposed changes, there would be a reserve of \$147,370. The City Manager recommended that the reserve be not less than \$200,000, and preferably more, because the estimated revenues are budgeted closely without too much leeway, the carryover has been estimated more closely because we are late in clearing the budget, and the holiday pay matter is not yet settled, and will probably be due and payable this year. In order to raise the reserve to \$220,000, \$73,000 would have to be raised on the revenue side by means of an increase in the property tax rate or by some other means. A one cent increase on the tax rate raises approximately \$5,500; a ten cent increase would raise \$55,000. One alternative would be to transfer the cost of water extension improvements from the general fund to the capital outlay fund this fiscal year.

Councilman Martin stated that he was opposed to raising the reserve fund by way of an increase in the tax rate and was in favor of leaving the reserve at the lower figure as a means of pushing the Council and the entire organization on some of the income-raising items listed. He felt that there was a lot of money to be raised if an effort was made.

Answering a question submitted by Councilman Adams, the City Manager stated that there are some avenues where more revenue can be raised within a short time, and some that will take more time. If 20 per cent can be saved by the garbage companies taking over the garden refuse pickup in January, \$10,000 can be realized this year. Water service connection charges can be realized within a short time. The matter of charging subdividers is a little more complicated but can be accomplished before too long.

Frank Denny, certified public accountant, 914 Thirteenth Street, representing the Stanislaus County Licensed Builders, spoke from the audience. He stated that since building activity has been declining, it might be possible for the City to effect a saving by not hiring a fourth building inspector. As a method of producing additional revenue, he suggested setting a charge for building inspections which are now done gratuitously. He also suggested that the Council consider keeping a log to indicate the number of inspections made each year, separating the inspections on permits from the gratuitous inspections.

The City Manager stated that the matter of inspections for which no charges are made had been discussed before. Inspection of hotels and rooming houses to be sure they meet Code requirements is a law enforcement function but not the kind that should be paid for as builders.

SERVICE DIVISION WORKING CAPITAL FUND - Page 4 of Report

The City Manager reviewed the items briefly and stated that they had been approved by the Council.

SERVICE DIVISION WORKING CAPITAL FUND

The City Manager stated that this was a proposed replacement of an 8-ton dump truck with a 4-ton dump truck, on the basis that an 8-ton dump truck could be rented when necessary.

SPECIAL FUND FOR CAPITAL OUTLAY - Page 5 of Report 12-25

The City Manager stated that all these items had been cleared by the Council but had not yet been included in the budget.

MOTION

That items proposed for Council consideration on Pages 2 and 3 under General Fund of memorandum submitted by Director of Finance dated July 13, 1960, be approved and included in the budget.

Moved by Adams Seconded by Arata Unanimously carried

MOTION

That the items listed under Service Division Working Capital Fund, Pages 4 and 5 of Memorandum submitted by Director of Finance, dated July 13, 1960, be approved and included in the budget.

Moved by Arata Seconded by Knoles Unanimously carried

MOTION

That the 1960-61 budget be approved as presented, that the reserve fund not be increased, and that the tax rate of \$1.45 be maintained.

Moved by Martin Seconded by VanderWall Unanimously carried

RESOLUTION AUTHORIZING THE CLOSING OF MONTICELLO STREET BETWEEN BOWEN AND MT. VERNON ON JULY 16, 1960, FROM 6:00 P.M. TO 10:00 P.M. FOR BLOCK PARTY 12-50

RESOLUTION NO. 60-249

A RESOLUTION AUTHORIZING THE CLOSING OF MONTICELLO STREET ON JULY 16, 1960 FOR BLOCK PARTY

Introduced by Knoles Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding

Noes: None Absent: Mayor Hammond

REPORT ON EFFORTS TO RENT GOLF COURSE PROPERTY FOR AGRICULTURAL PURPOSES 12-50

The City Manager stated that the City has been unable to find anyone interested because of the water situation and the rough condition of the land. He suggested that nothing more be done about it at this time.

REPORTS ON REQUEST BY STANISLAUS FOOD PRODUCTS TO ALTER CONCRETE PADS WHICH CROSS TWELFTH STREET 12-60

Director of Public Works Ray stated that a request has been received from Stanislaus Food Products Company to reconstruct a concrete pad across 12th Street approximately 10 feet in width, used by lift trucks. This was installed in 1955 in accordance with Council Resolution No. 55-210. The company now states that in one case the slopes are too great to conform to the gutter line on each side of the street, and request permission to build up the section of the concrete pad in the gutter areas to a height of approximately 6 inches. He recommended that the request be granted subject to the same basic conditions granted under Resolution No. 55-210.

RESOLUTION NO. 60-250

A RESOLUTION APPROVING REQUEST OF STANISLAUS FOOD PRODUCTS CO. TO ALTER A RAISED LOADING PLATFORM AT THE SOUTH CORNER OF BLOCK 78 12th AND C STREETS, AS GRANTED BY RESOLUTION NO. 55-210

Introduced by Arata Seconded by VanderWall

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding

Noes: None Absent: Mayor Hammond

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(a) RESOLUTION GRANTING REQUEST FOR EXCEPTION TO SUBDIVISION REGULATIONS, GLEN AULEN SUBDIVISION 12-80

Planning Commission Resolution No. 620 recommending the granting of an exception to subdivision regulations to permit lots improved with septic tanks in Glen Aulen Subdivision to be a minimum of 9,000 square feet in area was approved by the Council.

RESOLUTION NO. 60-251

A RESOLUTION APPROVING AN EXCEPTION TO SECTION 4-4.802 (e)(2) OF THE SUBDIVISION REGULATIONS (GLEN AULEN SUBDIVISION)

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Mayor Hammond

(b) RESOLUTION GRANTING REQUEST FOR EXCEPTION TO SUBDIVISION REGULATIONS - MR. PERDUE, 525 TULLY ROAD 12-80

The City Manager stated that this matter has been before the Planning Commission. The owner has asked for a lot split primarily to get water on a portion of the parcel, but does not want to put in sidewalks normally required. He stated that the staff is working on a possible amendment to the Code which would resolve the matter more satisfactorily than a lot split. Temporary arrangements have been made to provide water. He recommended that the Council take no action on the matter and so report to the Planning Commission.

MOTION

That this action be postponed indefinitely pending further report.

Moved by Knoles Seconded by Arata Unanimously carried

Councilman Knoles was excused for personal reasons.

(c) RESOLUTION AMENDING RESOLUTION NO. 60-36 GRANTING AN UNCLASSIFIED PERMIT TO MODESTO BOARD OF EDUCATION 12-95

Director of Planning Smeath reported that the City Council had approved an unclassified use permit for M. J. C. to approve the building of additional structures, which were additions to the physical education facilities and to the library, but were not additions which would increase the number of students at the institution. On this basis the school submitted a plan which indicated that there would be an increase in their plans of 235 parking spaces. After this unclassified use permit was granted, the schools found that they had given inaccurate maps to the City, and instead of 235 parking spaces there would only be 45 available. The college has now submitted to the Planning Commission a request for an unclassified use permit to amend the resolution previously approved to provide for 45 additional parking spaces instead of 235. In its letter to the Planning Commission, the school proposed that improvements be made only on the south side of Coldwell Avenue, as improvements on the north side of Coldwell would cost approximately \$7,000 with an increase of only six parking spaces. This matter was referred to Parking and Traffic Director Carmody, who reported to the Planning Commission that this \$7,000

expenditure would actually create six new parking spaces on the college grounds, plus 25 to 30 additional parking spaces in the City street (parallel parking spaces). The Planning Commission considered this, and reports made by the staff, and recommended to the Council by resolution that the Council approve modification of the amendment to the resolution granting an unclassified use permit, on the basis of the school putting in the changes on both sides of Coldwell. This information was conveyed to the school district officials in time for the school's board meeting last Monday, but no communication has been received from the school district. Mr. Smeath stated that it is assumed that the school district has decided that this improvement on the north side of Coldwell is correct. On this basis, the Planning Commission recommends that the Council approve the modification as shown in the two plans as listed in Resolution No. 614.

The matter was generally discussed by the Council.

RESOLUTION NO. 60-252

A RESOLUTION AMENDING RESOLUTION NO. 60-36 GRANTING AN UNCLASSIFIED USE PERMIT TO MODESTO BOARD OF EDUCATION FOR ENLARGEMENT OF EXISTING LIBRARY FACILITIES AND RELOCATION OF PHYSICAL EDUCATION FACILITIES ON THE MODESTO JUNIOR COLLEGE CAMPUS

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Pro Tempore Spaulding
Noes: None Absent: Knoles, Mayor Hammond

Councilman Knoles returned to the Council.

(d) CONSIDER AMENDMENT TO CODE - INSTALLATION AND CONNECTION COSTS OF WATER SERVICE 13-65

This matter was held over.

CONSIDER SIGN "CITY OF MODESTO" ON 11TH STREET SIDE OF TOWER ON CITY HALL 13-70

The City Manager stated that a suggestion has been made that the sign "Modesto City Hall" be placed on the tower on the 11th Street side of the building, to correspond with the sign on the H Street side of the tower. The cost would be \$409.75.

MOTION

That the sign not be placed on the tower.

Moved by Martin Seconded by VanderWall Unanimously carried

APPROPRIATION TRANSFERS 13-70

None

MATTERS FOR THE GOOD OF THE COMMUNITY

None

MATTERS INTRODUCED WITH UNANIMOUS CONSENT OF THE COUNCIL

STREET IMPROVEMENT - NORWEGIAN AVENUE 13-85

With the unanimous consent of the Council, the City Manager brought up for discussion the improvement of Norwegian Avenue.

This improvement is recommended primarily because of the high crown on this street. Estimated cost of improvement is \$15,000.

Councilman Martin stated that there are other areas in the City which should have priority.

MOTION

That Norwegian Avenue be taken off of list for consideration this fiscal year.

Moved by Knoles Seconded by Martin Unanimously carried

GAS TAX IMPROVEMENT PROJECTS 12-100

Briggsmore Ave. between Tully Ave. and alley east of Aloha Way

The City Manager stated that Council approval has been given to proceed with this improvement and call for bids is necessary.

RESOLUTION NO. 60-255

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN TULLY AVENUE AND ALLEY EAST OF ALOHA WAY

Introduced by Adams Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding

Noes: None Absent: Mayor Hammond

Bids will be received on or before July 25, 1960 at 2:00 P.M.

G Street between Sierra and 7th Streets (Unit A); 14th Street between H and J Streets (Unit B)

The City Manager stated that Council approval has been given to proceed with this improvement and call for bids is necessary.

RESOLUTION NO. 60-254

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR UNIT A - IMPROVEMENT OF "G" STREET BETWEEN SIERRA & 7TH STREETS AND UNIT B - IMPROVEMENT OF 14TH STREET BETWEEN "H" AND "J" STREETS

Introduced by Arata Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding

Noes: None Absent: Mayor Hammond

Bids will be received on or before July 25, 1960 at 3:00 P.M.

Granger Avenue between TWSRR and Florida Ave.

The City Manager stated that indication has been received that the land on the north side of Granger immediately east of Our Lady of Fatima Church will be dedicated to the City. We have an agreement with the State and can proceed with this project. A call for bids is necessary.

The City Attorney stated that if the dedication does not come through by the time the bids are opened, the City would be out of step in awarding the bid. Attorneys for the Sisters have given their assurance that the dedication will be back signed at an early date.

This matter was discussed briefly by the Council and the Director of Public Works.

RESOLUTION NO. 60-253

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF GRANGER AVENUE BETWEEN TWSRR AND FLORIDA AVENUE

Introduced by Knoles Seconded by Martin
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Mayor Hammond

The bid opening date was set at July 25, 1960 at 2:30 P.M.

Virginia Ave. and Roseburg Avenue 13-125

Director of Public Works Ray stated these projects have not yet been approved by the State Division of Highways.

The City Manager stated that there are still right of way problems on Roseburg and recommended that improvements be dropped until next spring.

REQUEST FOR EXTENSION OF CLOSING OF MORTON BOULEVARD

With the unanimous consent of the Council, this matter was presented by the City Manager. It was requested that the time be extended to July 18, 1960.

RESOLUTION NO. 60-256

A RESOLUTION AUTHORIZING THE CLOSING OF MORTON BOULEVARD FOR AN ADDITIONAL PERIOD TO JULY 18, 1960 IN ORDER TO COMPLETE THE INSTALLATION OF LOCOMOTIVE IN THE CHILDREN'S PARK AT BEARD BROOK PARK

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding
 Noes: None Absent: Mayor Hammond

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Adams Unanimously carried

The meeting was adjourned at 10:45 P.M.

ATTEST:


 CITY CLERK

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Modesto City Council
July 20, 1960

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: Adams, Knoles, Martin, VanderWall, Mayor Hammond

Councilman Arata arrived at 4:07 P.M.

Councilman Spaulding arrived at 4:20 P.M.

Absent: Councilmen: None

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

A moment of silent prayer was observed.

ORAL REPORT ON AUDITORIUM FOR CITY OF MODESTO - E. GRAHAM MAY -
CHAMBER OF COMMERCE 1-12

Mr. May stated that various studies have been made throughout the past 15 years and the need has definitely been established for an auditorium in Modesto. The Chamber of Commerce Committee strongly recommends an all-purpose type of auditorium that can be used for all types of meetings -- conventions, sporting events, shows, operas. At present, Modesto has many auditoriums of the theater type, such as the Junior College, the high schools, and Sportsmen of Stanislaus, that are constantly being used, but on a restrictive basis. A well planned and localized auditorium would be a strong impetus as an attraction to conventions. As an example, Mr. May stated that the City recently lost a convention of approximately 1,000 delegates because there was no meeting room large enough for the convention to be held. It is his understanding that at the present time two conventions of approximately 500 delegates are seeking headquarters in Modesto.

Mr. May stated that an auditorium is not self-sufficient; however, this is more than made up through increased sales to the local merchants, thereby increasing the City's revenue through taxation, parking, etc. If the auditorium is centrally located, the committee recommends that parking be metered and used during the daytime for parking for shoppers, or all day parking for working employees and downtown merchants.

Mr. May read a letter from the Chamber of Commerce addressed to the City Council signed by its President, Kennan H. Beard submitting the recommendation of the Chamber of Commerce Auditorium Committee that action be taken to obtain an auditorium of a multi-purpose type for Modesto, one adaptable for such varied uses as boxing, wrestling, basketball and other sporting events, conventions and expositions. He stated the Committee believes such an auditorium would bring new income to the community, establish Modesto as a social, recreational and entertainment center, and broaden the community as a trade center with resultant economic advantages.

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Answering a question submitted by Councilman Arata, Mr. May recommended financing through a bond issue and suggested that construction of an auditorium be proposed as a city project, to avoid possible controversy about site selection if the area concerned were County-wide.

Answering a question asked by Councilman Arata, City Attorney Grimes stated that he had never heard of a joint bond issue covering a city and a school district. Bond buyers look to one governmental agency.

Councilman Arata stated that he was thinking about the 35,000 or 40,000 people immediately outside the city limits who perhaps should be participating.

Mr. May pointed out that the surrounding areas would bring trade into the City by use of the auditorium.

The City Manager stated that the staff could work with the committee on the possibility of a special district which would provide a broader base for financing.

Mr. May stated that Pete Johansen has been appointed as liaison between the Chamber of Commerce and the City.

Mayor Hammond stated that as a result of the study of the Forward Modesto Committee in 1955 and 1956, the Council discussed construction of a city hall and an auditorium. At that time priority was given to the city hall, a police building and an auditorium in that order.

Mr. May stated that an auditorium of the size and type recommended for the City, would probably require an annual budget of approximately \$50,000, and might run at a net annual loss of \$25,000. He suggested that this not be looked at in the light of an expense to the city, since the new business created for local merchants would in turn come back to the City as taxes, parking and more than make up the \$25,000. He stated that he would submit to the City Clerk a copy of the report prepared by the Auditorium Committee.

MOTION

That Councilmen Arata and Martin be appointed to work with the Chamber of Commerce auditorium committee on this matter.

Moved by VanderWall Seconded by Spaulding Unanimously carried

Frank Andrews spoke from the audience and stated that he thought it far more important that a fire station be built, the police force expanded, and money spent on the water and sewer systems.

LETTER FROM MARY TAMBORELLO, 415 BODEM STREET, RE: SPEED OF CARS ON BODEM STREET 2-60

A letter was read by the City Clerk in which Mrs. Tamborello complained of the noisy and fast traffic on Bodem which interferes with her television reception.

Mayor Hammond directed that the letter be referred to the Chief of Police for action.

LETTER FROM REV. ROY BLAKELY REGARDING HOME FOR SENIOR CITIZENS
ON THE SOUTHEAST CORNER OF TULLY ROAD AT WOODROW, AND POSSIBLE SEWER
SERVICE 2-70

The City Clerk read a letter from Rev. Blakeley which stated that his organization is interested in building a home for senior citizens on a 25-acre area located on the southeast corner of Tully Road at Woodrow. Preliminary plans have been drawn and interest expressed by the F.H.A. if the area is served by sewers instead of septic tanks.

The City Manager stated that there were two other requests for sewer service in the same area later on the agenda, that a map had been prepared relating to the whole area, and suggested that they all be considered at one time.

No objections were presented by the Council.

LETTER FROM FRANK ANDREWS RE: TRAINING FOR POLICE AND FIRE PERSONNEL
2-90

The City Clerk read a letter from Frank Andrews dated July 15, 1960, Subject, "Training--Jack of all Trades for our Fire and Police Force", and briefly summarized an enclosure addressed to the Board of Supervisors, Stanislaus County, relative to the need of wiping out puncture vine and other weeds in the County.

Mayor Hammond stated that the policy established by the City for training safety personnel was aimed at broadening the skill of the police and fire personnel and was not a matter of integration.

The letters were ordered filed.

COMMUNICATIONS CENTER

With the unanimous consent of the Council, Robert Mason, Director of Communications, Santa Clara County, a specialist in this field, reported on this matter. He stressed the importance of radio communications as related to the police and fire departments, and local government radio systems, because of the tremendous population growth in California. He stated that Modesto has three different radio systems in the city structure: fire, police, and local government. Each system is operated as a separate entity and without coordination. The Gamewell fire alarm board has been installed at its present location since 1939 and although it has served well, serious attention might be given to another type which not only reports the location if someone just knocks the telephone off the hook on the box on the corner, but also allows the party reporting the activity to report that it is not a fire alarm turned in, but perhaps a request for an ambulance. Mr. Mason stated that he mentioned the fire alarm board along with other communications because of the number of deficiency points levied against the City by the Board of Fire Underwriters by reason of its age and inadequacy.

At the present time, the City is not on a point to point statewide radio system but is receiving service from the sheriff's office and there is no present plan to make a change; however, this might be something to consider in the future. The controls of the manually operated pumps which require constant attendance can be changed, brought up to date and modernized through automation. The proposed central communications facilities could also serve as a

clearing point for decentralized city activities--such as at the sewage treatment plant. The sewer plant operator, who works by himself under such conditions that difficulties with obnoxious gases might occur, could report in to the communications center at regular intervals in a manner similar to a watchman checking in.

Mr. Mason stated a conglomeration of private alarm systems are being provided by contractor-type alarm companies, the American District Telegraph, the notifier system, and burglar alarms. At the present time they are scattered and not in any pattern which lends itself to an effective or efficient type of operation.

Mr. Mason stated that he could see nothing wrong at this point with the proposed location of the communications center adjacent to the fire facility. The radio equipment (transmitters and receivers) seems to be modern and up to date. The base station sets are satisfactory. The philosophy is to tie together the various elements of City government with radio communications to increase effectiveness without increasing the cost of operation to gain this degree of effectiveness. He stated that from reports he has read, the staff has progressed to a point now where a policy decision should be made as to whether or not the City will proceed to build a communications center. Without this decision, the staff cannot get down to any specific details. If a decision is made to proceed, an evaluation should be made and a list prepared of all the equipment on hand, and a list prepared of the operational items that will be needed. The Council can then decide what functions should be included in this program.

If federal or civil defense matching money is contemplated, qualifying building requirements would have to be considered. Because of the proximity of Santa Clara County to what is considered a primary target area, San Francisco, the Bay Area and Sacramento, federal specifications required 15-foot concrete walls, 15 feet of crushed rock on the roof, and all of it underground. He stated that Modesto might be considered too remote from the primary target area for the above requirements to apply.

Mayor Hammond asked that discussion be withheld on this matter until it came up later under the capital improvement program.

INFORMAL HEARING ON CURBS AND GUTTERS, HACKBERRY AVENUE 4-58

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for the hearing of this matter.

Director of Public Works Ray stated that the premises were posted on June 24, 1960, in accordance with Resolution No. 60-222 adopted by the Council on June 22, 1960, requiring the owner to complete the work in 60 days. No written or oral protests were received. Mayor Hammond declared the hearing closed.

RESOLUTION NO. 60-257

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 715 ON HACKBERRY AVENUE)

Introduced by VanderWall Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

FURTHER CONSIDERATION OF IMPROVEMENT DISTRICT PROCEEDINGS IN
SUBDIVISION DEVELOPMENT

With the unanimous consent of the Council, this matter was brought up for discussion by the City Manager.

The City Manager read a letter from Eugene K. Sturgis, special bond counsel for the City of Modesto, dated July 14, 1960, which stated he was reluctant to go ahead with actual preparation of proceedings in this matter if there appeared to be reasonable likelihood that the Council would not endorse by the necessary four-fifths vote the finding of public convenience and necessity.

The City Manager stated that he had talked with Mr. Sturgis over the telephone a short time prior to the meeting and discussed the fact that the vote at the previous Council meeting was not on the question of the district, but whether or not to amend the ordinance. He asked if the fact that it was decided not to amend the ordinance meant that the staff could go ahead on the basis that if the proceedings are in order, they will be approved.

Mayor Hammond stated that he was disturbed by the feeling that the improvement district is being set up primarily as a means of assisting a depressed condition, financing or lack of sufficient interest in developing a subdivision that meets a community's needs. Another disturbing factor is the fact that the obligation for paying off the indebtedness rests with the land. The City has no responsibility for liquidating the indebtedness, nor have the promoters. It was his opinion that this type of financing does not fit in with the needs of the community.

City Attorney Grimes stated that this procedure is not designed to handle any distress situation in the development of subdivisions, but is part of the Improvement Act of 1911 and has been in effect since 1911. There is no philosophical difference in the use of this procedure in a subdivision than there is in using it in a number of subdivided lots. The only difference is that in the development of a subdivision individually owned, there is only one owner and in the other situation the lots are in separate ownership.

The matter was generally discussed by the Council.

Councilman Knoles stated that Mr. Sturgis' letter implied that because two members voted against the motion that no action be taken to change the Code in this matter last week, he being one of them, that he would not vote for a matter of public convenience and necessity under that ordinance. He stated that this was not true.

MOTION

That no action be taken at this time relative to Mr. Sturgis' letter.

Moved by Spaulding Seconded by Arata Unanimously carried

ORDINANCE ESTABLISHING TELEPHONE PERMIT SYSTEM FOR PLUMBING AND
ELECTRICAL PERMITS 5-72

ORDINANCE NO. 400-C.S. entitled,

Page 5 7-20-60

"AN ORDINANCE ADDING SECTION 9-2.09.1 TO CHAPTER 2 OF TITLE IX AND SECTION 9-3.213 TO ARTICLE 2 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO TELEPHONE PERMIT SYSTEM"

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

Moved by Adams Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

REPORT ON DEL ESTE WATER COMPANY FRANCHISE 5-90

The City Manager reviewed the proposed franchise with the Del Este Water Company. The proposed franchise provides for an effective date of January 1, 1958, and a payment of 1% franchise fees during that year, and 2% commencing January 1, 1959, and continuing thereafter. The proposed franchise runs for 20 years and at that point and every ten years thereafter comes up for reconsideration.

The City Manager recommended approval.

RESOLUTION NO. 60-258

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CONSIDER THE APPLICATION OF THE DEL ESTE WATER COMPANY FOR A FRANCHISE TO OPERATE A WATER SYSTEM WITHIN THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR A HEARING ON SAID APPLICATION

Moved by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

The hearing was set for August 10, 1960 at 8:00 P.M.

REPORT ON COST OF INSTALLATION OF WATER LINE IN VILLAGE PARK SUB-DIVISION 5-115

The City Manager reviewed a report prepared by Director of Public Works Ray, dated July 12, 1960. The total cost was \$984.60, 13% below the estimate for installation by city forces.

FURTHER CONSIDERATION OF RATES ESTABLISHED BY STANISLAUS COUNTY FOR CARE OF CITY PRISONERS AND RELATED MATTERS 5-120

The City Manager reported that the City is charging the County a very nominal fee for sewer service which, if charged on the regular basis, would be a substantial amount. County departments affected are the County Hospital, Health Department, County Administrative Building and the Courts Building.

MOTION

That the County be advised that the City wishes to reconsider the charges made for sewer services to the County.

Moved by Knoles Seconded by Spaulding Unanimously carried

Councilman Adams requested a report on the fees charged the County as compared to regular sewer charges.

REPORT ON APPLICATION OF TUOLUMNE COUNTY WATER DISTRICT NO. 2
FOR WATER RIGHTS ON TUOLUMNE RIVER 6-12

The City Manager reported that the M.I.D. has advised him that it has withdrawn its protest to the application of Tuolumne County Water District No. 2 for water rights on the Tuolumne River. The original application has been withdrawn; instead of 1250 cubic ft. per second, Tuolumne County Water District No. 2 is requesting 1 cubic ft. per second, and neither the M.I.D. nor the City is objecting or protesting to this. The Tuolumne County Water District No. 2 has also filed an application with the State Water Rights Board for 117,000 acre feet of water. The location or the purpose is not known. This will be checked further and report made to the Council.

The City Manager stated that it was extremely important to make it clear to all concerned that the City does have an interest in these waters and legal rights to substantial amounts to assure an adequate long term water supply for the City.

RESOLUTION NO. 60-259

A RESOLUTION SETTING FORTH THE POSITION OF THE CITY OF MODESTO
ON WATER RIGHTS

Introduced by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Hammond
Noes: None Absent: None

REQUEST FOR REFUND OF BUSINESS LICENSE 6-45

The City Manager reported that Seed Research Specialists, Inc., submitted a request on June 30, 1960, for a refund of \$889.33 for business license tax paid erroneously during the quarters ending March 31, June 30, September 30 and December 31, 1959, and March 31, 1960. This firm was originally classified as a "Commission Broker" but was actually a "Wholesaler & Processor". The request for refund has been audited and found to be correct.

RESOLUTION NO. 60-260

A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF THE OVERPAYMENT OF
BUSINESS LICENSE FEE, AS COMPUTED BY THE DIRECTOR OF FINANCE, TO
SEED RESEARCH SPECIALISTS, INC., FOR THE QUARTERS OF MARCH 31, 1959
THROUGH MARCH 31, 1960

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Hammond
Noes: None Absent: None

FURTHER CONSIDERATION OF THE CAPITAL IMPROVEMENT PROGRAM 6-80

The City Manager submitted a summary prepared by the staff and recommended that the matter be placed on the agenda the following week to allow the Council time to study the report.

There were no objections by the Council.

CONSIDER RESOLUTION REQUIRING THE CONSTRUCTION OF CURB AND GUTTER
AT THE FOLLOWING LOCATIONS 6-65

The City Manager reported that informal requests for installation of curbs and gutters had been sent to the following owners of record over 30 days ago and recommended that the Superintendent of Streets be authorized to post the properties involved:

1007 College - Block 824, Portion of
926 Magnolia - Block 726, Portion Lot 8, all of 9 & 10
206 Madera - Block 317, Lots 36 and 37
Severin - Block 2125, Lot 15
1302 Robles - Block 2060, Lot 26
418 Melrose - Block 591, Lots 45 and 46

RESOLUTION NO. 60-261

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 Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond
Noes: None Absent: None

The time and date of August 3, 1960, at 4:30 P.M. was set for the hearing of objections or protests.

PROPOSAL FOR REVIEW AND PERFORMANCE EVALUATION OF CITY OPERATIONS
6-102

The City Manager stated that a special staff meeting had been held this morning to discuss this matter. It is his belief that there is not a single area of operation that cannot be improved. Department heads have been requested to submit a report indicating what has been done in each department during the last year to improve operations, and citing specific operational areas being studied for future improvement. These reports will be submitted to the Council. He stated that the staff would welcome the Council's suggestions and comments.

FURTHER REPORT ON MATTERS RAISED AT BUDGET REVIEW 7-25

Director of Finance Bird reported that the preliminary budget has been revised in accordance with the action of the Council, and resultant changes shown in the estimated available balances on page 3 of the preliminary budget, as follows:

Special gas tax street improvement fund:	From \$91,000 to \$126,363
Parking Fund	" 40,000 to 35,296
McHenry Library Capital Outlay fund	" 25,000 to 30,386
Parks & Recreation Facilities	" 10,000 to 24,919
1953 Sewer Improvement Bonds Fund	" 110,000 to 94,271

A report submitted by the Director of Finance indicated a total reserve of \$147,370, of this \$20,000 is in the contingency reserve and the balance in the general reserve.

MOTION

That the suggested changes to amend the preliminary budget be approved.

Moved by Martin Seconded by Spaulding Unanimously carried

ORDINANCE NO. 401-C.S. entitled,

"AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1961, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS"

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

Moved by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

ORDINANCE SETTING 1960-61 TAX RATE 7-60

The City Manager suggested that this matter be held over pending receipt of the utility assessment roll.

There were no objections by the Council.

CONSIDER ABANDONMENT OF ALLEY IN MARIA COURT 7-62

The City Manager stated that the Planning Commission by Resolution No. 613, recommends the vacation and abandonment of a portion of an alley extending from Maria Court eastward to the alley between Maria Court and San Juan Ave.

The matter was referred to the staff for handling in accordance with usual procedure.

REQUEST BY JOHN C. SMITH, 1609 DEL MONTE, TO CLOSE ALLEY LOCATED BETWEEN THE PROPERTIES OF 1605 AND 1609 DEL MONTE AVE. 7-65

The City Clerk read a letter from Mr. Smith, which requested that the alley located between the properties of 1605 and 1609 Del Monte Avenue be closed. His property at 1609 Del Monte is so located that he has to drive up the alley to gain entrance to his home. He stated the alley is extremely dusty and is constantly used by garbage and garden refuse pickup trucks instead of another alley which could be used for entry and exit.

The matter was referred to the staff for action.

RESOLUTION APPROVING MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS 7-92

RESOLUTION NO. 60-262

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING BUDGET AND APPROVING MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

REPORT ON COUNTY CHARGE FOR STRUCTURAL FIRE PROTECTION AS IT
 RELATES TO THE CITY OF MODESTO 7-100

This matter was carried over.

LETTER FROM ATTORNEY DOUGLAS M. SUTTER RE: SEWER SERVICE TO
 34 ACRES WEST OF PRESCOTT ROAD AND NORTH OF M.I.D. LATERAL
 NO. 2 7-102

The City Clerk read a letter from Douglas M. Sutter of the law firm of Sutter & Douglas, stating that on April 27, 1960, Lance Ellis petitioned the Council to provide sewer service to 74 acres of his property west of Carver Road and north of M.I.D. Lateral No. 3. Based on a report of the Director of Public Works, the Council directed the staff to proceed to serve the area bounded on the west by Prescott Road and the north by Rumble Road. The developers of the 34 acres to the west of Prescott Road desire to have their land served by the City sewer system and are willing to pay any additional costs which may be necessary to connect to the city system. A Development Plan, Location Plan and Utility Analysis prepared by Roy E. Fredricksen, Civil Engineer, were attached to the letter.

The City Manager stated that this was the second of three applications received for sewer service in this area and suggested that all three be presented and considered by the Council at the same time. There were no objections by the Council.

LETTER FROM THE MODESTO ENTERPRISES, INC., RE: SEWER AND WATER
 SERVICE TO PROPERTY LOCATED EAST OF U.S. HIGHWAY 99 AND NORTH OF
 M.I.D. LATERAL NO. 3 7-115

A letter from Modesto Enterprises, Inc., was read by the City Clerk. This corporation owns approximately 13 acres of land adjacent to U.S. Highway 99 almost opposite the intersection of Highway 99 with Shoemake Ave. Efforts are now being made to develop the property in the near future for commercial uses which will require sewer and water services. It was requested that a determination be made by the City as to whether the City is in a position to furnish sewer and water services to this property.

The City Attorney stated that he has a personal pecuniary interest in this property and asked to be excused from participating in the discussion or making any legal ruling in connection with this particular matter. He stated that a member of the Board of Directors of the corporation was in the audience in the event the Council cared to ask any questions.

LETTER FROM REV. ROY BLAKELY RE: HOME FOR SENIOR CITIZENS ON THE
 SOUTHEAST CORNER OF TULLY ROAD AT WOODROW, AND POSSIBLE SEWER
 SERVICE 7-30

This letter was read by the City Clerk earlier in the meeting and discussion deferred so that the three items could be discussed by the Council at one time.

James P. Mower, Attorney, spoke in behalf of Modesto Neighborhood Church. He outlined briefly the plan to establish a home for senior citizens at the corner of Woodrow Ave. and Tully Road. Application has been made for FHA financing, and this apparently will be available if sewer service is made available by the City. Mr. Mower showed the Council an architectural plat of the proposed housing. He stated that he and Rev. Blakely had met with the City Manager and Director of Public Works and were informed that there was a sewer capacity problem. He stated that the church is willing to work along with the Council and the staff and is willing to assist in the costs that may be involved to a reasonable extent.

Director of Public Works Ray indicated on a map the three areas requesting sewer service and indicated the boundaries of the areas served by the city sewer system. He stated that there is no capacity available in the system on Tully Avenue north of Briggsmore to go beyond the point already being served, and he is not willing to recommend overloading the system to the detriment of others regardless of how worthy the cause may be. He suggested that a study be made of the capacity of the City's trunk system south of this point. He stated that he was not sure that there will be any capacity in the trunk system south, or downstream from Briggsmore and Tully, but knows definitely that there is none above that point. Various alternatives for serving the area were discussed by the Director of Public Works.

Douglas Sutter, Attorney, representing the developers of 34 acres to the west of Prescott Road, spoke from the audience. He discussed the 304 acre parcel of land lying between Prescott on the west, Carver on the right, with Rumble Road at the northern boundary. Lance Ellis petitioned the Council to provide sewer service to 74 acres of this area, and he understood that a request has been made for annexation of 60 additional acres for subdivision purposes. If this is true and these are the only immediate demands, it would appear that of the 304 acres encompassed in the tract, sewer service has been specifically requested for some 134 acres of subdivision property which would take some time to fully develop. There would then remain sewer service capacity for 170 acres if the previous report to the Council was accurate. He suggested that the question appeared to be: Should the immediate needs of those who now wish to develop land to the west of Prescott be served, at the sacrifice of the extreme northern portion of that rectangular area, or should the decision be retained to consider Prescott as the extreme western boundary and make no provision for sewage to the property west of that. He hoped that the needs of those who are presently prepared to go ahead with the development of this property adjacent to Prescott would be considered along with the undetermined needs of the northern part of that area, so that the advantages offered to the city by present development will be realized.

The matter was referred to the staff for study and report to the Council.

CITY HALL MATTERS 9-105

None

APPROPRIATION TRANSFERS

None

REPORTS FROM THE PLANNING COMMISSION

None

MATTERS FOR THE GOOD OF THE COMMUNITY 9-110

George Gagos, President, Junior Chamber of Commerce, addressed the Council and reported that members of this organization plan to take an active part in city government, and to attend as many meetings of the Council and Board of Supervisors as possible in order to keep the organization better informed on civic matters.

REPORT ON ROSE AVENUE WATER LINE INSTALLATION AND OTHERS 9-115

The City Manager submitted a written report to the Council members. The matter was referred to the Water Committee, Councilmen Adams, Knoles and Spaulding, for study and report back to the Council.

The Director of Public Works stated that matters other than the Rose Avenue water line installation were included in the report.

REPORT ON ANALYSIS OF POSSIBLE IMPROVEMENT OF NEECE DRIVE

This matter was held over.

REPORT ON LOCOMOTIVE INSTALLATION IN CHILDRENS' PARK 10-5

The City Manager reported that difficulties had been encountered in moving the locomotive to Childrens' Park. He requested that authorization be granted to extend the closing of Morton Boulevard through July 27, 1960.

RESOLUTION NO. 60-263

A RESOLUTION AUTHORIZING THE CLOSING OF MORTON BOULEVARD FOR AN ADDITIONAL PERIOD THROUGH JULY 27, 1960 IN ORDER TO COMPLETE THE INSTALLATION OF LOCOMOTIVE IN THE CHILDRENS' PARK AT BEARD BROOK PARK

Introduced by Martin Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CONSIDER RESOLUTION ESTABLISHING JULY 30 AS MODESTO CHILDRENS' PARK DAY 10-15

RESOLUTION NO. 60-264

A RESOLUTION ESTABLISHING SATURDAY, JULY 30, 1960, AS CHILDRENS' PARK DAY IN MODESTO

Introduced by Martin Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Hammond
 Noes: None Absent: None

QUARTERLY REPORT BY THE CHAMBER OF COMMERCE 10-30

The report was presented to the Council and ordered filed.

ADJOURNMENT

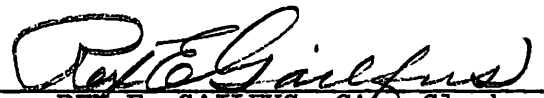
MOTION

That the meeting now in session be adjourned.

Moved by Spaulding Seconded by VanderWall Unanimously carried

The meeting adjourned at 6:17 P.M.

ATTEST:



REX E. GALLFUS, 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: Adams, Arata, Knoles, VanderWall, Mayor Hammond

Councilman Martin arrived at 8:00 P.M.

Councilman Spaulding arrived at 8:07 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

Council members having received copies of the minutes of the Council meetings of June 15 and adjourned meeting of June 28, and special meetings of June 16, June 28 and July 5, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM C. A. ROOKER, MANAGER OF STANISLAUS IMPLEMENT AND
HARDWARE CO. RE: "REPORT TO THE PEOPLE 1960" 1-20

A letter from Mr. Rooker was read by the City Clerk which commended the City for the excellent annual report distributed.

The letter was ordered filed.

LETTER FROM THOMAS J. KELLEY, MORSE BOULGER, INC., RE: MUNICIPAL
INCINERATION 1-25

A letter from Mr. Kelley was read by the City Clerk offering preliminary incineration information. A brochure, "New Incinerator Gives Complete Fly-Ash Control" was enclosed and passed to the Council.

The letter was referred to the staff for review. Mayor Hammond stated that a file of information regarding such methods of disposal should be gathered for possible future use.

COMMUNICATION FROM STATE DIVISION OF HIGHWAYS RE: MAJOR CITY STREETS -
A GUIDE FOR DELETION OR ADDITION OF STREETS 1-40

The City Manager reviewed the circular letter, No. 60-183, dated June 22, 1960, pertaining to the basis on which major city streets are designated for improvement financed by gas tax funds.

The letter was referred to the staff to be used as a guide.

LETTER FROM MODESTO MERCHANTS ASSOCIATION REGARDING MARKING OF BUS
STOPS

The City Clerk read a letter from Modesto Retail Merchants Association concerning regulations for city bus stops, stating that it would like to see the red curbs in the exclusive bus zones downtown changed as follows:

1. Sign post the zones as to effective time with wording such as "No Stopping, 6 A.M. - 6 P.M., Bus Zone, Except Sunday".
2. Mark off the zones with wide white lines indicating the outline of the zone. Avoid the painting of the words "Bus Zone" on the pavement, and thereby allow nighttime parking in the 21 spaces presently reserved exclusively for buses.

LETTER FROM WILLIS M. KLEINENBROICH, OWNER OF MODESTO MOTOR BUS SERVICE 2-72

The City Clerk read a letter from Mr. Kleinenbroich stating that the red curb posted bus zones have been satisfactory to his bus service.

W. R. Thomsen, representing the Modesto Motor Bus Service, spoke from the audience. He stated that the company is agreeable to the elimination of the red curb posted bus zones, but requests that the words "bus zone" be painted in the street to prohibit extended parking in the zones. Bus drivers are scheduled for short stops requiring seconds only, and a disruption of schedules would occur if a car happened to be parked in the bus zone. He did not feel that a sign on a pole would be sufficient.

The City Manager suggested that it would not be reasonable to paint "bus zone" in an area that would not be used as a bus zone all of the time, since this would deter parking at times when parking actually was permissible. He recommended that regular metal signs be placed indicating the bus zone areas.

Director of Parking and Traffic Carmody stated that the metal signs are approximately 12" by 18". He pointed out that the stencils required for the painting of "bus zone" would cost \$300. These could possibly be borrowed from another city. He recommended that the signs be placed indicating that the area is a bus zone from 6:00 A.M. to 6:00 P.M.; if it does not work out satisfactorily, then consider buying the stencils and paint "bus zone" on the pavement. The zoned area would be blocked out with a six-inch white line.

The matter was discussed by the Council.

MOTION

That the red paint be removed from the curb and metal signs installed as outlined by the staff.

Moved by Arata Seconded by VanderWall Unanimously carried

COMMUNICATION FROM THE PUBLIC UTILITIES COMMISSION RE: RAILROAD GRADE SEPARATION LISTS 2-30

The City Manager briefly reviewed the letter which called attention to the standards under which cities are eligible for grade separations. He stated that there appeared to be no basis upon which the City would qualify for any assistance this year.

The letter was referred to the staff for guidance.

CONSIDER AWARD OF BID FOR WATER MAINS IN QUARESMA HOMES, UNIT NO. 2
2-35

The City Manager reported that one bid in the amount of \$1,864 was received from George Reed. The engineer's estimate was \$861.

RESOLUTION NO. 60-265

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN QUARESMA HOMES, UNIT II

Introduced by VanderWall Seconded by Adams
Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin, Spaulding

CONSIDER AWARD OF BID FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN
TULLY AVENUE AND ALLEY EAST OF ALOHA WAY 2-45

The City Manager stated that four bids were received, the one low bid being submitted by George Reed for \$42,462.50, well below the engineer's estimate of \$48,336.00.

RESOLUTION NO. 60-266

A RESOLUTION ACCEPTING THE BID OF GEORGE REED IN THE SUM OF \$42,462.50 FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN TULLY AVENUE AND ALLEY EAST OF ALOHA WAY

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin, Spaulding

CONSIDER AWARD OF BID FOR IMPROVEMENT OF GRANGER AVENUE BETWEEN
TWSRR & FLORIDA AVENUE 2-50

The City Attorney said that the deed for the right-of-way appeared to be in order. The low bid was submitted by Munn & Perkins in the amount of \$20,479.75. It was recommended that the bid be awarded.

RESOLUTION NO. 60-267

A RESOLUTION ACCEPTING THE BID OF MUNN AND PERKINS IN THE SUM OF \$20,479.95 FOR IMPROVEMENT OF GRANGER AVENUE BETWEEN TWSRR AND FLORIDA AVENUE

Introduced by Knoles Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

CONSIDER AWARD OF BID FOR IMPROVEMENT OF A PORTION OF "G" STREET
AND 14TH STREET 2-55

The City Manager reported that the low bid was over the engineer's estimate and clearance was therefore necessary by the State. The matter was held over pending clearance.

ORDINANCE PROHIBITING PARKING OF PRIVATE VEHICLES IN TAXICAB STANDS

The City Manager stated that the Police Department has brought to his attention the fact that there is no specific provision in the Code prohibiting the parking of private vehicles in a taxicab zone. An ordinance has been drafted which prohibits parking or stopping in taxi stands. He stated that some time ago the Council made a special provision authorizing use of the taxi stand in front of the Greyhound Bus Depot for loading and unloading of passengers from private cars. He stated that direction was needed from the Council as to whether this provision should be incorporated in this ordinance.

The matter was generally discussed by the Council.

MOTION

That the proposed ordinance be amended making it unlawful for any person to stop, stand or park a motor vehicle other than a taxicab in a designated taxicab stand except at the stand located in front of the Greyhound Bus Depot, which shall be used jointly as a taxicab stand and passenger loading zone.

Moved by Adams Seconded by VanderWall Unanimously carried

ORDINANCE AMENDING THE CITY CODE ESTABLISHING CAB STAND FEES AND PENALTIES 3-70

The City Attorney stated that this provision also had been drafted for consideration as part of the taxi regulations, and that both this and the provision regarding parking in taxi zones would be incorporated in one ordinance. The matter was held over until the following meeting.

FINAL ADOPTION OF ORDINANCE NO. 400-C.S., TELEPHONE PERMIT SYSTEM

ORDINANCE NO. 400-C.S. entitled

"AN ORDINANCE ADDING SECTION 9-2.09.1 TO CHAPTER 2 OF TITLE IX AND SECTION 9-3.213 TO ARTICLE 2 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO TELEPHONE PERMIT SYSTEM"

introduced on July 20, 1960, and having been printed and published as required by the Charter, and coming on for final consideration was moved and adopted.

Moved by Adams Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT ON SUGGESTION THAT THE CITY FURNISH SWEEPSTAKES TROPHY FOR 4TH OF JULY CELEBRATION 3-75

The City Manager reported that in accordance with a directive from the Council, check has been made on the possibility of the City awarding a sweepstakes trophy for the 4th of July celebration. A permanent trophy would cost \$55.00 and would be purchased just once, the winner's name being added each year. The small trophy, which would be awarded to the winning group, would cost \$18.50 and would have to be replaced each year.

MOTION

That the staff be authorized to proceed on the basis of the City furnishing a trophy for the 4th of July Celebration.

Moved by VanderWall Seconded by Knoles Unanimously carried

Page 4 7-27-60

RESOLUTION ON CHILDREN'S PARK - BEARD BROOK 3-100

RESOLUTION NO. 60-268

A RESOLUTION COMMENDING THE CIVIC AND SERVICE CLUBS, AND THE INDIVIDUALS WHO CONTRIBUTED TO THE DEVELOPMENT OF THE MODESTO CHILDREN'S PARK

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

CONSIDER RELEASE OF IMPROVEMENT BOND - WALNUT GROVE SUBDIVISION 3-120

The City Manager stated that the work has been completed. A 30-foot commercial alley separates the residential and commercial areas. Although not a condition of the agreement, the subdivider requested permission to erect and has erected a six-foot fence along the residential side of the alley.

RESOLUTION NO. 60-269

A RESOLUTION AUTHORIZING THE RELEASE OF GREAT AMERICAN INDEMNITY COMPANY SUBDIVISION BOND FILED BY DANA DEVELOPMENT ASSOCIATED, INC., TO GUARANTEE IMPROVEMENTS IN WALNUT GROVE SUBDIVISION (ELLIOT NAVON)

Introduced by Knoles Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

CLEAR USE OF DEPARTMENTAL SUMMARY OF YEAR'S ACTIVITIES AS ANNUAL ADMINISTRATIVE REPORT 4-42

The City Manager reported that the use of departmental summaries of the year's activities as the annual administrative report is a time and money saving procedure and has been the routine in the past.

MOTION

That departmental summaries of the year's activities be used as the annual administrative report.

Moved by Martin Seconded by Spaulding Unanimously carried

The scope, length and distribution of the monthly activity reports submitted by the staff, and whether necessary to be prepared by the City Attorney's office, was generally discussed by the Council.

MOTION

That the matter be referred to the Public Relations Committee for review and report to the Council.

Moved by VanderWall Seconded by Knoles Unanimously carried

CONSIDER IBM AGREEMENT FOR INSTALLATION AND SERVICE OF IBM EQUIPMENT PROPOSED TO BE RENTED BY THE FINANCE AND POLICE DEPARTMENTS 5-5

The City Manager reported that this item is included in the budget, with one proposed change.

Director of Finance Bird stated that the agreement covers IBM equipment to be used by the Finance and Police Departments. The change entails a counter for the sorter for police statistical work, and will be a time saver from the standpoint of clerical work.

Chief Bowers stated that the Police Department proposed in its original budget that the Police Department have a sorter and a key punch until it learned that the Finance Department was also requesting IBM equipment, and there was no reason why the sorter could not be used by the Police Department after hours. The counter would eliminate counting the cards in each of the twelve pockets. The additional cost would be \$30 per month.

RESOLUTION NO. 60-270

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND INTERNATIONAL BUSINESS MACHINES CORPORATION FOR INSTALLATION AND SERVICE OF IBM EQUIPMENT TO BE RENTED BY THE FINANCE AND POLICE DEPARTMENTS

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

FURTHER CONSIDERATION OF THE CAPITAL IMPROVEMENT PROGRAM 5-45

A report entitled "Capital Improvement Program, Proposed Allocations by Funds", dated July 21, 1960, prepared by the Director of Finance, was presented to the Council.

The City Manager reported that the only proposals for land acquisition as recommended by the Planning Commission are for the corporation yard site, the police building, and one major park site. The Planning Commission recommended, and the City Manager concurred, that as the City acquires additional park sites, it be made clear that it is the policy of the City not to develop them until they are necessary to serve the area. The Planning Commission also recommended that a program be set up under which the people in these newer areas would provide for the park development themselves.

Concerning building needs, the Planning Commission recommended for priority the construction of the communications center and preliminary plans for the police building.

Special Gas Tax Street Improvement Fund, Page 4 of Report

The City Manager stated that these projects have been approved, are under agreement with the state, and will be paid entirely from gas tax funds. This money has been placed in the gas tax street improvement fund reserve and the appropriate amounts should be transferred from the reserve to the projects for which contracts are to be awarded: Granger Ave., from Tully to McHenry, and Briggsmore Ave., Tully to Aloha Way.

RESOLUTION NO. 60-271

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR STREET IMPROVEMENTS (GRANGER AND BRIGGSMORE AVENUES)

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Hammond
 Nocs: None Absent: None

Parking Fund, Page 5 of Report 5-125

The City Manager stated that the first three items, 11th St. Garage, 9th St. Lot Expansion, and Present Lot Development are in the budget and no action is required at this point.

McHenry Library Capital Outlay, Page 6 of Report 6-1

The City Manager reported that the only project listed covers work to be done on the lot next to McHenry Library. Precise amounts have not yet been cleared.

Municipal Airport Gas Tax Fund, Page 7 of Report

The City Manager recommended that the entire amount be left in the reserve.

Airport Development Fund, Page 8 of Report

The City Manager reported that it was necessary to have available the City's share of the contribution, and also the County's share, for the construction of the control tower. The City's share is provided in the budget.

Park and Recreation Facilities, Page 9 of Report

The City Manager reported that two projects have been carried over from last year, the acquisition of park sites in the Sylvan School and LaLoma areas. Both are budgeted. He proposed that if the Council wished to make the improvements recommended by the Planning Commission in regard to Roosevelt Park and Whitmore Park, the money required could be taken from this fund.

Sewer Improvement Fund, Page 10 of Report

The City Manager stated that this money is available from bond money. It is budgeted as indicated on the report.

General Fund, Page 11 of Report

The three water improvement items listed are budgeted in the General Fund.

Special Fund for Capital Outlay, Pages 1, 2 and 3 of Report

Land Acquisition Requirements

The City Manager stated that \$125,000 has been proposed to be made available for preliminary studies for the police building and for the preparation of final plans and the construction of the communications center. A portion would be for the acquisition of the site that would ultimately service both the communications center and the police building.

Mayor Hammond suggested adding \$45,000 to the \$10,000 previously approved in the 1960-61 budget to allow plenty of leeway to go ahead with the communications center and site acquisition projects, including architectural and engineering help.

MOTION

That \$45,000 be allocated for the Communications Center and police building site in addition to the \$10,000 already allocated, total \$55,000.

Moved by Knoles Seconded by Adams Unanimously carried

Corporation Yard Site

The City Manager stated that \$90,000 has been proposed for acquisition of a site, although the specific site has not yet been selected. A report will be presented to the Council shortly. He stated that the acquisition of this site is urgent, and that \$90,000 will not be sufficient. He recommended that a reserve be established for this purpose.

MOTION

That \$90,000 be allocated for the Corporation Yard Site.

Moved by Knoles Seconded by Adams Unanimously carried

Downey High School Area Park Site Acquisition, Page 2 of Report

The City Manager stated that this land is available and an immediate decision is needed as to whether the Council wishes to proceed with the acquisition. If not wanted by the City, the owner will subdivide.

Answering a question by Councilman Martin, the City Manager stated that park sites adjacent to schools have been extremely satisfactory to both the schools and the City. This park would serve three schools which have no park now. This park is recommended in the general plan as a community type park and would take the place of three normal sized parks. Approximately 15 acres are available.

MOTION

That \$70,000 be allocated for the acquisition of Downey High School Area Park site.

Moved by Adams Seconded by Spaulding Unanimously carried

Third Swimming Pool, Page 2 of Report

The City Manager reported that the schools have indicated a willingness to share the cost of this project. He recommended that \$35,000 be allocated for construction of the swimming pool at M.J.C.

MOTION

That \$35,000 be allocated for the M.J.C. swimming pool.

Moved by Martin Seconded by VanderWall Unanimously carried

Street Improvements, Page 2 of Report

The City Manager stated that the Council had decided not to improve Norwegian Avenue this fiscal year. This item was removed from the list.

Traffic Signals, 12th & Needham, Page 2 of Report

The City Manager reported that this item has been approved by the Council and the staff has proceeded accordingly.

Traffic Signals, Coldwell and 99, Page 2 of Report

As yet, there is no formal agreement on this matter.

Finance Accounting Machine, Page 2 of Report

This item was removed from the list. Rental of IBM equipment makes this machine unnecessary.

Traffic Signals, Page 1 of Report

The City Manager stated that all of the traffic signal items and the turn signals at 7th & B, marked with asterisks, are in the budget, and recommended that these funds be transferred to appropriate accounts.

MOTION

That all of the traffic signal items and the turn signals at 7th & B marked with asterisks (page 1 of Report), and the traffic signals at 12th and Needham and Coldwell and 99, listed on Page 2 of report, be transferred to appropriate accounts.

Moved by Spaulding Seconded by Knoles Unanimously carried

Refuse Disposal Incinerator, Page 1 of Report

This item was removed from the list, since garden refuse is now being disposed of by placing it on agricultural land. The City Manager stated that if for some reason this doesn't work out, the matter will again be before the Council.

Fire Alarm System, Page 1 of Report

The City Manager stated that this is a separate fire alarm item and would be included in the communications center, but the cost of the fire alarm system would be additional. \$55,000 is an estimated cost of installation.

MOTION

That \$55,000 be allocated for the Fire Alarm System.

Moved by VanderWall Seconded by Adams Unanimously carried

Reconstruction Dennett Dam, Page 1 of Report

Mayor Hammond stated that several problems will have to be resolved before this matter can be considered, the most important one being the pollution problem in the river.

Councilman Knoles stated that another problem was the cost-- the County's share is set at 40%, not to exceed \$40,000.

City Hall & Parking Garage, Page 1 of Report

The Director of Finance stated that the \$10,000 is not a precise figure and there are certain pending items that should be appropriated now. The City Manager recommended that this amount be allocated.

MOTION

That \$10,000 be allocated for City Hall & Parking Garage.

Moved by Spaulding Seconded by VanderWall Unanimously carried

Fire Station Site, Kearney & Coldwell Ave., Page 1 of Report

The City Manager stated that this is another land acquisition proposal which was considered last year, but there was not sufficient money. This is a heavy industrial area and would be the site to which the No. 4 station on Coldwell would be moved.

MOTION

That \$15,000 be allocated for a fire site acquisition, Kearney & Coldwell Area.

Moved by Adams Seconded by Spaulding Unanimously carried

Fire Station, McHenry Village, & Fire Engine, 1250 C.P.M.

The City Manager stated that the Council had previously decided not to build the fire station at McHenry Village. No further action was taken.

Golf Course Clubhouse, Page 2 of Report

The City Manager reported that Mr. Abst is working on the plans and has been asked to prepare a sketch which would show a reduced area on the top floor, and advise the staff how it would work out if the clubhouse were built in stages, either the entire first floor first, or just the portion which would include the restrooms and showers; also, a sketch of the entire plan as a one-story building. No further action was taken.

Legion Park Restrooms, Page 2 of Report

The City Manager stated that \$17,250 would complete the replacement of the restrooms. No action was taken.

Kewin Park Improvements, Page 2 of Report

Mary Grogan, Parks & Recreation Department, stated that the \$9,000 was proposed for playground development, completion of the ramp and curb and gutter.

Answering a question asked by Mrs. Leon Lafaille, 1530 College Avenue, Mayor Hammond stated each year an attempt is made to improve all of the parks as much as possible. All are hampered by a lack of money, but progress is being made.

Councilman VanderWall asked if the Parks & Recreation Department had ever worked out a formula as to indicate what portion of park areas should be used for playgrounds.

The City Manager stated that a lot depends on the size of the park, the needs of the neighborhood and the area available. In the area where Kewin Park is located, there is no developed park in that entire portion of town.

Sutter Street Improvement, Page 2 of Report

MOTION

That \$7,000 be allocated for improvement of Sutter Street.

Moved by Spaulding Seconded by Adams Unanimously carried

RESOLUTION NO. 60-272

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by Spaulding Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
Hammond

Noes: None Absent: None

REPORT ON POSSIBLE USE OF H AND I STREETS FOR TRUCK ROUTES 9-60

The City Manager reported that this proposal has been made with the idea of diverting some of the truck traffic off of J Street. The condition of H and I Streets has been checked and it is found that they are not constructed to the standards normally required for truck traffic. There is no regular rock bed and an increase of truck traffic would cause the streets to break down more quickly. He recommended that no change be made.

The matter was generally discussed by the Council.

MOTION

That the matter be dropped.

Moved by Martin Seconded by Spaulding Unanimously carried

The meeting was recessed at 9:40 and reconvened at 9:45 P.M.

FURTHER REPORT ON FIRE PROTECTION PROGRAM 10-50

The City Manager stated the Council has approved money for water lines, which are required for water supply purposes. They are important in fire protection and will give the City valuable points in grading.

Director of Public Works Ray reported that there are five projects involved. The largest and most important is on J Street from 12th to Needham. At the present there is no line there at all. All the lines run through the alleys and cross J Street; all are 4" mains in a commercial area. It is proposed that a 10" main would tie all of those together as it passes through, but would tie into a 16" main on 12th and an 8" main on Needham. It would be a part of a loop system. The estimated cost is \$16,400. The other four projects are small: tie-in of two mains on Cecil Way, a half-block long; tie-in of an 8" main in the vicinity of the block between High and Melrose, just off Scenic Drive; tie-in of the end of an existing 8" main on Burney at Kelly to a 10" main on Grand; connect a 12" and an 8" main on Needham at its intersection with Park Street.

A rough estimate of the total cost of all, including the J Street line, is \$25,000. This includes materials and labor. There would be some hydrant replacements. This would be a continuing type of program and could not be accomplished prior to the fire grading schedule. The cost is usually from \$500 to \$1,000 each, depending upon the location and conditions involved.

The City Manager recommended that the staff be authorized to proceed on this basis.

MOTION

That the staff proceed with the water projects as recommended.

Moved by VanderWall Seconded by Adams Unanimously carried

CONSIDER CHANGING FROM DISGONAL TO PARALLEL PARKING ON "I" STREET
BETWEEN 12TH AND 13TH STREETS 9-85

This block of I Street is 6 feet narrower than other sections of I Street. A report from the Parking and Traffic Officer indicates that there have been seven "unparking" accidents in seventeen months on this one block alone.

The matter was generally discussed by the Council.

MOTION

That the matter be held over for two weeks.

Moved by Adams Seconded by VanderWall Unanimously carried

RESOLUTION APPROVING AGREEMENT FOR MAINTENANCE OF STATE HIGHWAY
ROUTES IN MODESTO 10-10

RESOLUTION NO. 60-273

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS FOR MAINTENANCE OF STATE HIGHWAY ROUTES IN MODESTO

Introduced by Martin Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

CLAIM AGAINST THE CITY OF MODESTO FOR HOLIDAY PAY - C. C. HENSLEY

The City Attorney reported that C. C. Hensley, who retired from the Fire Department on July 1, 1960, has filed a claim against the City for \$1,368.26, plus legal interest from the date due, for 69 holidays for which he claims he has received no compensation.

PARKING AT CITY HALL

The City Manager stated that there were three questions that he would like to clear:

1. Are spaces to be designated for "E" licensed city cars?

The City Manager recommended that the eight parking spaces in the alley be reserved for city use only, and that when these are not

available, the cars be parked in the lot wherever space is available. This matter was generally discussed by the Council.

MOTION

That the eight parking spaces in the alley adjacent to the City Hall be reserved for official city use.

Moved by Spaulding Seconded by VanderWall Unanimously carried

2. Are spaces to be designated for Council, Boards and Commissions members?

MOTION

That members of the Council, Planning Commission, Personnel Commission and Board of Zoning Adjustment be furnished stickers for their cars to allow free parking in the City Hall Parking Lot while on official business.

Moved by Arata Seconded by Spaulding Unanimously carried

MOTION

That the City Attorney and City Clerk be furnished a sticker for their cars to allow free parking in the City Hall Parking Lot while on official business.

Moved by Spaulding Seconded by Knoles Motion carried

3. Are the four spaces that are next to the outdoor court area to be used for parking initially?

The City Manager stated that there were four parking spaces in the court area where cars, when parked, would jut out into the open court. He recommended that these four spaces not be used at the present time. Reserving these spaces for small cars was generally discussed.

MOTION

That the four parking spaces which would allow cars to jut out in the court area not be used.

Moved by Knoles Seconded by VanderWall Unanimously carried

BUTTONS VS. PAINT STRIPING

This matter was carried over.

CONSIDER RELEASE OF CLAIM FOR DEFECTIVE GLASS

The City Attorney reported that a request has been received from the insurance carrier of a subcontractor that an authorized city employee sign a release of claim covering replacement of defective glass in the city hall. He recommended that the Council authorize the City Manager to sign the release of claim on behalf of the City.

MOTION

That the City Manager be authorized to sign the release of claim on behalf of the City.

Moved by VanderWall Seconded by Knoles Unanimously carried

REPORT ON APPLICATION OF GREYHOUND CORPORATION FOR INCREASE IN INTRASTATE EXPRESS CHARGES AND PASSENGER FARES

Referred to the staff for study and further report to the Council.

REPORT ON APPLICATION OF UNITED AIRLINES, INC., FOR AUTHORITY TO MAKE CERTAIN CHANGES IN ITS INTRASTATE PASSENGER FARES

Referred to the staff for study and further report to the Council.

REPORTS FROM THE PLANNING COMMISSION 12-90

None

MATTERS FOR THE GOOD OF THE COMMUNITY

None

REPORT ON ANALYSIS OF POSSIBLE IMPROVEMENT OF NEECE DRIVE

The City Manager stated that this matter has been checked by the staff. Since the major portion of the portion to be improved is in the County, he recommended that the staff be authorized to check with the County to see if a joint project can be worked out for its improvement.

There were no objections by the Council.

REPORT ON LOCOMOTIVE INSTALLATION IN BEARD BROOK PARK

The City Manager reported that the locomotive is now installed in the Children's Park.

NOTICE OF LEAGUE MEETING THURSDAY, JULY 28, 1960 AT 6:30 P.M. AT S.O.S. CLUBHOUSE

The City Manager suggested that as many Council members as possible be present at the City Hall from 5:00 to 6:00 P.M. to welcome visiting guests.

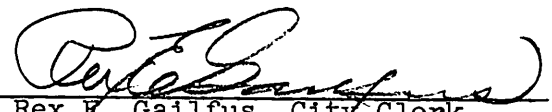
ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting was adjourned at 10:30 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, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Hammond

Absent: Councilmen: Knoles, Spaulding

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

Rev. Dale E. Sherwood gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the Council meeting of June 22, 1960, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM ARCHITECT, WELTON BECKET AND ASSOCIATES, SAN FRANCISCO,
RE: PROPOSED CIVIC AUDITORIUM AND CENTRAL COMMUNICATIONS FACILITY
1-05

A letter from Welton Becket & Associates was read by the City Clerk offering its architectural services in connection with the proposed communications center and civic auditorium. A brochure attached to the letter was shown to the Council.

Wallace V. Cunneen, Jr., a representative of the firm, spoke from the audience. He generally outlined the scope of work done by his organization, and stated that they attempted to tie in local firms, engineers and architects on projects of this type. He distributed additional brochures to the Council.

The letter was referred to the Council Committee on this matter.

LETTER FROM FRANK ANDREWS RE: FACTS ON OUR WATER RIGHTS 1-68

A letter from Frank Andrews commenting on the timely article written by City Manager Miller on our water rights on the Tuolumne River for the press was read by the City Clerk. A clipping entitled "Burlingame Signs Long Water Pact" was attached to the letter.

The letter was ordered filed.

LETTERS REGARDING ASSESSMENTS FOR POSSESSORY INTEREST IN BUILDINGS
AND LAND LEASED FROM THE CITY OF MODESTO AT THE CITY-COUNTY AIRPORT
1-105

Copies of the letters were furnished the Council.

The City Manager stated that this matter had been discussed considerably with the individuals writing the letters. For the first time, certain possessory interests of individuals and firms who rent property from the City have been assessed by the County.

A number of factors are involved:

1. A precise determination is needed of the basis upon which these assessments are made. It was the City Manager's understanding that a possessory interest on a year-to-year basis, and more particularly on a month-to-month basis, does not constitute a basis for the same kind of assessment as it would if the building were owned.
2. The people involved are confronted with an unexpected tax bill which the City did not take into account when the leases were made.
3. Most of them received their bills either immediately before or after the time the hearings on the assessments were closed and were thus unable to formally and legally protest the assessment.

Payments may be made under protest and any rights they may have thus protected. It was the City Manager's opinion that the City should take this into account where the rentals are concerned, as has been done in other cases.

It was Councilman Arata's opinion that if the City received a portion of these taxes it should be given back to the lessees.

By unanimous consent of the Council, the staff was directed to check further with the individuals involved and report back to the Council. The taxes are due at the end of August.

CONSIDER AWARD OF BID FOR IMPROVEMENT OF PORTIONS OF "G" STREET
AND 14TH STREET 2-30

Director of Public Works Ray stated that approval has been received from the State Division of Highways. The low bid for this project exceeded the engineer's estimate. Two projects are involved but will be included in one contract. The low bid was received from M. J. Ruddy & Sons in the amount of \$17,429.85. He recommended that the bid be accepted.

RESOLUTION NO. 60-274

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR UNIT A-
IMPROVEMENT OF "G" STREET BETWEEN SIERRA AND 7TH STREETS AND
UNIT B-IMPROVEMENT OF 14TH STREET BETWEEN "H" AND "J" STREETS

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

ORDINANCE REGULATING TAXICAB OPERATION 2-52

The City Attorney presented a proposed ordinance relating to two separate items, the establishing of a delinquent date for taxicab stand rental fees, and establishing delinquent fee penalties. The other provision makes it unlawful for a person to stop, stand or park any motor vehicle other than a taxicab in a designated taxicab stand, except the stand area on the west side of 10th Street in front of Greyhound Lines Depot, which shall be used as a joint passenger loading zone and taxicab stand.

ORDINANCE NO. 402-C.S. entitled

"AN ORDINANCE ADDING SECTIONS 4-6.801.1, 4-6.801.2 AND 4-6.804 TO ARTICLE 8 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICABS"

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

Moved by Adams Seconded by VanderWall
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

RESOLUTION SETTING DATE FOR HEARING BY THE CITY COUNCIL ON THE RECOMMENDED R-3 ZONING FOR THE Y.M.C.A. ADDITION 2-65

The hearing date was set for August 24, 1960, at 8:00 P.M.

RESOLUTION NO. 60-275

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 (Y.M.C.A.)

Moved by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

CONSIDER ASSIGNMENT OF THE THOMPSON LEASE FOR HANGAR SPACE AT MODESTO CITY-COUNTY AIRPORT 2-73

The City Attorney stated that the original lease agreement for the construction of this hangar provides that permission must be obtained from the City for any assignment and transfer of rights. E. D. Thompson assigned his interest in hangar No. 5 at the airport to Glen Page of Page's Answering Service.

RESOLUTION NO. 60-276

A RESOLUTION APPROVING ASSIGNMENT OF LEASE FOR HANGAR NO. 5 AT MODESTO CITY-COUNTY AIRPORT FROM E. D. THOMPSON TO GLEN D. PAGE, dba PAGE'S TELEPHONE ANSWERING SERVICE

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

REPORT ON APPLICATION OF GREYHOUND CORPORATION FOR INCREASE IN INTRASTATE EXPRESS CHARGES AND PASSENGER FARES 2-82

MOTION

That no action be taken.

Moved by Adams Seconded by Arata Unanimously carried

HEARING ON PROPOSED REQUIREMENT OF CURB AND GUTTER AT THE FOLLOWING LOCATIONS 2-98

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed requirement of curb and gutter at the following locations:

1007 College, Block 824, portion of
 926 Magnolia, Block 726, portion of Lot 8, all of 9 & 10
 206 Madera, Block 317, Lots 36 and 37
 Severin, Block 2125, Lot 15
 1302 Robles, Block 2060, Lot 26
 418 Melrose, Block 591, Lots 45 and 46

Director of Public Works Ray stated that all of the properties involved have been posted. One written protest was received by Mr. Ray from Mrs. Sophie Petrakis, 1007 College Ave., in the form of a note, which stated that she was unable to have this work done at this time because she is under a doctor's care and her income is limited, that when she is able, she will have it done. The Director of Public Works stated that this seemed to be an extreme hardship case and that insofar as drainage is concerned, a lack of curb and gutter at this particular property would not greatly affect the block. This is the only lot in the block where a curb and gutter has not been installed. The estimated cost of the installation is \$100.00.

Mayor Hammond asked if anyone in the audience wished to file an oral protest or make any comments. No protests were filed or comments made. Mayor Hammond declared the hearing closed.

In answer to a question by Councilman Adams as to how long the owners would have to pay for the cost of the installation of curb and gutter, Mr. Ray replied that if the work is performed by the City, it is placed on the next tax assessment roll, payable in two separate installments, in this particular instance, one-half in December, 1961 and the second installment in April, 1962.

RESOLUTION NO. 60-277

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Adams Seconded by Arata
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

FURTHER CONSIDERATION OF THE CAPITAL IMPROVEMENT PROGRAM 3-35

A report, Special Fund for Capital Outlays, Status at 7-28-60, dated July 29, 1960, prepared by the Director of Finance, was presented to the Council.

SPECIAL GAS TAX STREET IMPROVEMENT FUND, PAGE 3 OF REPORT

Director of Finance Bird stated that these projects have been approved by the Council and by the State except Virginia Avenue. State approval is pending. The projects are: Roseburg, Tully to McHenry; Tully Road, 9th to Coldwell; College, Coldwell to Briggsmore; "G" Street, Sierra to 5th and 6th to 7th; 14th Street, H to J; and Virginia Ave.; total projects authorized, \$124,966.

RESOLUTION NO. 60-278

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$124,966 FOR STREET IMPROVEMENTS

Introduced by Martin Seconded by Adams
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

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PARK AND RECREATION FACILITIES FUND, PAGE 4 OF REPORT

The City Manager reported that the Council has authorized the acquisition of the New Sylvan School Area and LaLoma Area park sites, which leaves a balance of \$9,419 in reserve. He stated that \$100 of this fund is needed to complete the installation of curbs and gutters at Garrison Park, which would leave a balance of \$9,319. This amount could be applied against any of the parks and recreation projects listed on page 2 of the report. The Planning Commission has recommended that at least \$55,000 be held in reserve and the City Manager recommended that it not be below \$50,000.

A memorandum, Subject, Cost Breakdown of Proposed Expenditures-Capital Improvement Program 1960-61, prepared by Director of Parks and Recreation Cowie, dated August 2, 1960, was presented to the Council. The proposed capital improvements for the various parks were discussed generally by the Council.

Recreation Superintendent Mary Grogan stated that she has spoken to the Director of Athletics at the Junior College and a plan is being considered to make the tennis courts at the Junior College available to the public during the summer months. The City might be required to furnish the nets during this period. The matter will have to be cleared at the administrative level.

Nelson Mendenhall, 2310 Monte Carlo, representing five parent groups from the various schools in North Central Modesto, spoke briefly on the need for tennis courts at Roosevelt Park. He felt that the courts should be a major consideration, but that other parks should not be deprived of improvements in order to construct the courts at Roosevelt Park.

Director of Finance Bird stated that there were two items carried over from last year which require additional funds, the construction of curbs and gutters at Brookway Park, \$100, and curbs and gutters at Kewin Park, \$200.

MOTION

That money be allocated for the planting of 80 trees at Whitmore Park; paving around the rest room area, and installation of 8 pieces of playground equipment and wading pool at Roosevelt Park; installation of one comfort station and playground equipment at Kewin Park; \$100 for curb and gutter, Brookway Park; \$200 for curb, gutter and sidewalk at Kewin Park.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

DRYDEN PARK MUNICIPAL GOLF COURSE FURTHER DEVELOPMENT, PAGE 2 OF REPORT

No action was taken pending further report on possible alternatives for restroom facilities.

RESOLUTION NO. 60-279

A RESOLUTION APPROVING APPROPRIATION TRANSFERS FOR IMPROVEMENT OF BROOKWAY, KEWIN, WHITMORE AND ROOSEVELT PARKS

Introduced by Martin Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

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RESOLUTION NO. 60-280

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$100 FOR DEVELOPMENT OF GARRISON SCHOOL PARK

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

CONSIDER AGREEMENT WITH NORTHGATE SUBDIVISION DEVELOPERS FOR SHARE IN SUB-TRUNK AND PERIMETER SEWERS 5-25

The Director of Public Works stated that the City's advance of funds would be recovered at least in part in the future when adjacent and joint properties develop, including Y.M.C.A. property on McHenry. A form of letter agreement is usually used in these matters because the cost to the City is less than \$1500. In this instance Council approval is required and he recommended that the City Manager be authorized to sign the agreement.

MOTION

That the City Manager be authorized to sign the letter agreement with Northgate Subdivision Developers.

Moved by Adams Seconded by VanderWall Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 5-45FIRE HAZARD AT SEWER FARM

I. O. McKibbon, 1500 Hatch Road, Tom Hedges, 1537 Hatch Road, John A. Thompson, 1821 Hatch Road, May McKibbon, 1500 Hatch Road, and Joe Rosatti, Hatch Road, from the audience, complained to the Council about the fire at the disposal area and the odors from the sewer plant. The fire started Friday, July 29, 1960, and according to the complainants was still smoldering.

Director of Public Works Ray stated that the origin of the fire was unknown and that it was not started by City employees. About 1/4 of an acre of refuse still remains unburned.

The City Manager pointed out that the City is no longer dumping garden refuse at the site, and that two additional treatment units are being constructed at the sewer plant, which is completion of a plan to help eliminate odors. Much of the unpleasantness at this time of the year is contributed by heavy agricultural and industrial wastes from food processing activity.

Councilman Arata stated that the river is exceptionally low this year and has undoubtedly contributed to the situation.

Mayor Hammond stated that the steps the City is taking will be a great measure of correction to the problem and thanked the people for bringing this matter to the attention of the Council.

FINAL ACCEPTANCE OF GEORGE REED'S CONTRACT FOR CONSTRUCTION OF CURBS AND GUTTERS AT KEWIN, BROOKWAY AND GARRISON PARK 6-75

The City Manager reported that this work had been completed and recommended that the work be accepted, notice of completion recorded, and payments made in accordance with the contract.

RESOLUTION NO. 60-281

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CURB AND GUTTER AND SIDEWALKS IN KEWIN, BROOKWAY AND GARRISON PARKS BY GEORGE REED; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENTS BE MADE ACCORDING TO THE CONTRACT

Introduced by VanderWall Seconded by Martin
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

MATTERS FOR THE GOOD OF THE COMMUNITY 7-83

Locomotive, Children's Park

Frank Andrews reported that a dangerous condition exists at Children's Park because of children climbing the locomotive recently installed there. He asked if the City had adequate insurance coverage for possible accidents.

The City Manager stated that before the park is accepted, a fence will be erected around the locomotive.

Schuyler Hafely, President of the Modesto Children's Park Corp., stated that an 8-foot fence was presently under construction around the locomotive.

Use of Sound Truck, Frank Andrews

Mr. Andrews stated that he wished to notify the Council of his constitutional rights. It appeared that he would have to put some "sandwich men" on the streets and a sound wagon to notify the people of the raise in MID rates.

The City Attorney advised him to follow the provisions of the Code if he wished to use loud speakers.

PRELIMINARY REPORT ON PROPOSED SAVINGS IN CITY OPERATION 7-95

(a) Report on Building Inspector operation

The City Manager stated that this report was being made as a result of the decision to review departments in an effort to bring about operational savings.

Director of Public Works Ray stated that he wished to report on two matters, the vacant building inspector position and a study of permit fees with a view to raising revenues. For the past four months there has been one vacant position, but he felt that the level of service had been maintained because of a slight reduction in the building activity. During the months of April, May, June and July, 1958, a total of 165 permits were issued for new residences. For corresponding periods in 1959 and 1960, total permits issued were 144 and 122, respectively. Because of the slackening in the work, it was his opinion that the hiring of a building inspector on a permanent basis can be delayed until building volume increases. However, he stated that the following point should be considered. An eligibility list has been established and there are applicants willing to accept the position. It is possible that when it is necessary to fill the position because of the increased volume of work, the applicants may not be available. Also,

a step up of the redevelopment program will require more men. At the present time three inspectors are on duty, one with a broken arm. One is hospitalized and will be through September, and vacations have to be considered. He stated that it was urgent that one position be filled for a three-month period on a temporary basis for at least September, October and November.

The Director of Public Works submitted the following report on revenues received and expenditures for a 4-year period, including this fiscal year: Estimated revenue, \$174,156; total expenditures, \$170,610, based on the assumption of a full staff this budget year. He recommended that there be no rate raises in basic permit fees this year, but that the matter be studied next spring prior to consideration of the 1961-62 budget. A further report relating to fees will be submitted to the Council at a later date.

APPROVE APPLICATION OF THE KIWANIS CLUB OF GREATER MODESTO FOR USE OF LEGION PARK ON AUGUST 27, 1960, FROM 3:00 to 7:00 P.M. FOR BEEF BARBECUE

With the unanimous consent of the Council, the City Manager read a letter from the Stanislaus County Republican Central Committee requesting the use of Legion Park on August 21, 1960, for a political rally.

RESOLUTION NO. 60-282

A RESOLUTION GRANTING A PERMIT TO STANISLAUS COUNTY REPUBLICAN CENTRAL COMMITTEE TO HOLD A PUBLIC BARBECUE AND POLITICAL RALLY IN LEGION PARK ON AUGUST 21, 1960

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, VanderWall

RESOLUTION NO. 60-283

A RESOLUTION GRANTING A PERMIT TO KIWANIS CLUB OF GREATER MODESTO FOR USE OF LEGION PARK ON AUGUST 27, 1960 FOR BEEF BARBECUE

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

RESOLUTION SETTING DATE FOR HEARING ON APPEAL OF ANNA R. BROWN AND WILMA E. HODDE FROM DECISION OF THE PLANNING COMMISSION, AMENDING SECTION 19 OF THE ZONING MAP 8-88

August 24, 1960, at 8:10 P.M. was set for the time and date of hearing.

RESOLUTION NO. 60-284

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY ANNA R. BROWN AND WILMA E. HODDE FOR AN AMENDMENT TO SECTION 19 OF THE ZONING MAP

Introduced by Arata Seconded by Martin
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

CONSIDER APPLICATION OF THE TRANSCONTINENTAL BUS SYSTEM, INC.,
FOR FARE INCREASE

MOTION

That no action be taken.

Moved by Martin Seconded by VanderWall Unanimously carried

CITY HALL MATTERS 8-98

(a) Elevator Company contract

The City Manager stated that the matter was cleared at the budget hearing, but since the contract is over \$1,500, Council approval is necessary.

RESOLUTION NO. 60-285

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND VALLEY ELEVATOR COMPANY FOR MAINTENANCE SERVICE AT MODESTO CITY HALL BUILDING

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

Councilman Martin requested that the Finance Department keep a record of service calls made during the coming year, and price it out on what it would have been on a call basis.

(b) Payments on furniture

Director of Finance Bird stated that the 15% installation and service fee is \$14,006.12. The staff recommended that 20% be withheld until some matters pertaining to the furniture, dents, scratches, etc., are cleared.

MOTION

That payment be made on the basis recommended.

Moved by Adams Seconded by VanderWall Unanimously carried

REPORTS FROM THE PLANNING COMMISSION 9-05

REQUEST FROM JENSEN & UNDERWOOD FOR APPEAL TO THE DECISION OF PLANNING COMMISSION ON BEHALF OF POY TIM LOWE, ALICE MING LOWE AND GONG WAI LOWE FOR AN AMENDMENT TO SECTION 19 OF THE ZONING MAP

Hearing of this appeal was set for August 24, 1960, at 8:15 P.M.

RESOLUTION NO. 60-286

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY POY TIM LOWE, ALICE MING LOWE AND GONG WAI LOWE FOR AN AMENDMENT TO SECTION 19 OF THE ZONING MAP

Introduced by Adams Seconded by Martin
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

APPROPRIATION TRANSFERS 9-10

None

CONSIDER REQUEST FOR SEWER SERVICE AT 421 SOUTH FRANKLIN ST. -
ARNE OLSEN 9-13

The Director of Public Works stated that this property is outside the City limits and an existing lateral sewer is available adjacent to the property. Mr. and Mrs. Olsen have signed a statement covering the City's standard conditions for sewer service outside the City and he recommended that the request be granted.

MOTION

That the request for sewer service be granted on the basis recommended.

Moved by Arata Seconded by Adams Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 9-22CHILDREN'S PARK

Schuyler Hafely, President of Children's Park Corporation, read a letter to the Council offering the Children's Park for the Council's acceptance, maintenance and operation in accordance with the provisions of the agreement.

Director of Parks and Recreation Cowie reported that some of the projects were not yet completed but would be within a few days.

The City Manager recommended that the projects not be accepted by the City until completed.

The matter of whether or not the park should be used during the interim period before final acceptance by the City was generally discussed by the Council. No action was taken.

Mayor Hammond thanked Mr. Hafely for his efforts on behalf of Children's Park.

The City Manager stated that the dedication ceremonies were extremely successful and well represented by all age groups.

REPORT BY EMPLOYEES' ASSOCIATION ON OPERATION OF VENDING MACHINES
IN THE MULTI-PURPOSE ROOM 9-110

Doris Clifford, on behalf of the Modesto City Employees Association, expressed appreciation for the multi-purpose room. The vending machines, installed on a 90-day trial basis, are working out very well and she expressed the hope that they would be continued.

There were no objections by the Council.

REPORT ON SAFETY RECORD FOR PARKS & RECREATION DEPARTMENT 10-5

A Personnel Office report on lost time accidents during 1959-60 was presented to the Council. The City Manager pointed out

that on June 30, the Parks and Recreation Department completed twelve months without a lost time injury. The report was ordered filed.

COST OF PLANTING TREES IN SUBDIVISIONS 10-10

The Director of Parks and Recreation reported that the cost of planting trees in subdivisions ranges from \$4.00 to \$10.00 -- a "happy medium" figure of \$6.00 has been established, plus overhead costs, a total of \$6.50 per tree.

The City Manager stated that it cost about \$10.00 per lot. On the basis of 50 lots to a subdivision, the City spends approximately \$500 for tree planting. If desired by the Council to be a charge to the subdivision, an amendment to the ordinance is required.

Answering a question submitted by Mayor Hammond, the City Manager recommended that, if legally possible, the City plant the trees and charge the subdivider.

MOTION

That this matter be referred to the Planning Commission for study and report to the Council, and that a letter be prepared by the staff explaining the facts and background.

Moved by VanderWall Seconded by Arata Unanimously carried

GOLF COURSE REVENUE 10-40

This matter was held over.

REPORT ON APPLICATION OF UNITED AIR LINES, INC. FOR AUTHORITY TO MAKE CERTAIN CHANGES IN ITS INTRASTATE PASSENGER FARES 2-90

MOTION

That no action be taken.

Moved by Martin Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That this meeting now in session be adjourned.

Moved by Adams Seconded by Arata Unanimously carried

The meeting adjourned at 6:23 P.M.

ATTEST: 
REX E. GALLFUS, 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: Adams, Spaulding, VanderWall, Mayor Hammond

Councilman Arata arrived at 7:35 P.M.
Councilman Martin arrived at 7:36 P.M.

Absent: Councilmen: Knoles

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

Rev. Bernard DenOuden gave the invocation.

PRESENTATION OF SUGGESTION AWARDS 1-15

The following suggestion awards were presented by Mayor Hammond: \$75.00 to Mrs. Audrey Olsen for suggested improvement of accounting procedures estimated to save \$750 per year; \$10.00 to David Freitas, for a suggestion pointing out the need for means of controlling heat pump installations which use water as a cooling medium. Mr. Freitas, being ill, was not able to receive his award personally.

LETTER FROM JOHN C. SUTTON, PRESIDENT OF MODESTO RETAIL MERCHANTS, DOWNTOWN DIVISION, RE: HONOR SYSTEM FOR OVERTIME PARKING METER VIOLATIONS 1-40

Acting City Manager Masonheimer stated that this matter had been withdrawn from the agenda by Mr. Sutton.

LETTERS FROM FRANK ANDREWS

A letter, subject, "Deplorable Handling of our Liquid Gold - our Water and Power", dated August 3, 1960, from Mr. Andrews, was read by the City Clerk.

A telegram to the Public Utilities Board from Frank Andrews was read by the City Clerk.

A letter from Mr. Andrews addressed to the Mayor and City Council was read by the City Clerk. It portested the closing of the agenda on the Friday preceding the Wednesday meeting.

Mayor Hammond explained that the purpose of closing the agenda on Friday was to permit the members of the Council to review the matters to be discussed and be better prepared to consider and act on matters presented. He pointed out there is a time on the agenda when citizens could bring matters not on the agenda to the attention of the Council.

The communications were ordered filed.

LETTER FROM MARION H. MOOREHEAD, POSTMASTER, RE: PONY EXPRESS
CAVALCADE 1-105

The City Clerk read a letter from the Postmaster requesting permission to park the Pony Express Cavalcade on the north side of I Street between the alley west of the Post Office and 11th Street on August 27, 1960.

RESOLUTION NO. 60-287

A RESOLUTION GRANTING PERMISSION TO THE UNITED STATES POST OFFICE DEPARTMENT TO PARK THE PONY EXPRESS CAVALCADE ON THE NORTH SIDE OF I STREET BETWEEN THE ALLEY WEST OF THE POST OFFICE AND 11TH STREET ON AUGUST 27, 1960

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

LETTER FROM WARREN C. T. WONG, ARCHITECTS, RE: OFFER OF SERVICES TO
THE CITY 1-125

The City Clerk read a letter from Warren C. T. Wong, Architect, offering the services of his firm for consideration in the designing of the Modesto Auditorium and Central Communications facility.

The letter was referred to the Committee working with the Chamber of Commerce on the auditorium.

LETTER FROM SCHUYLER HAFELY RE: CHILDREN'S PARK 2-08

The Acting City Manager read a letter from Schuyler Hafely, President of Children's Park Corp., dated August 4, 1960, which stated that the Director of Parks & Recreation has given his approval of the layout and fixtures at the park. He requested that the City take title to the park.

Mr. Hafely spoke from the audience. He read a letter addressed to Hon. John J. McFall from J. George Stewart, Architect of the Capitol, certifying that the "enclosed flag was flown over the Capitol of the United States". This was in reference to the flag presented to Modesto Children's Park. Mr. Hafely stated that he wished to turn the certification over to the City. He further stated that each project in the park will have a sign indicating the donor which will either be welded or sunk in concrete on or adjacent to the project. This is being handled by the donors. It is the recommendation of the corporation that, if possible, the park be open from Wednesday through Sunday of each week, Sunday being open from 12:00 noon to 8:00 P.M.

The Acting City Manager read a memorandum Subject, "Proposed time schedule and approximate cost for operation of Modesto Children's Park", dated August 10, 1960, prepared by James M. Cowie, Jr., Director of Parks & Recreation. Staff recommendations are as follows: (a) That the park be closed Monday and Tuesday of each week during the months in which the park is operated, (b) That the park be closed for general renovation for the period of November 1 through February 28, each year; (c) That the park be open Wednesday through Sunday of each week from:

June 1 through September 30	12:00 Noon to 9:00 P.M.
October 1 through October 31	12:00 Noon to 5:00 P.M.
March 1 through May 31	12:00 Noon to 5:00 P.M.

The alternative approved was that supervision be provided in the park from approximately June 15 to September 15, during the hours in which the park is open; that the wading pool be drained at all times when no supervision is provided in the park.

RESOLUTION NO. 60-288

A RESOLUTION ACCEPTING THE LAYOUT AND FIXTURES AND TITLE TO THE IMPROVEMENTS PLACED IN THE CHILDREN'S PARK

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

Mr. Hafely stated that a Children's Park Committee is working on a name for the park, and a ceremony will be held when the name is selected. He requested that the park time schedule be published in the Modesto Bee.

The Acting City Manager stated that he had discussed the matter of financing the supervision of the park with the Director of Parks & Recreation. For the time being, it was suggested that their schedules be re-arranged to operate within their present budget. It was pointed out that the staff might have to request more funds later in the year and that future budgets will reflect the cost of operating this new facility.

MOTION

That the proposed time schedule be approved; that in so far as practicable that supervision be provided in the park from approximately June 15 to September 15 during the hours in which the park is open; that the wading pool be drained at all times when no supervision is provided in the park.

Moved by VanderWall Seconded by Spaulding Unanimously carried

HEARING ON APPLICATION OF DEL ESTE WATER COMPANY FOR A CITY FRANCHISE 3-38

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the hearing on the application of Del Este Water Co. for a city franchise. The City Clerk announced that notice of the hearing was published in the Modesto Bee on July 24, 1960, and interested parties notified.

The City Attorney presented a proposed ordinance to grant a franchise to the Del Este Water Company to operate a water company within the City. He outlined the terms of the franchise.

Mayor Hammond asked if anyone in the audience wished to file an oral protest or make any comments. No protests were filed or comments made. Mayor Hammond declared the hearing closed.

ORDINANCE NO. 403-C.S. entitled

"AN ORDINANCE OF THE CITY OF MODESTO GRANTING A FRANCHISE TO OPERATE A WATER COMPANY WITHIN THE CITY TO DEL ESTE WATER COMPANY, A CORPORATION"

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

Moved by Arata Seconded by Spaulding
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR SALE OF DRY DIGESTED SLUDGE FROM SEWAGE TREATMENT PLANT 3-60

August 23, 1960, at 2:00 P.M. was set for the opening of bids for the sale of excess sludge during fiscal year 1960-61.

RESOLUTION NO. 60-289

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE PURCHASE OF EXCESS DIGESTED SLUDGE FROM THE CITY'S SEWAGE TREATMENT PLANT

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

FINAL ADOPTION OF ORDINANCE NO. 402-C.S., RELATING TO TAXICABS 3-65

ORDINANCE NO. 402-C.S. entitled

"AN ORDINANCE ADDING SECTIONS 4-6.801.1, 4-6.801.2 AND 4-6.804 TO ARTICLE 8 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICABS"

introduced on August 3, 1960, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER AMENDING CODE RELATING TO FURNISHING OF WATER TO LARGE PARCELS OF LAND 3-70

The City Attorney presented a proposed ordinance which authorized the director of Public Works to approve and process applications for water service to such parcels of land of a total area not less than 20,000 square feet, and the portion to be served not less than 6,000 square feet in area.

The Acting City Manager stated that it makes possible the service to single residences on a larger plot without charging the person for water service on the basis of the area of the entire parcel. The only alternative under the present provision is to request a lot split which results in haphazard cutting up of parcels of land.

Service can be terminated without notice if it is determined that water supplied to serve the area under the permit is used on other premises.

ORDINANCE NO. 404-C.S. entitled

"AN ORDINANCE AMENDING SECTION 11-1.04 OF CHAPTER I OF TITLE XI OF THE MODESTO MUNICIPAL CODE BY ADDING SUBSECTION (D) THERETO RELATING TO WATER RATES AND REGULATIONS"

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

Moved by Arata Seconded by Adams
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

The City Attorney stated that the Director of Public Works had suggested that a similar provision be drafted for sewer service. The staff was directed to prepare such legislation.

FURTHER CONSIDERATION OF DIAGONAL PARKING ON I STREET BETWEEN 12TH AND 13TH STREETS 4-40

The Director of Parking and Traffic stated that there has been 7 accidents in this block during the past 17 months attributable to unparking. Conversion to parallel parking would mean the loss of 6 spaces on the south side of the street and 1 space on the north side. The matter was generally discussed by the Council.

Councilman Adams was of the opinion that there are ample parking lots in the vicinity to take care of the reduction of parking spaces that would be occasioned by the conversion.

It was the opinion of Councilman Martin that since the value of a parking space is set at \$3,500, the City is making a capital investment of \$24,500 to avoid minor accidents of a bumped fender type.

It was Councilman Spaulding's opinion that a safer traffic flow should be considered; that the City would not be losing revenue if ample parking is available in the immediate vicinity.

The City Attorney stated that through an oversight, the last resolution prepared did not provide for diagonal parking on I Street between 11th and 12th Streets. If Council desires diagonal parking to continue in this area, a resolution is required to officially establish such parking. If diagonal parking is to be eliminated, he stated, no action is necessary.

RESOLUTION NO. 60-290

A RESOLUTION AMENDING SECTION 2 OF 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", RELATING TO ANGLE PARKING

Introduced by Arata Seconded by Martin
 Ayes: Arata, Martin, VanderWall, Mayor Hammond
 Noes: Adams, Spaulding
 Absent: Knoles

CONSIDER PURCHASE OF WATER PIPE 5-12

Director of Public Works Ray stated that the City has an agreement with two water pipe suppliers for the purchase of water pipe. The agreement has no termination date and provides that purchases can be made up to 30% of certain estimated quantities, and above this figure by mutual express consent of both parties. This limitation in the contract has been reached by the City and Council approval is needed for the purchase of additional pipe. Consent of the suppliers has been obtained. The pipe presently required is: 7,000 feet, 6"; 3,000 feet, 8"; 3,000 feet of 10", at a total cost of \$30,742. He recommended that the Council approve the purchase, the exact quantities to be determined by carload or truckload lots.

MOTION

That the staff be authorized to purchase the pipe as recommended by the Director of Public Works.

Moved by Adams Seconded by Arata Unanimously carried

CONSIDER ACCEPTANCE OF FINAL MAP - SARATOGA MANOR NO. 2 5-45

RESOLUTION NO. 60-291

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

Introduced by Spaulding Seconded by VanderWall
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

CONSIDER CHANGE IN THE DELINQUENCY DATE FOR BUSINESS LICENSE TAX 5-58

The Acting City Manager stated that a series of communications had been received, at least three suggesting a change in the delinquent date regulations, and also requesting waiver of penalties for late payments posted on the last due date after 5:00 P.M. but before midnight.

Mayor Hammond stated that the requests were from individuals who had been asked to pay delinquency penalties because of the late postmarks, and have requested that the City coincide its closing hour for mailed returns with that of federal and state agencies.

The matter was generally discussed by the Council and the following change approved: If mailed, the payment must bear a postmark before midnight on the last date due; if the delinquent date falls on a Saturday, Sunday or a holiday, the last due date be extended to the next business day when the City Hall is open.

MOTION

That the City Attorney be instructed to prepare an amendment to the Code to carry out the recommended change.

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Moved by Martin Seconded by Spaulding Unanimously carried

Four communications requesting waivers of penalty and interest were presented by the City Clerk: Milady's Shop, John R. Reichenbach, S. P. Garrison, and the firm of Corning and Allen, Public Accountants. All stated that their letters were mailed prior to 5:00 P.M. August 1, the last due date but they were not postmarked until after that time. Mr. Reichenbach, C.P.A., and W. P. Garrison, C.P.A., spoke briefly from the audience. Mr. Garrison stated that he personally deposited his payment in the post office lobby before 5:00 P.M. He discussed the matter with the Postmaster who informed Mr. Garrison that 80% of the mail arrives at the postoffice between 4:00 and 6:00 P.M., and although regulations require immediate dispatch of the mail, it is physically impossible for this to be done. The Postmaster stated that it was possible that all of the City mail was set aside on August 1 and canceled at 9:30.

The matter was generally discussed by the Council.

Director of Finance Bird stated that there were between 80 and 100 delinquent payments mailed on August 1 and postmarked between 5:00 P.M. and midnight.

Councilman Spaulding stated that he did not think it fair that penalties be waived only to the few who complained. It was his opinion that if the complainants are entitled to a waiver of penalties, so are the others who did not complain. He did not believe that this is a legitimate basis to refund money.

The City Attorney stated that it is possible to refund the penalty if request is made for the refund and the Council makes a finding based on the facts presented that failure to pay was not due by reason of carelessness or intention.

RESOLUTION NO. 60-292

A RESOLUTION AUTHORIZING WAIVER AND REFUND OF CERTAIN DELINQUENT PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENTS AS PROVIDED BY SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Martin, VanderWall, Mayor Hammond
 Noes: Adams, Spaulding
 Absent: Knoles

MOTION

That the staff be directed to send a letter to every delinquent taxpayer whose payment by letter was postmarked August 1, 1960, between the hours of 5:00 P.M. and midnight, informing them that they may apply to the City Council for a waiver of penalty or refund, if already paid.

Moved by Spaulding Seconded by Arata Unanimously carried

CONSIDER PROCEDURE FOR CLEARING PAYMENTS TO CONSULTANTS UPON COMPLETION OF SPECIAL CITY STUDIES 6-120

The Acting City Manager stated that the contract between the State and Frank Cox and Associates and Pacific Planning and Research provides that the work of the consultants must be completed

and completion certified by the City, and in the hands of the State so that action can be completed not later than by August 19, 1960. This would mean that the certification would need to be made prior to the next meeting. Since the work is virtually completed, he recommended that the Council authorize the City Manager to execute the certificates when the work is completed in lieu of calling a special Council meeting.

RESOLUTION NO. 60-293

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CERTIFY COMPLETION OF CONSULTING STUDIES BY FRANK COX & ASSOCIATES AND EBASCO (PACIFIC PLANNING & RESEARCH)

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

ANNOUNCEMENT FOR POSITION OF CITY ATTORNEY FORMAT 7-15

A draft of the announcement of the City Attorney vacancy was presented to the Council. By unanimous consent of the Council, the following change was made: Under "THE VACANCY", the first sentence was changed to read: "The position of City Attorney for the City of Modesto will be vacant not later than January 1, 1961."

MOTION

That the Announcement be approved with the authorized change and reproduction and distribution authorized.

Moved by VanderWall Seconded by Spaulding Unanimously carried

CONSIDER REQUEST FROM RADIO STATION KBEE FOR REFUND OF BUSINESS LICENSE 7-75

A memorandum entitled "Business License Refund, Radio Station KBEE" dated August 4, 1960, was reviewed by the Acting City Manager. KBEE has been paying tax on gross receipts which would qualify as interstate commerce and which would be exempt from business license provisions. The request for refund has been audited and found to be correct. Council approval was recommended.

RESOLUTION NO. 60-294

A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF THE OVERPAYMENT OF BUSINESS LICENSE FEE, AS COMPUTED BY THE DIRECTOR OF FINANCE, TO RADIO STATION KBEE FOR THE TAX PERIOD FROM JANUARY 1, 1958 TO DECEMBER 31, 1959

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER BLANKET INSURANCE FOR FIRE, EXTENDED COVERAGE, VANDALISM, AND MALICIOUS MISCHIEF FOR THE CITY OF MODESTO 7-85

The Acting City Manager briefly reviewed the memorandum dated August 5, 1960, prepared by the Director of Finance, Subject, "Blanket Insurance for fire, extended coverage, vandalism and malicious mischief for the City of Modesto". The present coverage

of fire insurance in the City Hall is based upon the appraised value of the structure less depreciation. The insurance carrier recommends that the City take coverage on a replacement cost basis in lieu of the depreciated value basis now in effect and that fire and extended coverage, including vandalism and malicious mischief be included. This would mean an additional premium of about \$2,000. The other recommendation is that the City purchase a 5-year policy at this time before the existing policy expires to avoid a possible premium increase which will occur if Modesto has a higher fire rating. The Acting City Manager pointed out that funds have been budgeted to hire an insurance consultant to study the City's entire insurance program. The staff recommended that no change be made in the City's insurance program until this study is completed.

MOTION

That the staff be authorized to proceed on the basis recommended.

Moved by VanderWall Seconded by Spaulding Unanimously carried

CONSIDER AUTHORIZING 25 M.P.H. SPEED LIMIT ON FAIRMONT BETWEEN VIRGINIA AND MCHENRY 7-110

ORDINANCE NO. 405-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 I OF ORDINANCE NO. 399-C.S."

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

Moved by Spaulding Seconded by Adams
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER RESOLUTION REQUIRING CONSTRUCTION OF CURBS AND GUTTERS AT THE FOLLOWING LOCATIONS: (a) WEST SIDE OF GRINELL (BLOCK 6007, Lot 1) (b) WEST SIDE OF MORTON (BLOCK 207, Lot 4) 7-120

The Acting City Manager stated that informal requests for installation of curbs and gutters were sent out by the Public Works Department over 30 days ago. The work has not been done. The staff recommended that the Superintendent of Streets be authorized to post the properties involved. August 24, 1960 at 8:05 P.M. was set for the hearing.

RESOLUTION NO. 60-295

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 Arata Seconded by Martin
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER AGREEMENT BETWEEN THE CITY AND ELMER SHAW IN CONNECTION WITH SUBTRUNK SEWER CONSTRUCTION IN MORAN ESTATES SUBDIVISION UNIT NO. 1 7-128

Director of Public Works Ray reported that this is a regular form of letter agreement for small subtrunk sewer projects. The City's share of the cost is \$555.22. He recommended that the City Manager be authorized to sign this on behalf of the City.

MOTION

That the City Manager be authorized to sign the agreement.

Moved by VanderWall Seconded by Spaulding Unanimously carried

Mayor Hammond requested that the staff prepare a report indicating the amount of money that has been put in subtrunk and perimeter sewer projects, and the amount that has been paid back.

CITY HALL MATTERS 8-23

None

REPORTS FROM THE PLANNING COMMISSION. REQUEST FOR EXCEPTION TO SUBDIVISION REGULATIONS -- ROSEMEAD TERRACE SUBDIVISION 8-25

The request and report from the Planning Commission were presented by Director of Planning Smeath for exception to Section 4-4.802(e)(2) of the subdivision regulations to permit lots of 9,000 square feet in area to be developed with septic tanks. This has been recommended by the Planning Commission and approved by the County Health Department.

RESOLUTION NO. 60-296

A RESOLUTION APPROVING AN EXCEPTION TO SECTION 4-4.802(e)(2) OF THE SUBDIVISION REGULATIONS (ROSEMEAD TERRACE SUBDIVISION)

Introduced by Spaulding Seconded by Martin
Ayes: Adams, Arata, Martin, VanderWall, Spaulding, Mayor Hammond
Noes: None Absent: Knoles

APPROPRIATION TRANSFER 8-40

The Acting City Manager presented a request for transfer of \$479.00 from the Service Working Capital Fund for the purchase of a gasoline pump at the Police Station to replace an old pump which does not function properly.

RESOLUTION NO. 60-297

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$479 TO COVER COST OF INSTALLING GASOLINE PUMP AT MODESTO POLICE STATION

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

MATTERS FOR THE GOOD OF THE COMMUNITY 8-50REPORT BY FRANK ANDREWS

Mr. Andrews reported briefly on the seriousness of the water situation.

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WATER LINE INSTALLATION - HACIENDAS DEL OESTE 8-80

Director of Public Works Ray reported that the cost of installation by City forces was estimated at \$4,082.80. No bids were received. Work was authorized to be done by City forces and was completed December 9, 1959, at a total cost of \$3,023.80, about 26% below the estimate. He stated that the report was being made at this time because no record could be found that it was ever reported to the Council.

Answering a question asked by the Acting City Manager, Mayor Hammond stated that the Council wanted to be advised of these activities.

ITEMS CONSIDERED WITH THE UNANIMOUS CONSENT OF THE COUNCIL 8-100CONTINUATION OF RADIO PROGRAM

Acting City Manager Masonheimer stated that for several years the City Manager has prepared a weekly radio program of interesting city news or matters of general interest to the public. The value of this program has been discussed with radio station managers and the consensus is that the audience rating is not the best. If the program is to be continued, two new recorders and appropriate microphone accessories will be needed at a cost of between \$800 and \$1,000. The amount of time spent by the staff in preparing the program was discussed by the Council.

The Acting City Manager stated that the managers of the radio stations have told him that when the City has items of special interest, they will be glad to assist in making recordings for their own stations. They would prefer having the City cut a tape for their particular station rather than one tape for all three stations.

MOTION

That the radio program be dropped.

Moved by Arata Seconded by Martin Unanimously carried

ADJOURNMENT

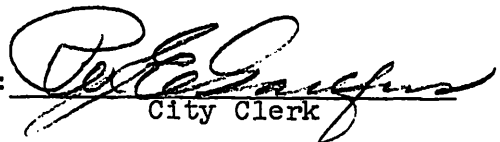
MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Martin Unanimously carried

The meeting was adjourned at 9:40 P.M.

ATTEST:


City Clerk

Modesto City Council
August 17, 1960

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: Arata, Martin, VanderWall, Mayor Hammond

Councilman Adams arrived at 4:05 P.M.

Councilman Spaulding arrived at 4:10 P.M.

Absent: Councilman Knoles

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

Reverend Grady Cantrell gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the adjourned special meetings of June 21, and 23, and the regular minutes of July 6 and July 13, 1960, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM LOUISE WHITAKER, PUBLIC ACCOUNTANT, RE: PAYMENT FOR SECOND QUARTER MILL TAX AND LICENSE FEE 1-30

The City Clerk read a letter from Louise Whitaker addressed to the City Council which stated that she deposited her mill tax return in the Post Office prior to 5:00 P.M. on the day due. It was reported that the envelope was postmarked 9:30 P.M., and therefore was delinquent and subject to penalty under the existing law. She requested a waiver of the penalty, and also that the ordinance pertaining to business licensing be amended to accept payments showing postal cancellation not later than 12:00 P.M. on the last date due.

The Acting City Manager suggested that action on this letter be withheld and be handled with a group of others pending, to avoid preparation of a series of resolutions.

There were no objections by the Council.

LETTER FROM FEDERAL AVIATION AGENCY RE: FEDERAL BUDGET FOR CONTROL TOWER 1-52

The City Clerk read a letter addressed to the City Manager, dated August 11, 1960, from C. G. Hand, District Airport Engineer, Federal Aviation Agency, which stated that operation of the control tower at Modesto City-County Airport was included in the recently approved 1960-61 Federal Aviation Agency budget, and that this condition to granting the construction loan had been met.

The letter was ordered filed.

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RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE EXTENSION OF WATER LINES AT THE FOLLOWING LOCATIONS: 1-60

(a) "J" Street between 12th and Needham

The Acting City Manager requested that this item be held over pending receipt of an encroachment permit from the State.

There were no objections by the Council.

(b) Burney between Kelly & Grant and at College and Exeter

RESOLUTION NO. 60-298

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR EXTENSION OF WATER MAINS IN BURNEY STREET, COLLEGE AVENUE AND EXETER AVENUE

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

Date of opening of bids was set for September 6, 1960, at 2:15 P.M.

(c) Saratoga Manor #2 Subdivision

RESOLUTION NO. 60-299

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN SARATOGA MANOR SUBDIVISION NO. 2

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

Date of opening of bids was set for Sept. 6 at 2:00 P.M.

ORDINANCE SETTING THE TAX RATE FOR FISCAL YEAR 1960-61 1-72

The Acting City Manager briefly reviewed a memorandum dated August 17, 1960, subject: "1960-61 City Ad Valorem Tax", prepared by the Director of Finance. The total assessed value for the City is \$56,761,460 and total revenue based on a tax levy of \$1.45 with an allowance for 3% delinquent payments is \$789,721. This amount is approximately \$20,000 higher than originally estimated in the 1960-61 budget.

The Acting City Manager stated that this would remain in the unappropriated reserve until such time as the City Council appropriated it by ordinance to the general reserve or some other specific item in the budget. In answer to a question, he explained the publicity in the newspaper relating to the reduction in the utility roll in Stanislaus County. This was checked out by the Director of Finance and it was found that there was some misunderstanding concerning the State Board of Equalization's action in this matter. There was not a flat reduction because of unequal local assessments relative to the utility roll, but a reclassification and a re-evaluation of utilities in light of existing conditions, resulting in a net reduction in this County. The utility roll in Modesto is up primarily because of annexations and not necessarily because of an increase in the value of utility holdings.

ORDINANCE NO. 406-C.S. entitled,

"AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1960-61"

was adopted and ordered printed and published as provided by the Charter.

Moved by Martin Seconded by Arata
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

PROPOSED ORDINANCE AMENDING THE BUSINESS LICENSE REGULATIONS WITH RESPECT TO DUE DATE AND DELINQUENCY

The City Attorney presented a proposed ordinance amending business license regulations with respect to the due date and delinquencies, in accordance with the Council's direction, providing that in lieu of paying the taxes at the office of the Director of Finance, taxes and licenses may be deposited in the U.S. mails, postage prepaid, on the last due date, provided that the transmitting envelope bears a postmark showing cancellation not later than 12:00 P.M. on that day, and further providing that if the due day falls on Saturday, Sunday, or a holiday, the final due date shall be the next regular business day in which the City Hall is open to the public.

ORDINANCE NO. 407-C.S. entitled,

"AN ORDINANCE AMENDING SECTION 6-1.111 OF ARTICLE I OF CHAPTER I OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSING"

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

Moved by Adams Seconded by Arata
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

FINAL ADOPTION OF ORDINANCE NO. 403-C.S. - DEL ESTE WATER CO. FRANCHISE 1-115

ORDINANCE NO. 403-C.S. entitled,

"AN ORDINANCE OF THE CITY OF MODESTO GRANTING A FRANCHISE TO OPERATE A WATER COMPANY WITHIN THE CITY TO DEL ESTE WATER COMPANY, A CORPORATION"

introduced on August 10, 1960, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Martin Seconded by Arata
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

FINAL ADOPTION OF ORDINANCE NO. 404-C.S. - WATER TO LARGE PARCELS OF LAND 1-120

ORDINANCE NO. 404-C.S. entitled,

"AN ORDINANCE AMENDING SECTION 11-1.04 OF CHAPTER I OF TITLE XI OF THE MODESTO MUNICIPAL CODE BY ADDING SUBSECTION (d) THERETO RELATING TO WATER RATES AND REGULATIONS"

introduced on August 10, 1960, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

FINAL ADOPTION OF ORDINANCE NO. 405-C.S. - SPEED LIMIT ON FAIRMONT AVENUE 1-123

ORDINANCE NO. 405-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 I OF ORDINANCE NO. 399-C.S."

introduced on August 10, 1960, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Martin Seconded by Spaulding
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER AGREEMENT WITH COUNTY OF STANISLAUS FOR IMPROVEMENT OF SUTTER 2-1

The Acting City Manager stated that the agreement had not yet arrived and asked that the matter be held over.

There were no objections by the Council.

FURTHER CONSIDERATION OF REQUEST TO VACATE AN ALLEY IN THE VICINITY OF 1609 DEL MONTE 2-05

The Acting City Manager referred to the report prepared by the Director of Planning Smeath relative to John C. Smith's request that the City vacate the alley adjacent to his property in Block 925 - 1605 and 1609 Del Monte Ave. He outlined the action the staff has taken to this point.

Director of Planning Smeath indicated on a map the location of the property. He stated that all of the agencies involved have approved the closing of the alley, with the exception of the M.I.D. which is opposed because there is a 12,000 volt power line crossing this area, subject to the retention of an easement for utilities. The Director of Public Works indicated there was both sewer and water in the alley but that any necessary repairs could be handled in the easement. In answer to a question, Mr. Smeath reported that there are no poles located on the property in question, only an overhead line.

The matter was generally discussed by the Council.

The Acting City Manager suggested that if the Council wished the matter considered, it should be referred to the Planning Commission for further study and report.

MOTION

That the matter be referred to the Planning Commission for study and recommendation.

Moved by Spaulding Seconded by Adams Unanimously carried

MATTER CONSIDERED WITH UNANIMOUS CONSENT OF THE COUNCIL 2-80Request Permission to park 14-foot Trailer in Downtown Areas

Robert Carter, Attorney at Law, requested Council approval to park a 14-foot voter registration trailer in front of Sears, Roebuck & Co. on Tenth Street between 5:30 P.M. and 10:00 P.M., August 18, 1960, for the purpose of urging people to register so that they will be eligible to vote in the coming election. Permission was also requested to park the trailer in other downtown locations during the registration period, subject to the approval of the Parking and Traffic Director.

RESOLUTION NO. 60-300

A RESOLUTION GRANTING PERMISSION FOR PARKING OF VOTER REGISTRATION TRAILER IN FRONT OF SEARS ROEBUCK & CO. ON TENTH STREET ON AUGUST 18, 1960, AND AUTHORIZING THE DIRECTOR OF PARKING AND TRAFFIC TO APPROVE FUTURE REQUESTS DURING THIS REGISTRATION PERIOD

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

Mayor Hammond was excused from the Council Chambers. Councilman Spaulding acted as Mayor pro tempore during his absence.

HEARING ON PROPOSED ANNEXATION OF THE SYLVAN ADDITION 2-125

Mayor pro tempore Spaulding announced that the hour of 4:30 P.M. had arrived, the time set for the consideration of the proposed annexation of the Sylvan Addition.

The City Clerk reported that notices were published in the Modesto Bee and the Turlock Daily Journal on June 15 and 22, 1960, notices were mailed to all persons owning property in the area on July 22, and no written protests on the proposed annexation have been filed with the City Clerk.

Mayor pro tempore Spaulding asked if anyone in the audience wished to file an oral protest or make any comments. No protests were filed or comments made. Mayor pro tempore Spaulding declared the hearing closed.

ORDINANCE NO. 408-C.S. entitled,

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

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

Moved by Martin Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

The City Attorney stated that since there was no provision in the Resolution of Intention to the contrary, the property would remain in the Sylvan School District.

Mayor Hammond returned to his chair.

REPORT ON SEWER SERVICE TO THE AREA IN THE VICINITY OF THE
 SOUTHEAST CORNER OF TULLY AND WOODROW

Director of Public Works, upon direction of the Council, reported on the proposed development of properties at the corner of Woodrow and Tully, presented by Rev. Blakely, and a request for sewer service between Prescott and U.S. 99 Highway just north of M.I.D. lateral No. 3. Mr. Ray indicated on a map the trunk sewer system in this vicinity, with figures indicating the size of the pipe and the designed capacity and the flow through the various reaches of that system. Also indicated was the percentage of overload at the present time, based on the designed flows per capita for these areas. He explained that by "overload" he meant the situation that would exist when the entire area for which these lines are designed to serve is developed. Mr. Ray discussed briefly the sewer problems existing in this area.

He stated that it is not presently known what the flow would be if only the area to be developed by the rest home is considered, but if this were served by a line running down Tully, the line would have to go to Tully and Granger because from that point on the overloading is very slight. This pumping line would be approximately 6,500 feet long and would cost approximately \$30,000. It was his recommendation that this not be done. If it is done, he felt that the cost and the maintenance thereof should not be a city problem.

Answering a question by Councilman Adams, Mr. Ray stated that the developers of the site at Woodrow and Tully could install their own sewage plant and this matter had been proposed to them some months ago. FHA financing for this kind of a project is not available if septic tanks are installed. This matter was generally discussed by the Council.

Rev. Blakely spoke from the audience. He emphasized the need for a senior citizens' home in this area.

Cecil Lambert, Foster Farms, Modesto, stated that it was his opinion that if a sewer is needed in this area, now is the time to do it because of rising costs. As an example, he quoted prices of equipment which had more than doubled within a ten-year period.

Mayor Hammond pointed out that this is a problem that cannot be handled on a piecemeal basis--it is an area problem.

Councilman Adams stated that he had discussed the matter thoroughly with members of the staff and that every possible alternative was considered. It was his opinion that the maximum peak for these lines is being approached and he urged that the Council not increase the load in this area in any way. An alternative to the developers of the property would be a small plant, or consideration of some other location. Other locations are available in areas which can be adequately served by the sewer system. In response to a question, Mr. Ray pointed out that the developers of the area just south of the one in question had asked for sewers, which was not approved by the Council. That area is now being developed with septic tanks.

MOTION

That the request for extending sewer service to property located at the corner of Woodrow and Tully Roads be denied.

Moved by Adams Seconded by Arata Unanimously carried

REPORT ON SEWER SERVICE TO THE AREA NORTH OF M.I.D. LATERAL NO. 3
AND BETWEEN PRESCOTT AND U.S. HIGHWAY 99 4-110

Director of Public Works Ray indicated the area under consideration on the map. He indicated the trunk lines proposed for serving all of the area north to Rumble Road and west to Prescott Road. This area was discussed with the Council last April, at which time it was the opinion of the staff that City sewer facilities had enough capacity to serve the area indicated on the display map, but would not be able to serve the area west of Prescott Road. This was approved by the Council by motion. It was the staff's belief that the area west of Prescott Road could be served with present sewer facilities only by reduction of a corresponding area east of Prescott Road to the north toward Rumble Road. Mr. Ray presented several alternatives which might be considered by the developers, one being the installation of lines and pumping station to be provided and maintained by developers in the area, and delivered to the City at a point on Prescott Road.

Councilman Adams stated that he could see no justification for making an exchange of areas to be served. It was his opinion that the City is obligated to keep its word, and if an exchange is made at this time the City would be besieged with requests in the future to make more changes.

Max Hanney, President of Don Pedro Realty, spoke from the audience. He stated that his company was the owner of a portion of the acreage being considered by the Council. It was his opinion, from an engineering standpoint, that this area could be served by existing sewer lines. He stated that he had checked the resolution adopted by the Council pertaining to sewer service and could find no commitments to serve anyone. It was his belief that it would be quite a few years before the area east of Prescott and north toward Rumble Road is developed, and the people who are ready to develop now should be given consideration. He stated that the Council, by designating areas where sewer service would be available, was controlling the value of land.

MOTION

That the request for extending sewer service to property located north of M.I.D. Lateral No. 3 and between Prescott and U.S. Highway 99 be denied.

Moved by Martin Seconded by Spaulding ~~Unanimously carried~~
The motion carried.

CONSIDER PROPOSED USE OF CITY HALL PARKING LOT 5-82

The Acting City Manager reported that the surface of the top level of the City Hall parking lot is completed and the contractor has indicated that he is willing to make it available as soon as it is in proper condition, on the same basis that the City Hall has been made available--the City would be permitted to use it with the understanding that it assumes the responsibility for maintenance. If approved by the Council, it will probably be in operation by the middle of next week. There were no objections by the Council.

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BUTTONS VS. PAINT MARKINGS, CITY HALL PARKING LOT 5-92

The Acting City Manager stated that comparative costs have been determined. It will cost about \$95 to paint the parking lot, and it will cost \$542 for the City to install plastic rubber buttons. The paint job has been taken from the contract by change order and it was recommended that the lot be marked by city forces, either with paint or buttons.

Answering a question asked by Councilman Adams, Director of Parking and Traffic Carmody stated that a heavily used parking lot must be repainted twice a year. Cost of maintaining buttons involves only an occasional replacement of individual buttons.

MOTION

That plastic buttons be installed in the City Hall Parking Lot to indicate parking spaces.

Moved by Spaulding Seconded by Arata Unanimously carried

ADDITIONAL FUNDS NEEDED FOR CONTINUING AUDIT OF HOLIDAY PAY CLAIMS 5-127

The Acting City Manager stated that an additional \$600 is needed to complete the audit of six claims for holiday pay filed by police officers or former police officers. A total of \$2,500 has already been expended for this purpose.

Mario Fovinci, CPA, who is handling the audit, spoke from the audience. The audit of these six claims has involved a great deal of work which will not have to be repeated in the event the City decides to continue the audit--the checking of minutes, ordinances, etc. This has raised the cost of these six claims considerably, but the audit of the remaining 16 claims should not exceed \$300 per person. Many elements are involved in the audit--the records must be checked for time off, vacation pay, etc. for each individual involved for a period of ten years.

The Acting City Manager stated that most of the time that has been spent on the audit has been under the rate approved for the junior member of the firm and all of this time, except for the conferences out of town, has been spent in the City Hall reviewing the City's records. He pointed out that if this matter goes to court more money will be needed for litigation expenses, including testimony from expert witnesses, etc. The City Attorney stated that the City's special legal counsel for this matter recommends that the City extend the audit to include all those having filed claims.

Mr. Fovinci stated that his firm is computing the amounts it believes the City owes the officers, or the officers owe the City, as the case may be.

Mr. Masonheimer pointed out the claims now under study would be finished shortly, and the Council would then have a basis for determining to negotiate a settlement or enter into litigation. The City Attorney pointed out that the City is already involved in litigation and it is a matter of settlement of the litigation or going to trial. The additional \$600 requested will complete the audit of the six officers who have a cause of action.

RESOLUTION NO. 60-301

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$600 FROM GENERAL RESERVE TO HOLIDAY PAY LITIGATION TO COMPLETE AUDIT

Introduced by Spaulding Seconded by Arata
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

The matter of continuing the audit after completion of the six now in progress was generally discussed by the Council. No further action was taken on this matter.

APPROPRIATION TRANSFER, FIRE HYDRANT RENTAL ACCOUNT 6-82

RESOLUTION NO. 60-302

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,133 FROM GENERAL RESERVE TO FIRE HYDRANT RENTAL FOR PAYMENT OF PUBLIC FIRE HYDRANT SERVICE

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

RESOLUTION ADOPTING BUDGET AND APPROVING 1ST SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURES OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS 6-88

Director of Public Works Ray stated that this supplemental memorandum of agreement adds the project for the improvement of Virginia Avenue, which was not included in the memorandum of agreement approved by Resolution No. 60-262. This project was withheld from the original agreement because some matters had not yet been cleared at the time the agreement was adopted.

RESOLUTION NO. 60-303

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING BUDGET AND APPROVING FIRST SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

Introduced by Spaulding Seconded by VanderWall
 Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

RESOLUTION ESTABLISHING POLICY ON OFFICIALS PARKING ON CITY HALL PARKING LOT 6-98

RESOLUTION NO. 60-304

A RESOLUTION ESTABLISHING POLICY DIRECTIVE RELATING TO OFFICIAL PARKING IN THE CITY HALL PARKING LOT

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: Arata Absent: Knoles

CONSIDER CAPITAL OUTLAY ITEMS 6-102

LEGION PARK RESTROOM

The Acting City Manager stated that there is an urgent need for new restrooms at Legion Park, one of the most highly used parks in the City system. This matter has been before the City Council off and on and considered by the staff in its budgeting processes since 1955.

Director of Parks and Recreation Cowie presented pictures of the present restrooms and plans for the proposed new restrooms to the Council. The estimated cost for the proposed restrooms is \$17,250. The matter was generally discussed by the Council.

RESOLUTION NO. 60-305

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$17,250 FROM GENERAL RESERVE TO REPLACE EXISTING RESTROOMS AT LEGION PARK

Introduced by Adams Seconded by VanderWall

Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: Knoles

RADIO AND COMMUNICATIONS EQUIPMENT

The Acting City Manager stated that the radio and communications equipment included in the capital improvement budget is eligible for federal participating funds to the extent of 50%. Congress has approved \$22,000,000 for this purpose. If approved by the Council, a transfer of \$6,307 from the Special Capital Outlay Fund reserve is required. He reviewed the proposed purchases: Parks and Recreation Department - a mobile unit in the hi-ranger and one in the foreman's pickup trunk (the hi-ranger would be extremely valuable in the event of an emergency) and a remote control unit which would be placed in the Parks & Recreation office. The two radios and control unit would cost approximately \$450 to \$500 each. Public Works Department - a mobile unit for the chief electrician's car, the utility crew leadman, the service truck, and the chief building official. Police Department - 4 portable public address systems for crowd control and mass alerting of citizens in the event of emergency conditions, at a cost of approximately \$400.

The matter was generally discussed by the Council.

MOTION

That no action be taken; that it be placed on the agenda for future consideration with further information.

Moved by Spaulding Seconded by Martin Unanimously carried

REPORTS FROM PLANNING COMMISSION - PROPOSED AMENDMENT TO THE SUBDIVISION REGULATIONS 7-110

September 7, 1960, at 4:30 P.M. was set for the date and time of hearing on the proposed subdivision regulations as recommended by the Planning Commission in Resolution No. 628.

RESOLUTION NO. 60-306

A RESOLUTION SETTING THE DATE FOR PUBLIC HEARING ON THE PROPOSED SUBDIVISION REGULATIONS AS RECOMMENDED BY THE PLANNING COMMISSION IN RESOLUTION NO. 628

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

MATTER PRESENTED WITH UNANIMOUS CONSENT OF COUNCIL 8-05

RIGHT OF WAY AGREEMENT WITH GRANT PERDUE, WIDENING OF TULLY ROAD

The Acting City Manager briefly reviewed the agreement. It provides for a deed to the City for 20 feet of right of way 300 feet long on Tully Avenue between Stoddard and Coldwell; for the City to install curb and gutter in keeping with its policy and for payment to the grantor of the sum of \$190 for damage to trees and removal of shrubs.

RESOLUTION NO. 60-307

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND GRANT PERDUE FOR WIDENING OF TULLY ROAD

Introduced by Martin Seconded by VanderWall
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

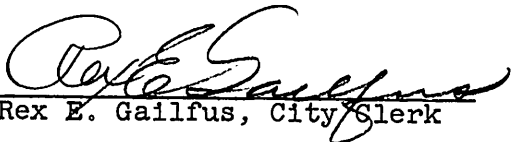
ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:45 P.M.

ATTEST: 
Rex E. Gailfus, City Clerk

Modesto City Council
August 24, 1960

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: Adams, Knoles, Martin, VanderWall, Mayor Hammond

Councilman Arata arrived at 7:35 P.M.

Absent: Councilman Spaulding

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

Council members having received copies of the minutes of the regular meetings of July 20 and 27, 1960, and the same being available for public inspection, and there being no objections, the minutes were approved.

PRESENTATION OF TRAFFIC AWARD

Ross Shoaf, Traffic Engineer, City of San Francisco, presented a traffic engineering award to the City, this being the third year the City has won the award. He stated that this indicates that the leadership, all departments and all phases of city government are interested in good traffic engineering. He read the Certificate of Recognition for the year 1959 to the Council.

LETTER FROM GOVERNOR BROWN RE: REGISTERING AND VOTING 1-42

A letter from Governor Brown was read by the City Clerk, stressing the importance of registering for the coming election, and asked for cooperation to see that every citizen in California eligible to do so, registers and votes.

MATTER PRESENTED WITH UNANIMOUS CONSENT OF COUNCIL 1-62

REQUEST TO SET UP VOTER REGISTRATION TABLES

Alfred Anderson, 911 13th Street, representing the Stanislaus County Committee On Political Education, requested permission to set up voter registration tables at the corner of 11th & J Streets and 10th and K Streets on August 25, September 1, September 8 and September 15, 1960, between the hours of 6:00 P.M. and 9:15 P.M.

RESOLUTION NO. 60-308

A RESOLUTION GRANTING PERMISSION TO PLACE VOTER REGISTRATION TABLES AT DOWNTOWN AREAS

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

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LETTER FROM WILLIS KLEINENBROICH, OWNER, MODESTO MOTOR BUS SERVICE
RE: OPERATION OF THE BUS SYSTEM AND PARKING ZONES 1-85

The City Clerk read a letter from Mr. Kleinenbroich, owner of Modesto Motor Bus Service, and an enclosed copy of a letter to Director of Parking and Traffic Carmody, relative to the changing of bus zone regulations to permit parking of private cars in bus zones after 6:00 P.M. The letters also referred to Divco Wayne Buses, a proposal to be presented to the Council under which new buses could be leased by the city for the Modesto Motor Bus Service to operate. Under this arrangement there would be no cost to the city, but some federal and state tax relief would be afforded the bus operator.

Mr. Kleinenbroich's letter to the Director of Parking and Traffic charged that Mr. Carmody, rather than the downtown merchants, initiated the proposal that red curb markings for bus zones be removed.

Mr. Kleinenbroich spoke from the audience. He stated that when Mr. Carmody spoke to him of the supposed complaints of the downtown merchants regarding the red curbed bus zones, he agreed to go along with the change with the stipulation that the posted zones be patterned after the posted zones of San Jose, and it had been his impression that the Director of Parking and Traffic found this agreeable. Mr. Kleinenbroich stated, however, that it appeared that from that time on Mr. Carmody began influencing the downtown merchants to complain about the red curbed bus zones. Mr. Kleinenbroich stated that the interests of the people who are dependent on bus service should be protected too. He further stated that he was applying to the PUC for a fare increase within the next few weeks to enable him to keep in operation.

Mayor Hammond assured Mr. Kleinenbroich that the change in the bus zone regulations was approved by the City Council after careful consideration. He said they will be watched carefully and if it proves detrimental to the operation of the buses the matter will be back before the Council for review.

LETTER FROM THE 20-30 CLUB OF MODESTO RE: USE OF DEL WEBB FIELD FOR
DONKEY BASEBALL GAME 2-60

The letter was read by the City Clerk. It requested the use of Del Webb Baseball Field for the 20-30 Club annual donkey baseball game on September 24, 1960.

RESOLUTION NO. 60-309

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 24, 1960

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

COMMUNICATION FROM G. E. ZIMMERMAN RE: REQUEST FOR VARIANCE TO PLACE
BLACKTOP IN SIDEWALK AREA 2-80

A letter from G. E. Zimmerman requesting a variance to place blacktop on driveways on the Southwest corner of Griswold and Magnolia Avenues was read by the City Clerk.

Director of Public Works Ray reported that these driveways were discovered by the construction inspector on August 15, 1960, and violation of provisions of the Code was brought to the attention of Mr. Zimmerman. There are two driveway approaches to a circular drive. The easterly approach just west of the property line of Magnolia Ave., is 21 feet in width; the westerly driveway approach is 12 feet in width, with a distance between them of approximately 50 feet. There are no curbs and gutters in this block on the south side of Griswold. The asphaltic drive construction extends out into the public right of way for a distance of approximately 8 feet. At this location the width of the driveway on the south side of the center line of Griswold is 55 feet, which means that an additional 5 feet of right of way will be required when this street is developed to a full 60 feet as a collector street. Mr. Ray recommended that the variance be granted to Mr. Zimmerman on a temporary basis in accordance with the conditions of Resolution No. 58-235, dated July 23, 1958. He recommended a bond of \$330.

RESOLUTION NO. 60-310

A RESOLUTION GRANTING VARIANCE TO G. E. ZIMMERMAN TO CONSTRUCT TEMPORARY BLACKTOP DRIVEWAY APPROACHES AT THE SOUTHWEST CORNER OF GRISWOLD AND MAGNOLIA AVENUES

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

HEARING ON RECOMMENDED R-3 ZONING OF THE Y.M.C.A. ADDITION 2-120

Mayor Hammond declared that the hour of 8:00 P.M. had arrived, the time set for consideration of the hearing on the recommended R-3 zoning of the Y.M.C.A. Addition.

The Acting City Manager read a certification prepared by the Clerk indicating that notice was published in the Modesto Bee on August 10, 1960, and notices were posted and delivered in the area on August 12, 1960. No written protests to the proposed rezoning have been filed with the City Clerk.

Mayor Hammond asked if anyone in the audience wished to file an oral protest or make any comments. No protests were filed or comments made. Mayor Hammond declared the hearing closed.

The City Attorney stated that the matter involved the change of the zoning of this property from interim zoning, Multiple-Family Zone, R-3, to Multiple-Family Zone, R-3.

ORDINANCE NO. 409-C.S. entitled,

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Y.M.C.A. ADDITION)"

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

Moved by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

LETTER FROM FRANK ANDREWS RE: CITY OWNED ELECTRICAL DISTRIBUTION
IN THE CITY OF REDDING AND ITS EFFECT ON THAT CITY'S TAX RATE 3-12

This letter was previously distributed to the Council and was ordered filed.

LETTER FROM MODESTO LIONS CLUB RE: OMISSION OF NAME FROM LIST OF
CONTRIBUTORS TO THE MODESTO CHILDREN'S PARK 3-15

A letter from V. M. Willson, Secretary, Modesto Lions Club, expressing disappointment over the fact that the Modesto Lions Club had been omitted from the list of clubs and individuals contributing to the development of Modesto Children's Park was read by the City Clerk.

The City Attorney stated that inadvertently there were quite a few names omitted from the original resolution that should be included. The supplemental list of individuals and organizations was read by the Acting City Manager.

RESOLUTION NO. 60-311

A RESOLUTION COMMENDING ADDITIONAL ORGANIZATIONS AND INDIVIDUALS WHO CONTRIBUTED TO THE DEVELOPMENT OF THE MODESTO CHILDREN'S PARK

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

HEARING ON REQUIREMENT OF CURB AND GUTTER INSTALLATION IN BLOCK
6007 AND 207 3-45

Mayor Hammond declared that the hour of 8:05 P.M. had arrived, the time set for consideration of the hearing on the requirement of curb and gutter installation in Block 6007 at the corner of Roseburg and Grinnell, and Block 207, west side of Morton Blvd. between Lane and State Streets.

The Acting City Manager read a certification prepared by the City Clerk indicating that the area had been posted, the owners notified, and no written protests had been filed with the City Clerk.

Director of Public Works Ray summarized a letter received from Amos Johansen, pertaining to the installation of curbs and gutters at the corner of Roseburg and Grinnell. Mr. Johansen has received an estimate from George Reed to install curbs and gutters, and also an estimate to hardtop the balance of the parking area around the store. An area of unimproved city property would remain and would be hardtopped provided the city grant a variance. Mr. Ray stated that he had informed Mr. Johansen that he could not recommend to the Council that a variance be granted for this purpose. Mr. Johansen plans to proceed with the construction of curb and gutter as required.

Gene Leluch, 509 North Morton Boulevard, spoke from the audience. He stated that his property in Block 207 is unimproved, is presently up for sale, and installation of curbs and gutters at this time would necessitate retearing of the curbing and gutter to provide a driveway into the property when the property is improved.

He requested that he be allowed to withhold the installation pending sale of the property and determination made by the purchaser where the driveway is to be located. He stated that 90 days would be sufficient time to enable him to effect a sale.

Mayor Hammond declared the hearing closed.

The matter was generally discussed by the Council.

MOTION

That the installation of curb and gutter at 207 Morton Blvd. be deferred for 90 days.

Moved by Arata Seconded by VanderWall

At the request of Mayor Hammond, a called roll vote was made:

Ayes: Arata, VanderWall

Noes: Adams, Knoles, Martin, Mayor Hammond Absent: Spaulding
The motion failed to carry.

RESOLUTION NO. 60-312

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Martin Seconded by Adams

Ayes: Adams, Knoles, Martin, Mayor Hammond

Noes: Arata, VanderWall Absent: Spaulding

HEARING ON APPEAL OF ANNA R. BROWN AND WILMA E. HODDE FROM DECISION OF PLANNING COMMISSION ON DENIAL OF REQUEST TO AMEND SECTION MAP 19

Mayor Hammond stated that the hour of 8:10 P.M. had arrived, the time set for the consideration of appeal of Anna R. Brown and Wilma E. Hodde from the decision of the Planning Commission denying their request that the Northwest corner of Tully Road and Orangeburg Avenue be rezoned from R-1 to C-1.

The Acting City Manager read a certification prepared by the City Clerk which stated that notice of hearing was published in the Modesto Bee on August 10, 1960, and notices were posted and delivered in the area on August 12, 1960. One written protest has been filed with the City Clerk by Bennie A. and Dorothy M. Rissky, 1416 Tully Road.

Director of Planning Smeath indicated on a map the location of the property involved. He indicated the present commercial and proposed commercial zones, the existing service stations and proposed service stations in the area. He stated that after a full review the Planning Commission had disapproved the requested rezoning by a 5 to 1 vote, and that approximately two years ago the Planning Commission had disapproved an application to rezone the corner on the east side of Tully and north side of Orangeburg for commercial purposes.

John Griffin, Attorney at Law, representing Anna R. Brown, Wilma E. Hodde and Mobile Oil Co., spoke from the audience. He stated that the following factors should be considered:

If the area is rezoned to permit construction of a service station, the Mobile Oil Co. will install sidewalks and curbs. This will clear the view and increase safety of the intersection, which at the present time is blind when approached from the north and the west;

Since Orangeburg is going to be a main East-West highway which will tend to depreciate property values so far as residential areas are concerned, a service station at this location will not tend to increase the depreciation further;

His clients will, without cost to the City, consent to the widening of Tully Road.

The City Clerk stated that he had received a telephone call from Mrs. Howard Crogh, 1620 Stenson, stating that she was opposed to the rezoning of the property.

The Acting City Manager pointed out that the Modesto City School Board has informed the city that the Board is opposed to any commercial or industrial uses adjacent to, or across the street from the school, in accordance with its policy statement dated April 4, 1960.

Frank Muench from the audience stated that he lived one block east of the proposed rezoning. Two years ago when the opposite corner was being considered for rezoning, a petition signed by approximately 20 residents in the immediate area was submitted to the Planning Commission opposing installation of a service station. It was his opinion that the same people would be opposed to rezoning of the property under present consideration.

RESOLUTION NO. 60-313

A RESOLUTION AFFIRMING THE DECISION OF THE MODESTO CITY PLANNING COMMISSION DENYING THE REQUEST OF WILMA HODDE AND ANNA BROWN THAT SECTION 19 OF THE ZONING MAP BE AMENDED TO REZONE PROPERTY LOCATED AT NORTHWEST CORNER OF TULLY AND ORANGEBURG AVENUE, ON THE BASIS OF FINDINGS SET FORTH IN PLANNING COMMISSION RESOLUTION NO. 622 DATED JULY 19, 1960

Introduced by Knoles Seconded by Adams
Ayes: Adams, Martin, Knoles, VanderWall, Mayor Hammond
Noes: Arata Absent: Spaulding

HEARING ON APPEAL OF POY TIM LOWE ET AL FROM DECISION OF PLANNING COMMISSION DENIAL OF REQUEST TO AMEND SECTION MAP 19

Mayor Hammond stated that the hour of 8:15 P.M. had arrived, the time set for the consideration of appeal of Poy Tim Lowe et al from the decision of the Planning Commission denying their request that the property located at the southeast corner of Roseburg and Carver be rezoned from R-A, Residential Agricultural, to C-1, Neighborhood Commercial.

The Acting City Manager read a certification prepared by the City Clerk which stated that notice of hearing was published in the Modesto Bee on August 10, 1960, and notices posted and delivered in the area on August 12, 1960. No written protests of the proposed rezoning have been filed with the City Clerk. One letter in favor of the proposed rezoning is on file.

Director of Planning Smeath indicated on a map the location of the 8 acre plot under consideration, the residential areas in the immediate vicinity, and the various shopping centers already in existence. He pointed out that the County Board of Supervisors has rezoned the property on the west of Carver in this vicinity to be used by McWilliams-Ramsey Lumber Co. for storage of lumber. This overruled the recommendations of both the City and County Planning Commissions, both having previously denied this request. The general plan adopted calls for small neighborhood shopping centers about 1 mile apart and a small commercial area in this approximate location is indicated.

At the request of Mayor Hammond, Mr. Smeath reviewed the findings of the Planning Commission: (1) The property surrounding the area applied for is developed to residential uses, and commercial zoning would create conflicts of use and traffic which would be adverse to the neighborhood; (2) Collector streets bounding the property would not provide adequate traffic-carrying capacity to serve a shopping center.

Wilmar Jensen, Attorney at Law, representing the applicants, spoke from the audience. He stated that at the time the rezoning of this property was up for consideration of the Planning Commission, it was clearly indicated that the rezoning of this property was being considered in conjunction with the McWilliams-Ramsey Lumber Co. request, which company has now been granted a use permit to use the area west of Carver as a lumberyard. It was his belief that people would be unwilling to buy a home across the street from a lumber yard. He cited advantages that will accrue to the City if the rezoning is approved: Increased tax revenues by reason of the increase in the assessed valuation of the land; increased sales tax; it would brighten a very unattractive area, and would serve as a buffer zone between the commercial and industrial areas on the south and west, and the residential uses on the north and east. Increased service traffic could be handled adequately on Carver Road. He stated that the general plan calls for 18 acres of commercial zoning in this area, and felt that the request of the applicants was compatible with the general plan. Mr. Jensen had in his possession a petition signed by 94 people, residents of the area, indicating approval of the proposed rezoning.

Mrs. Norma Openshaw, 1622 Del Mar, spoke from the audience. She had circulated the original petition opposing the rezoning of the Lowe property to C-2, but now believed that the rezoning of the McWilliams-Ramsey property to be used as a lumber yard should have a bearing on the rezoning of the Lowe property. She also felt that if the property was rezoned, there should be no alley on the east side.

The following people from the audience spoke briefly in opposition to the rezoning:

Lee Heune, 1614 Oakwood Drive
 M. N. Hoffman, 1106 Del Verde
 John C. Smith, 1609 Del Monte
 William G. Morton, 1610 Oakwood Drive
 Jack Webster, 1613 Del Monte

The City Clerk presented a petition signed by 53 individuals opposing the rezoning.

Attorney Jensen briefly reviewed a letter from Robert Ford, appraiser, and filed it with the City Clerk. In Mr. Ford's opinion, three major factors involving design, location and construction would contribute to a possible loss in value to residential subdivisions adjoining a neighborhood shopping center of this type. These factors are: Traffic congestion; undesirable view of the center from adjoining residences; excessive noise and lighting as created by or attracted to the shopping center. Mr. Jensen briefly reviewed the plans of the applicants which have been designed to eliminate these factors.

Mayor Hammond declared the hearing closed.

Answering a question submitted by Councilman Martin, the Director of Planning stated that at its hearing of this matter, the Planning Commission felt that if a commercial area was established in this area, it should be on the west side of Carver Road rather than on the east side. Some of the members also felt that a shopping center of this size might create traffic problems.

Councilman Martin asked Mr. Smeath whether he thought the Planning Commission, in light of the unforeseen action of the Board of Supervisors, would change its mind if the only difference was the side of the street on which the commercial area should be located.

It was Mayor Hammond's opinion that perhaps the action of the County Board of Supervisors in granting a variance to the lumber yard was a bit hasty. He felt that in this particular area the commercial area should be on the west side of Carver Road because of the lack of any other barrier between that and the residential areas. These areas, both to the east and to the north, are all single family-residential, with the narrowest kind of streets that are permissible.

RESOLUTION NO. 60-314

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF POY TIM LOWE ET AL THAT SECTION 19 OF THE ZONING MAP BE AMENDED TO REZONE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROSEBURG AND CARVER, ON THE BASIS OF THE FINDINGS, SET FORTH IN PLANNING COMMISSION RESOLUTION NO. 622, ADOPTED JULY 19, 1960

Introduced by Adams Seconded by Mayor Hammond
Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
Noes: Martin Absent: Spaulding

CONSIDER AWARD OF BID FOR SALE OF DRIED SLUDGE FROM SEWER FARM 8-80

Director of Public Works Ray stated that only one bid had been received, from Hager Supply Company, San Bernardino, Calif., in the sum of 40 cents per cubic yard. He recommended that the offer be accepted.

RESOLUTION NO. 60-315

A RESOLUTION ACCEPTING THE BID OF HAGER SUPPLY COMPANY FOR PURCHASE OF EXCESS DIGESTED SLUDGE

Introduced by Knoles Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION APPROVING SPECIFICATIONS AND CALLING FOR BIDS FOR
EXTENSION OF WATER LINE ON "J" STREET BETWEEN 12TH AND NEEDHAM 9-88

This item was held over pending receipt of encroachment permit.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE
FOR NORTHGATE SUBDIVISION NO. 3 8-90

RESOLUTION NO. 60-316

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN NORTHGATE
NO. 3 SUBDIVISION

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

September 6, 1960, at 2:30 P.M. was set for the time and
date of opening of bids.

ADOPTION OF ORDINANCE NO. 407-C.S., AMENDING CODE WITH RESPECT
TO DUE DATE AND DELINQUENCY OF BUSINESS LICENSE TAX RETURNS 8-95

ORDINANCE NO. 407-C.S. entitled,

"AN ORDINANCE AMENDING SECTION 6-1.111 OF ARTICLE I OF CHAPTER I
OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS
LICENSING"

introduced on August 17, 1960, and having been printed and published
as required by the Charter, and coming on for final consideration,
was moved and adopted.

Moved by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION AUTHORIZING WAIVING OF PENALTY AND INTEREST CHARGES ON
BUSINESS LICENSE PAYMENTS AND AUTHORIZING REFUNDS 8-100

The Acting City Manager read a list of individuals and
businesses from which requests have been received to date for a
refund and waiver of delinquent penalties and interest on business
license payments made on August 1, 1960, and postmarked between
5:00 P.M. and midnight of that day, and claimed to have been deposited
in the U.S. mail prior to 5:00 P.M.

RESOLUTION NO. 60-317

A RESOLUTION AUTHORIZING WAIVER AND REFUND OF CERTAIN DELINQUENT
PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENTS AS PROVIDED BY
SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

The City Attorney stated that the Code provides that a claim for refund must be filed within 30 days after payment, and a claim for waiver within 30 days of the mailing of written notice from the City to taxpayer for penalty charges. People who have not yet submitted their claims should be aware of this fact; otherwise they will be cut off by the statute of limitations.

The Council meeting reconvened at 9:35 P.M., after a recess of five minutes.

CONSIDER AGREEMENT WITH COUNTY OF STANISLAUS FOR IMPROVEMENT OF SUTTER 9-45

The City Attorney stated that the agreement with the County of Stanislaus for the improvement of Sutter Street provides for the County to furnish all labor, materials and equipment necessary to repave Sutter to the intersection with Paradise Road within the City to the intersection of Paradise Road with Robertson Road within the unincorporated area of the County. The County Road Commissioner and the Director of Public Works are to work together, and the City is to reimburse the County for the actual costs of the improvement for the portion of Sutter Street lying within the corporate limits upon the completion of the work to the satisfaction of the Road Commissioner and the Director of Public Works.

RESOLUTION NO. 60-318

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR IMPROVEMENT OF SUTTER AVENUE

Introduced by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

CONSIDER RESOLUTION REQUIRING CONSTRUCTION OF CURB AND GUTTER AT THE FOLLOWING LOCATIONS: 210 MADERA, BLOCK 317, LOTS 34 AND 35

The Acting City Manager stated that more than 50% of the curbs and gutters in this block have been installed, a request has been filed that this work be done, the property owner has been contacted informally and the work has not been done.

RESOLUTION NO. 60-319

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF A CURB AND GUTTER ALONG A CERTAIN STREET IN THE CITY OF MODESTO

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

September 14, 1960 at 8:10 P.M. was set for the time and date of hearing.

CONSIDER ORDINANCE AMENDING CODE TO PROVIDE FOR SEWER SERVICE TO SERVE PORTIONS OF LARGE PARCELS OF PROPERTY 9-70

The City Attorney presented a proposed ordinance amending the sewer regulations to provide sewer service for large parcels of land on the same basis recently approved by the Council for furnishing water service to parcels of land of a total area not less than 20,000 square feet, and the portion to be served not less than 6,000 square feet in area.

ORDINANCE NO. 410-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-6.109 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE BY ADDING SUBSECTION (d) THERETO RELATING TO SEWER RATES AND REGULATIONS"

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

Moved by Arata Seconded by Adams
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

RESOLUTION APPROVING THE FINAL MAP OF PARK MANOR #2B 9-77

The City Attorney stated that the final map had been certified by the City Engineer. Bond or cash deposit in the amount of \$19,500 is required. In this instance a bond was furnished in the amount of \$19,000 and a check for \$500 has been furnished to cover the balance. Certificates have been received with respect to taxes. Fees in the amount of \$792.20 have been received by the City.

RESOLUTION NO. 60-320

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK MANOR #2B SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Mayor Hammond
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

CONSIDER ADJUSTING CITY LIBRARIAN SALARIES TO COINCIDE WITH COUNTY LIBRARY EMPLOYEES 9-92

The Acting City Manager briefly reviewed a Personnel Commission Memorandum, Subject, "Librarian Salaries - Personnel Commission's Recommendation" dated August 17, 1960, recommending a salary adjustment for librarians on the City payroll to correspond with salaries of librarians employed by the County at the same locations. This is in keeping with the policy previously established by the City Council and Personnel Commission.

RESOLUTION NO. 60-321

A RESOLUTION AMENDING RESOLUTION NO. 60-27 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

APPROPRIATION TRANSFER

RESOLUTION NO. 60-322

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1145 TO COVER COST OF 5% SALARY INCREASE FOR LIBRARIANS

Introduced by Adams Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

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CONSIDER PURCHASE OF PROPERTY FOR PARK PURPOSES FROM FRESNO
GUARANTEE SAVINGS AND LOAN ASSOCIATION (PARK SITE IN MORAN ESTATES
NO. 1) 9-120

The Acting City Manager reported that purchase of this site has been approved by the City Council and the funds are budgeted. This portion, 1.337 acres, is part of the site. The purchase price is \$5,071.37, plus the usual costs.

ORDINANCE NO. 411-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM FRESNO GUARANTEE SAVINGS AND LOAN ASSOCIATION, A CORPORATION"

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

Moved by Adams Seconded by Mayor Hammond
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

REPORT ON CITY OF MODESTO EQUIPMENT RENTAL RATES 10-10

The report was ordered filed.

CONSIDER THE VACATION AND ABANDONMENT OF ALLEY IN BLOCK 2185
MARIA COURT AREA 10-14

Director of Planning Smeath stated that this alley is not now in use. It is 10 feet wide and extends from Maria Court eastward to the alley between Maria Court and San Juan Ave. All public utility agencies and city departments have approved the abandonment subject to the retention of utility easements. The fire department stated that if the alley is closed, a fire hydrant should be provided in the vicinity of San Juan Avenue, south of Miller Avenue. Under present conditions, the fire department could take fire hoses by hand through this portion of the alley from the closest fire hydrant, on Maria Court, to control fires on the west side of San Juan Ave. The Acting City Manager reported that if the additional fire hydrant is needed it would be installed.

The cost to the City for the hydrant would be \$2.50 monthly rental to Del Este Water Co., a fee established by the Public Utilities Commission.

If the alley is abandoned, the Planning Commission recommended the following conditions: That an agreement be effected with the parties involved that they relocate their fences to the new property line within six months; that the City Council be assured that adequate fire protection facilities are provided before the area is closed.

RESOLUTION NO. 970-S.P.
RESOLUTION OF INTENTION NO. 274

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF ALLEY IN BLOCK 2185 IN THE CITY OF MODESTO

Introduced by Knoles Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

September 14, 1960 at 8:00 P.M. in the Council Chambers
was set for the time and place of hearing.

CONSIDER PURCHASE OF RADIO AND COMMUNICATION EQUIPMENT 10-40

A memorandum from the Assistant City Manager, Subject, "Report on Communications Equipment", dated August 19, 1960, was discussed by the Council. With the unanimous consent of the Council, the matter was held over until the next Council meeting so that specific costs of each item under consideration could be presented.

CITY HALL MATTERS 10-75

CITY HALL PARKING LOT

The Acting City Manager reported that the topping placed on the lot has not hardened to the point where the lot can be used. The material is being analyzed to determine the reason.

MAP IN COUNCIL CHAMBERS

MOTION

That the staff provide a map area in the Council Chambers more readily visible to the Council and audience.

Moved by VanderWall Seconded by Knoles Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - STATUS OF SANTA BARBARA AVE. 10-93

The Acting City Manager stated that the widening of Santa Barbara Avenue has been before the Council, the staff and Planning Commission for a considerable period of time. A memorandum from the Director of Planning, with a letter from Harry Kullijian attached, was presented to the Council. The letter from Mr. Kullijian stated that he was in the process of developing plans for a commercial building to be built on the corner of Yosemite Blvd. and Santa Barbara Ave., was allowing for a building setback of 15 feet on Santa Barbara to conform with the Code where residential and commercial zoned properties are adjacent, and wished to confirm whether this correctly complied with regulations.

The Director of Planning stated that he had talked with Mr. Kullijian who had agreed to hold up the development of plans until the Council meets on September 7, 1960, thus giving the staff an opportunity to submit a summary of the situation that exists, alternative actions, and perhaps a recommendation.

Mayor Hammond stated that he would like to know the number of individual owners on the two sides of the street. The Acting City Manager said that maps would be furnished showing the relationship of one parcel to another, which will give an indication of the amount of land already dedicated by the property owners. There are only two parcels left to be acquired, one at the Yosemite end and the other on the west side of the street at La Loma.

Mayor Hammond requested information as to why this property was subdivided without dedicated rights of way. He requested that the staff submit a full report prior to the next Council meeting. It was reported that the property was subdivided prior to annexation and the situation was inherited by the City.

MATTERS FOR THE GOOD OF THE COMMUNITY 10-12

None

REPORT ON EXPENDITURES AND REPAYMENTS FOR CONSTRUCTION OF SUBTRUNK AND PERIMETER SEWERS 10-14

This matter was held over.

RESOLUTION OF COUNCIL EXPRESSING SYMPATHY AND CONDOLENCE TO FAMILY OF WILLIAM FAJGER 10-15

RESOLUTION NO. 60-323

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO EXPRESSING ITS SYMPATHY AND CONDOLENCE TO THE FAMILY OF WILLIAM FAJGER

Introduced by Martin Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 10:05 P.M.

ATTEST: 
Rex E. Gailfus, City Clerk

Modesto City Council
September 7, 1960

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 pro tempore Spaulding presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding

Councilman Knoles arrived at 4:45 P.M.

Absent: Mayor Hammond

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of August 3 and 10, 1960, and special meeting minutes of June 14, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM NORTHERN CALIFORNIA COMPANY RE: PURCHASE OF LAND (B STREET)

A letter from W. T. Rademaker, Northern California Company, expressing interest in purchasing city owned property adjacent to the Company's property on B Street was read by the City Clerk.

The letter was referred to the staff for study and report.

LETTER FROM STANISLAUS COUNTY DEMOCRATIC CENTRAL COMMITTEE RE: P. G. & E. CO. APPLICATION FOR INCREASE IN RATES 1-25

A letter from Paul V. Birmingham, Chairman, Stanislaus County Democratic Central Committee, urging the Modesto City Council to participate in the hearings on P. G. & E. Application No. 42225 before the PUC for an increase in gas rates in the amount of \$26,615,000 for the test year of 1961. Numerous counties and cities participating in the case and expected to sign a joint closing brief were listed.

Councilman Adams stated that he would like a report prepared by the City Attorney concerning the interest of other cities and counties participating in the case.

MOTION

That the City Attorney prepare a report concerning the interest of other cities and counties participating in the case.

Moved by Adams Seconded by VanderWall

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110-34

At the request of Mayor pro tempore Spaulding a roll vote was made:

AYES: Adams, VanderWall
 NOES: Arata, Martin, Mayor pro tempore Spaulding
 ABSENT: Mayor Hammond, Knoles

The motion failed to carry.

LETTERS FROM FRANK ANDREWS RE: (A) ELECTRIC RATES IN LODI, CALIFORNIA; (B) NEWS COVERAGE AND POWER OUTAGE 1-75

Two letters from Frank Andrews, Subject, "How the City of Modesto is forced to High Tax" and "Deplorable News Coverage in Last Two Weeks", having been previously distributed to the Council, were generally discussed.

It was Councilman Martin's opinion that the Council should be better informed on the water issues presented by Mr. Andrews and the Council should be brought up to date on the subject.

MOTION

That the staff prepare a summary type of report covering the water situation.

Moved by Martin Seconded by Adams Unanimously carried

LETTER FROM HICKEN REALTY STATING THEY HAVE LISTING FOR PORTION OF 10TH STREET PARKING LOT - "ALLIBERT PROPERTY" 1-95

A letter from Reed Hicken of Hicken Realty, Realtors, stating that his office is presently listing for sale at an asking price of \$85,000, a portion of a parking lot located at 1129 10th Street, presently under lease to the City of Modesto, was read by the City Clerk.

A memorandum from Director of Parking and Traffic Carmody, Subject, "10th Street Parking Lot - Allibert Property", dated August 29, 1960, previously distributed to the Council, was briefly discussed. With the unanimous consent of the Council, Mayor pro tempore Spaulding ordered the letter filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINES - PARK MANOR 2B 1-110

RESOLUTION NO. 60-324

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN PARK MANOR 2B

Introduced by VanderWall Seconded by Martin
 Ayes: Adams, Arata, Martin, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

September 19, 1960 at 2:15 P.M. was set as the time and date for opening of bids.

BUSINESS EDUCATION DAY

The City Manager stated that there were special guests in the audience in connection with Business Education Day.

CONSIDER APPROVAL OF AGREEMENT WITH DEVELOPERS OF MAY FAIR ESTATES AND GLEN AULEN SUBDIVISION FOR CONSTRUCTION OF SUBTRUNK SEWER AND SEWAGE LIFT STATION 2-10

Director of Public Works Ray stated that agreements signed by the developers of May Fair Estates and Glen Aulen Subdivisions for participation and construction of subtrunk sewer and sewage lift station were now ready for Council approval. He stated that an agreement with the Modesto City Schools has been obtained for their portion of this project. There will be no advance of funds by the City on this particular job. The City is preparing the call for bids and contracting because it was not possible for the schools to enter into an agreement with private parties in this case.

RESOLUTION NO. 60-325

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DEVELOPERS OF MAY FAIR ESTATES AND GLEN AULEN SUBDIVISION FOR CONSTRUCTION OF SUBTRUNK SEWER AND SEWAGE LIFT STATION ON TULLY AVE.

Introduced by Martin Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
Noes: None Absent: Knoles, Mayor Hammond

CONSIDER AGREEMENT WITH DEVELOPERS OF NORTHGATE SUBDIVISION NO. 3 FOR CONSTRUCTION OF SEWAGE LIFT STATION 2-23

Director of Public Works Ray stated that this agreement with Roosevelt Center Inc., developers of Northgate Subdivision No. 3, for construction of sewage lift station was ready for Council approval and signature of the City Manager. Fifty-one per cent of the construction cost will be advanced by the City.

RESOLUTION NO. 60-326

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROOSEVELT CENTER INCORPORATED FOR CONSTRUCTION OF SEWAGE LIFT STATION ON NORTHGATE DRIVE

Introduced by Adams Seconded by Martin
Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
Noes: None Absent: Knoles, Mayor Hammond

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR BIDS FOR UNIT A - SANITARY SUBTRUNK SEWER AND LIFT STATION FOR MAY FAIR ESTATES, GLEN AULEN SUBDIVISION AND GRACE M. DAVIS HIGH SCHOOL. UNIT B - SEWAGE LIFT STATION FOR NORTHGATE SUBDIVISION NO. 3 2-30

RESOLUTION NO. 60-327

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR UNIT A - SANITARY SUBTRUNK SEWER AND SEWAGE LIFT STATION FOR MAY FAIR ESTATES, GLEN AULEN SUBDIVISION AND THE GRACE M. DAVIS HIGH SCHOOL, AND UNIT B - SEWAGE LIFT STATION FOR NORTHGATE SUBDIVISION NO. 3

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

September 19, 1960 at 2:00 P.M. was set as the time and date for opening of bids.

CONSIDER RESOLUTION AWARDDING BID FOR WATER MAINS IN BURNEY STREET, COLLEGE AVENUE AND EXETER AVENUE 2-35

Director of Public Works Ray stated that no bids had been received. The estimated cost for installation by city forces is \$1,326.

RESOLUTION NO. 60-328

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR EXTENSION OF WATER MAINS IN BURNEY ST., COLLEGE AVE., EXETER AVE.

Introduced by Adams Seconded by Arata
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

CONSIDER RESOLUTION AWARDDING BID FOR WATER MAINS IN SARATOGA MANOR SUBDIVISION NO. 2 2-42

Director of Public Works Ray reported that no bids had been received. The estimated cost of installation by city forces is \$564.55.

RESOLUTION NO. 60-329

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN SARATOGA MANOR SUBDIVISION NO. 2

Introduced by Martin Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR EXTENSION OF WATER LINES ON "J" STREET BETWEEN 12TH AND NEEDHAM 2-45

RESOLUTION NO. 60-330

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR EXTENSION OF WATER MAINS IN "J" STREET BETWEEN 12TH STREET AND NEEDHAM AVENUE

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

September 19, 1960 at 2:15 P.M. was set as the time and date for opening of bids.

RESOLUTION APPROVING FINAL MAP OF NORTHGATE SUBDIVISION NO. 3 AND APPROVAL OF AGREEMENT

City Attorney Grimes stated that the final map reserves the easterly six feet of the northerly 405 feet of the alley adjoining

Block 6834 for existing drainage line and for the extension thereof, until such time as the line is relocated and reconstructed. He briefly reviewed an agreement requiring the developers to provide a bond in the amount of \$7,000 to cover the cost of the improvements, engineering, inspection fees and incidental expenses to assure the ultimate completion of the improvements in connection with the reserved portion. The developers agree to reconstruct or relocate the existing drainage line and the extension thereof, and complete the improvements in the reserved area upon the request by the City at such time as all or part of the adjoining property to the east is developed for residential, multiple family or commercial use.

RESOLUTION NO. 60-331

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROOSEVELT CENTER INCORPORATED FOR RELOCATION OF EXISTING DRAINAGE LINE IN NORTHGATE SUBDIVISION NO. 3

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

RESOLUTION NO. 60-332

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

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

CONSIDER RESOLUTION AWARDED BID FOR WATER LINE FOR NORTHGATE SUBDIVISION NO. 3 2-90

The Director of Public Works stated that no bids were received. The estimate for installation of the water main with city forces is \$6,691.55.

RESOLUTION NO. 60-333

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN NORTHGATE NO. 3 SUBDIVISION

Introduced by Arata Seconded by Adams
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

ADOPTION OF ORDINANCE NO. 409-C.S., REZONING OF THE Y.M.C.A. ADDITION

ORDINANCE NO. 409-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Y.M.C.A. ADDITION)"

introduced on August 24, 1960 and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Adams
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

ADOPTION OF ORDINANCE NO. 410-C.S., SEWER SERVICE CHARGES, LARGE PARCELS 2-100

ORDINANCE NO. 410-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-6.109 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE BY ADDING SUBSECTION (D) THERETO RELATING TO SEWER RATES AND REGULATIONS"

introduced on August 24, 1960 and having been printed and published as required by the Charter was moved and adopted.

Moved by Arata Seconded by Martin
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

ADOPTION OF ORDINANCE NO. 411-C.S., PURCHASE OF PARK PROPERTY 2-100

ORDINANCE NO. 411-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM FRESNO GUARANTEE SAVINGS AND LOAN ASSOCIATION, A CORPORATION"

introduced on August 24, 1960 and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

RESOLUTION AUTHORIZING WAIVING OF PENALTY AND INTEREST CHARGES ON BUSINESS LICENSE PAYMENTS AND AUTHORIZING REFUNDS 2-115

Director of Finance Bird reported that he had received seven additional requests for refund and waiver of delinquent penalties on business license payments made on August 1, 1960, postmarked between 5:00 P.M. and midnight of that day, and claimed to have been deposited in the U. S. mail prior to 5:00 P.M.

RESOLUTION NO. 60-334

A RESOLUTION AUTHORIZING WAIVER AND REFUND OF CERTAIN DELINQUENT PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENTS AS PROVIDED BY SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE

Introduced by Martin Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Knoles, Mayor Hammond

INFORMAL HEARING ON AMENDMENTS TO THE SUBDIVISION REGULATIONS
 4:30 P.M. 3-15

Mayor pro tempore Spaulding announced that the hour of 4:30 P.M. had arrived, the time set for the informal hearing on amendments to the subdivision regulations.

The City Manager stated that the Planning Commission has adopted Resolution No. 628 recommending to the Council a number of amendments to the subdivision regulations, copies of which were presented to the Council.

Director of Planning Smeath reviewed the proposed ordinance amending the regulations. He stated that many of the changes have been made to clarify wording and are not controversial.

The two controversial issues relate to the section prohibiting alleys in residential subdivisions and the section pertaining to easements.

Article 5 of the proposed amendments relates to regulations pertaining to lot splits. The present code provides for a Subdivision Committee, which consists of one member of the Planning Commission, the Planning Director, and the City Engineer. This three-man committee passes on all requests for lot splits, (divisions of property into fewer than five lots). Under existing regulations, lot split applications are not reviewed by the Planning Commission unless street dedications or street improvements are required. The proposed amendment would provide that all lot split applications would be reviewed by the Planning Commission, eliminating the Subdivision Committee.

A proposed new section pertaining to the issuance of building permits provides that no building permit shall be issued for the construction of any building, structure or other work on any lot split unless and until said lot split has been approved by the Planning Commission.

Another proposed change provides that septic tanks may be permitted for lots of not less than 9,000 square feet in area, subject to approval of the City Health Officer. This conforms with County and FHA provisions.

A proposed amendment of Section 4-4.803 provides that the charge for park fees would be \$20 per lot instead of \$100 per net residential acre.

Mayor pro tempore Spaulding asked if anyone in the audience wished to make any comments. No one wishing to make any comments, Mayor pro tempore Spaulding declared the hearing closed.

The matter was generally discussed by the Council.

MOTION

That consideration of amendments to the subdivision regulations be held over for one week.

Moved by Arata Seconded by VanderWall Unanimously carried

FURTHER REPORT ON ESTIMATED COST OF RADIO AND COMMUNICATIONS EQUIPMENT 5-30

The City Manager briefly reviewed a report previously presented to the Council. He suggested that the items listed in the report, if approved, be combined with the two police car radios (\$1,074) previously approved by the Council, to make it a single Capital Outlay item. The total amount needed for the combined equipment is \$7,197; 50% of this amount will be reimbursed by federal funds.

Councilman Martin stated that it was his impression that the principal justification for the proposed purchase was that 50% of the cost of the items would be paid from federal funds, and that the degree of utilization, particularly the mobile units, was infrequent.

The City Manager stated that a tie-in of the whole system is intended for use in an emergency situation. In order to qualify for federal funds, a call for bids is necessary.

RESOLUTION NO. 60-335

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$7,197 FOR PURCHASE OF COMMUNICATIONS EQUIPMENT AND RETURNING TO THE RESERVE \$1,074 PREVIOUSLY BUDGETED IN THE CIVIL DEFENSE BUDGET

Introduced by Adams Seconded by Knoles

Ayes: Adams, Arata, Knoles, VanderWall, Mayor pro tempore Spaulding

Noes: Martin Absent: Mayor Hammond

REPORT ON STATUS OF SANTA BARBARA AVENUE 5-85

The City Manager summarized a report prepared by the Planning Director dated September 1, 1960, subject, "Santa Barbara Avenue." A drawing indicating possible widths of Santa Barbara Ave. was distributed to the Council. A 60' width would cut into Mr. Kulligian's property 30'; a 50' width would cut into his property 20'; a 42' width would cut into his property 12'. The latter would provide two driving lanes, and one parking lane and one sidewalk on one side. The City Manager stated that this matter had been discussed with Mr. Kulligian and it was possible that arrangements could be made to provide a walking area on his side on an easement basis. Mr. Kulligian has offered to dedicate 12' provided the City installs curbs and gutters and driveway entrances, and relieves him of any obligation for future street improvements. The City Manager further stated that residents in this area who have dedicated rights-of-way are anxious to have the matter cleared, and he suggested that the City grade and oil the street, whether or not either end of the street is opened.

Director of Planning Smeath stated that this matter had been before the Council three years ago and no action taken. Currently the matter has been reviewed by the Planning Commission and it has recommended that the street be kept open. Because a direct expenditure of funds would be involved, the Planning Commission felt that the Council should make the decision on how much of the street should be kept open. All of the land dedicated is for a 60' street, except at the two ends. At the north end, 30' has been dedicated; at the south end, 30' has been dedicated on the east side of the Kulligian property.

Mayor pro tempore Spaulding asked if there was any possibility of reaching an agreement on the basis of a 12' dedication, the City to install curbs and gutters and no more. The City Manager pointed out that the problem at hand involved slicing off the side of the lot, and not the front.

Mr. Kulligian, owner of the property in question, stated that he would be willing to dedicate 12'. Based on real estate values on Yosemite Blvd., he stated that a

conservative estimate of the value of this 12' section would be from \$3,600 to \$4,000. He asked if the City would consider a severance payment to him of that amount.

Answering a question submitted by the City Manager, Mr. Kulligian stated that he would provide a 5' easement for a walking area.

The matter was generally discussed by the Council. It was the consensus of the Council that it could not legally commit future Councils to relieve Mr. Kulligian of the cost of future street improvements.

MOTION

That the staff be authorized to proceed on the basis of a 42' width street, to try to work out a compromise with Mr. Kulligian, and report to the Council at its next meeting.

Moved by VanderWall Seconded by Arata Unanimously carried

ORDINANCE APPROVING RIGHT OF WAY CONTRACT WITH STATE AND AUTHORIZING ITS EXECUTION 7-95

The City Manager reported that a transfer of two small parcels of property, totaling 431 square feet of the pump station site at 5th and Sierra Street, to the State is involved, for the sum of \$185.33. The transfer does not interfere with the pump house location.

The City Attorney stated that the contract provides an agreement between the parties that at the time of the construction of the freeway, the State will construct an adequate retaining wall for the purpose of protecting the freeway as well as the City's remaining property. The retaining wall will be constructed on the State right of way. It also provides that if during construction it becomes necessary to remove the existing curbs, gutters, and driveways because of a change in grade of Sierra Drive, the State will reconstruct those curbs, gutters and driveways to conform with the change in grade at its expense.

ORDINANCE NO. 412-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PARCELS OF REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA"

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

Moved by Knoles Seconded by Martin
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore Spaulding
 Noes: None Absent: Mayor Hammond

PROGRESS REPORT RE: POSSESSORY INTEREST TAXES 7-112

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

CONSIDER CHARGING FOR COPIES OF COX CENTRAL BUSINESS DISTRICT
STUDY AND EBASCO NEIGHBORHOOD STUDY 7-115

The City Manager suggested that \$1.50 per copy be charged for the publication, "Study of the Central Business District, City of Modesto, California," and \$1.00 per copy be charged for "Preliminary-Precise Plans for Future Development - Neighborhood #7, Enslin Park, Neighborhood #17, West Side Park, and that a number of copies be made available in the Libraries for individuals wishing to take them out on a loan basis. Copies would be distributed without charge to public agencies and to members of committees established to study the problems presented in the publications.

RESOLUTION NO. 60-336

A RESOLUTION ESTABLISHING THE SALES PRICE FOR CERTAIN PLANNING
CONSULTANT STUDY PUBLICATIONS

Introduced by VanderWall Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore
Spaulding
Noes: None Absent: Mayor Hammond

APPLICATION OF TRANS-SIERRA AIRWAY, INC., FOR RATE INCREASE

With the unanimous consent of the Council, no action was taken on this matter.

CONSIDER SALE OF OLIVES ON THE VETERANS HOUSING PARK SITE 8-15

The City Manager reported that an offer of \$65 has been received from D. P. Kennedy, 614 South 7th St., for the olive crop at the California-Franklin park site.

MOTION

That the offer of \$65 from D. P. Kennedy for the olive crop be accepted, with the staff to work out the conditions.

Moved by Martin Seconded by Adams Unanimously carried

CONSIDER REQUEST FOR VARIANCE FROM MUNICIPAL CODE TO PERMIT
BLACKTOP IN SIDEWALK AREA AT MODESTO HIGH SCHOOL 8-25

Director of Public Works Ray stated that the Modesto City Schools has requested permission to blacktop an area 7½' in width and 253' in length along the northerly side of H Street in front of the Agricultural Building, between Jefferson and Washington Streets. Due to the fact that there is a concrete sidewalk 5' in width constructed next to the curb and available to handle normal pedestrian street traffic, Mr. Ray recommended that a temporary variance be granted to the Modesto City Schools, with the following conditions:

1. That the permit be revocable on giving the permittee 30 days' notice, and upon revocation, permittee would agree to remove the blacktopping and return the street right of way to its original condition or construct concrete sidewalk;

2. That the permittee indemnify and save the City harmless from any and all damages, costs and charges of any kind or character arising out of the rights granted by this permit.

Inasmuch as a governmental agency is involved, Mr. Ray recommended that the cash deposit or bond required by Resolution No. 58-235 to guarantee that the installation be replaced to meet standard requirements, not be required.

RESOLUTION NO. 60-337

A RESOLUTION GRANTING VARIANCE TO MODESTO CITY SCHOOLS TO CONSTRUCT TEMPORARY BLACKTOP SIDEWALK ON NORTHERLY SIDE OF H STREET BETWEEN CALIFORNIA AND JEFFERSON STREETS

Introduced by VanderWall Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore Spaulding
Noes: None Absent: Mayor Hammond

PETITION REQUESTING CITY TO ELIMINATE PIGEONS 8-60

The City Manager read a petition from 42 people requesting that the City exterminate pigeons on 10th Street between I and J Streets, claiming that they are a menace to pedestrians and to the cleanliness of the city sidewalks.

MOTION

That the staff be directed to assist with the problem.

Moved by Martin Seconded by Adams Unanimously carried

REPORT ON EFFECTS OF MODERNIZING 9TH STREET TRAFFIC SIGNALS 8-85

The report was ordered filed.

REPORT ON PROPOSED CITY AUDITORIUM

With the unanimous consent of the Council, Councilman Martin, a member of the auditorium committee, reported briefly on a meeting with the Chamber of Commerce group relative to a new auditorium for the City of Modesto. Two alternatives were proposed: (1) To approach the matter from a planning standpoint, and (2) Determine alternatives for financing and how to proceed with such alternatives. His recommendation to the Council was that the staff be asked to report on the possible financing of a one to two million dollar auditorium by (1) (as Councilman Arata suggested) an auditorium district corresponding with the Modesto High School District; (2) a lease-purchase arrangement; (3) paying for it out of income; (4) buying the land out of income and financing the construction by some other means, etc. He stated that this information could be given the Council without recommendation, and should contain limitations which might or might not affect the question of a district as suggested by Councilman Arata, what cost differential the City would have on a lease-purchase, how it is paid for, etc. With this information at hand, the City can proceed with the location, architect, and other pertinent matters.

MOTION

That the staff submit a report listing methods of

financing a one to two million dollar auditorium,
as recommended by Councilman Martin.

Moved by Martin Seconded by Arata Unanimously carried

REPORT ON EXPENDITURE AND REPAYMENTS FOR CONSTRUCTION OF SUBDIVISION
PERIMETER SEWERS 8-120

This matter was held over for one week by unanimous consent of
the Council.

REPORT FROM PERSONNEL COMMISSION RE: MANPOWER UTILIZATION -
(FIRE VOLUNTEER "SLEEPERS")

MOTION

That the staff proceed with plans to place the manpower
utilization (fire volunteer "sleepers") into effect, as
recommended by the Personnel Commission.

Moved by Knoles Seconded by Adams Unanimously carried

REPORT ON WESTERN CITY MAGAZINE SHOWING NEW CITY HALL 9-5

The City Manager reported that Western City Magazine for the
month of August, 1960, has a picture of the old and new City Hall
on its cover, and contains an article entitled "Modern City Hall
Design is Pride of Modesto" under the byline of the City Manager,
altho it was written by his secretary, Ada Hubbard. The magazine was
ordered filed.

REPORT ON THREAT OF FEDERAL TAXATION OF STATE AND MUNICIPAL BONDS 9-10

The City Manager stated that the City has received communications
from two agencies, NIMLO, a national attorneys' group and another
national agency, indicating that the threat of federal taxation
of state and municipal bonds is still with us. He requested
permission to remind our national legislators of our continuing
opposition.

There were no objections by the Council.

REPORT FROM LEAGUE OF CALIFORNIA CITIES RE: LEAGUE'S POSITION
ON PUBLIC EMPLOYEES ASSOCIATIONS 9-15

A letter from the League of California Cities dated August 26,
1960, subject: "Organization of Public Employee Associations,
Collective Negotiation and Recognition of Employee Associations and
Their Representatives" was read by the City Manager.

It was the City Manager's suggestion that with the Council's
approval a copy of this communication should be furnished each City
employee.

There were no objections by the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Knoles Unanimously carried
The meeting adjourned at 6:05 P.M.

ATTEST:


CITY CLERK

Modesto City Council
September 14, 1960

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: Arata, Spaulding, VanderWall, Mayor Hammond
Councilman Knoles arrived at 7:33 P.M.
Councilman Martin arrived at 7:33 P.M.

Absent: Councilman Adams

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

Reverend Sheldon Clements gave the invocation.

LETTER FROM THE NATIVE SONS OF THE GOLDEN WEST RE: ADMISSION DAY, SEPTEMBER 9

A letter from the Native Sons of the Golden West protesting the elimination of September 9, Admission Day, as a legal holiday for city employees was read by the City Clerk.

Mayor Hammond directed that the letter be referred to the Personnel Commission and back to the Council at the time the matter is up for consideration.

LETTER FROM THE DEPARTMENT OF PUBLIC WORKS, STATE OF CALIFORNIA RE: CITY & COUNTY ROAD DEFICIENCIES REPORT AND COPY OF REPORT 1-25

The City Clerk read a letter from J. C. Womack, State Highway Engineer, State of California, Department of Public Works, Sacramento, dated September 6, 1960, enclosing report of city street and county road deficiencies prepared by the Department of Public Works, Division of Highways.

The report was ordered filed.

CONTINUATION OF HEARING ON AMENDMENT TO SUBDIVISION REGULATIONS 1-45

Councilman Spaulding stated that no action had been taken at the hearing of this matter at the previous meeting because a full Council was not present.

Mayor Hammond stated that the same problem existed at the present meeting, and since the Council in the past had been divided 4-3 on the prohibition of alleys, action should be held over until a full Council is present. He stated that the particular items of concern are: (1) the section prohibiting alleys in subdivisions, and (2) the requirement that all utilities be placed on easements unless permission is received from the Planning Commission to place them otherwise.

Director of Planning Smeath briefly reviewed the proposed amendments to the subdivision regulations for the benefit of those not present at the previous hearing.

Answering a question submitted by Mayor Hammond on the policing of the easements, the Planning Director stated that no provision is made in the ordinance concerning this. It is common practice for utility companies to clip the shrubs and trees as needed to maintain their lines. The City will not grant permits for any structure in an easement and will require that structures be removed if they are erected.

The City Attorney stated that prosecution for violation of these provisions would be the City's responsibility.

Dick Taylor, 1210 Multnomah Drive, listed various reasons for his opposition to the prohibition of alleys and the placement of overhead utilities over easements.

Robert Stonum, President, Wolverine Building Service, Inc., spoke representing a group of residents living on Charles Avenue between Sunrise Avenue and LaCieniga Drive who wish to have an alley behind their particular properties. They were perturbed after reading a newspaper item that an ordinance was being considered at this Council meeting prohibiting alleys. A petition signed by residents along this street was presented to the City Clerk.

City Attorney Grimes stated that the changes proposed by the drafted ordinance will not apply to any subdivision the tentative map of which has been approved by the Planning Commission prior to the effective date of this ordinance. The changes proposed will apply to future subdivisions. He suggested that this matter be brought to the Council's attention later in the meeting.

Clifford Plummer, Chief Engineer, M.I.D., spoke on the location of overhead utilities in easements. His objections were as follows: This particular requirement places in the hands of the Planning Commission the location of overhead utilities and leaves to its discretion whether they are to be placed in streets or in easements. It was his belief that the people charged by law for the construction and maintenance of these facilities in a safe manner for the general public and their employees are best qualified to select a location for these utilities, so long as the location does not interfere with street purposes. He mentioned the following factors which should be considered: If overhead utilities are placed in streets, power equipment such as trucks, booms and winches which handle heavy loads and raise poles can be used more readily; more working space is available to enable men working with high voltage lines to perform the work in a safer manner; underground conversion would be facilitated if poles were located in the streets rather than easements. Because of various problems which might arise from employees entering back yards at night, the M.I.D. has issued instructions that its employees are not to enter back yards late at night or early morning hours to make repairs.

With the unanimous consent of the Council, action was withheld until such time as a full Council is present.

PROPOSED VACATION OF ALLEY IN BLOCK 2185 4-70

Mayor Hammond announced that the hour of 8:00 P.M. had arrived

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the time set for the hearing on the proposed vacation of the alley in Block 2185.

There being no one in the audience wishing to make any comments or oral protests, Mayor Hammond declared the hearing closed.

RESOLUTION NO. 971 S.P.

A RESOLUTION VACATING AND ABANDONING A PORTION OF ALLEY IN BLOCK 2185 IN THE CITY OF MODESTO

Moved by Martin Seconded by Spaulding
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

HEARING ON CURB AND GUTTER INSTALLATION IN BLOCK 317, LOTS 34 AND 35 4-80

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for the hearing on curb and gutter installation in Block 317, Lots 34 and 35.

The Director of Public Works reported that the property was posted in accordance with Resolution No. 60-319, and all interested parties were notified of the hearing. A permit has been issued for the performance of this work but the work has not been done.

There being no one in the audience wishing to make any comments or protests, Mayor Hammond declared the hearing closed.

RESOLUTION NO. 60-339

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

Moved by Spaulding Seconded by Knoles
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

ADOPTION OF ORDINANCE NO. 412-C.S., SALE OF LAND TO STATE OF CALIFORNIA

ORDINANCE NO. 412-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PARCELS OF REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA"

introduced on September 7, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by VanderWall
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

FURTHER CONSIDERATION ON STATUS OF SANTA BARBARA AVENUE 4-100

The City Manager stated that at the last Council meeting the staff had been directed to try to work out a compromise with

Mr. Kulligian, on the basis of a 42-foot street, for the acquisition of a right of way at the south end of Santa Barbara Ave. Mr. Kulligian has agreed to the following: He will dedicate 12 feet along the east side of his property on the northwest corner of Santa Barbara Ave. for street purposes; he will provide an additional five feet for a sidewalk easement; he will install, at his own expense, vertical curbs and gutters along the west boundary of the strip dedicated for street purposes; he will install a 5 foot concrete sidewalk. This will be done within a reasonable time, but in no case later than April 15, 1961. In return the City will pay Mr. Kulligian severance damages of \$900 and grade and oil this portion of the street. The City Manager recommended that Mr. Kulligian's offer be accepted.

The City Manager recommended that when the curbs and gutters are installed, Santa Barbara Ave. be graded and oiled, but that the street work could not be done until spring. Answering a question submitted by Mayor Hammond, the City Manager stated that the right of way at the north end of Santa Barbara has not yet been obtained, but recommended that improvements be made to the street whether or not it is obtained. When that parcel is subdivided, the subdividers will be required to make the dedication and install the improvements.

MOTION

That the staff be authorized to proceed in accordance with the recommendation of the City Manager that Mr. Kulligian's offer be accepted, to prepare the necessary documents, and return to the Council for final approval.

Moved by VanderWall Seconded by Spaulding Unanimously carried

REPORT ON POSSESSORY INTEREST TAXES AT AIRPORT 5-75

Director of Public Works Ray referred to his memorandum dated September 13, 1960, entitled "Report on Possessory Interest Taxes - Airport", copies of which were furnished the Council. He recommended that this year only the city offer to give the tenants upon whom the possessory interest taxes were levied, credit for all the city's portion of the tax and 1/2 of the balance of the amount of this year's taxes only, on the basis that the tenants were not given advance notice of the assessment at the time the leases were negotiated and that the City's action in withdrawing the airport property from the tax rolls precipitated the assessment and levy.

He further recommended that after expiration of the present leases, any new lease agreements provide that the lessees will have the full responsibility for future possessory interest tax bills or any other business expense, foreseen or otherwise. He stated that most of the individuals involved were in agreement.

With the unanimous consent of the Council, Nathan Province, one of the individuals involved, spoke. He asked if he would be able to negotiate with the City at the time the new lease agreement is effected.

Mayor Hammond stated that all agreements are a negotiable factor until all parties agree.

MOTION

That the staff be authorized to prepare the necessary documents to effect the recommendations of the Director of Public Works.

Moved by Spaulding Seconded by VanderWall Unanimously carried

RESOLUTIONS WITHDRAWING AREAS ANNEXED TO THE CITY OF MODESTO FROM VARIOUS FIRE DISTRICT 5-120

RESOLUTION NO. 60-340

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE SALIDA AND WOODLAND FIRE PROTECTION DISTRICTS BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (PARK MANOR ADDITION)

Introduced by Arata Seconded by VanderWall
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION NO. 60-341

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CALIFORNIA-FRANKLIN ADDITION)

Introduced by Knoles Seconded by Martin
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION NO. 60-342

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (EAST FLOYD NO. 2 ADDITION)

Introduced by VanderWall Seconded by Knoles
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION NO. 60-343

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (EAST ORANGEBURG ADDITION)

Introduced by Knoles Seconded by Arata
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION NO. 60-344

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (SYLVAN ADDITION)

Introduced by Martin Seconded by Arata
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

RESOLUTION NO. 60-345

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (NAVON ADDITION)

Introduced by Knoles Seconded by VanderWall

Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: Adams

On the recommendation of the City Manager no action was taken on the airport property.

CLEAR MATTER RELATING TO EMPLOYMENT OF "SLEEPERS" IN THE FIRE DEPARTMENT 6-12

The City Manager stated that the proposed plan to employ "sleepers" in the Fire Department would cost between \$2,500 and \$3,000 for beds, mattresses, lockers and protective clothing. It is proposed that the "sleepers" would be required to be in the fire station 9 hours per night. Each man would be present certain nights each week and the group would rotate on a two-platoon basis. While on duty they would respond to fire calls as directed by the Fire Chief. The proposed pay for each fire call would not exceed \$5. Based on an average of 47 fire calls during the period between March 1, 1960 and the present time, the maximum cost per month for salaries would be from \$350 to \$400 per month, approximately \$4,500 to \$4,800 annually, less than the cost of one regular fireman.

The City Manager stated that he had asked the Fire Chief to defer reemployment of one fireman who had left the department, pending clarification of Council intent to finance the "sleeper" project from funds already budgeted or to appropriate additional funds to place the program in operation.

Mayor Hammond stated that it was his impression that additional funds would be appropriated.

RESOLUTION NO. 60-346

A RESOLUTION RELATING TO THE ADMINISTRATION OF THE VOLUNTEER PERSONNEL OF THE FIRE DEPARTMENT

Introduced by Knoles Seconded by Spaulding

Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: Adams

CONSIDER RESOLUTION REQUIRING CONSTRUCTION OF CURB AND GUTTER AT THE FOLLOWING LOCATIONS: 526 SEMPLE - BLOCK 574, LOTS 30 AND 31; CORNER SEMPLE AND MORRIS - BLOCK 575, LOTS 13, 14, 15 & 16

RESOLUTION NO. 60-347

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 Arata Seconded by VanderWall

Ayes: Arata, Knoles, Martin, VanderWall, Spaulding, Mayor Hammond

Noes: None Absent: Adams

October 5, 1960, at 4:30 P.M. in the Council Chambers was set as the time and place of hearing.

ACCEPTANCE OF COMPLETED CONTRACT FOR IMPROVEMENT OF "G" STREET
AND 14TH STREET 6-105

At the request of the Director of Public Works, this matter was held over for one week.

REPORT ON REQUEST OF NORTHERN CALIFORNIA COMPANY TO PURCHASE
LAND ON "B" STREET

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

APPROVE PAYMENT FOR CARE OF CITY PRISONERS BY COUNTY JAIL AND
ROAD CAMP 6-110

The City Manager reported receipt of a bill for \$7,615.92 from the County for the care of city prisoners at the county jail and road camp for the month of July, 1960. He briefly reviewed the background of negotiations with the County and the recent determination by the County that its charge would be \$3.12 per day for each city prisoner at the county jail and road camp. According to law, if the jail facilities are used by the City, the County can make a reasonable charge. It was the City Manager's opinion that this rate is too high, that \$2.00 per day would be a fair and reasonable charge. He suggested that a Council committee be appointed to meet with the Board of Supervisors to discuss possible readjustment of the rate to more nearly conform with those charged by neighboring counties.

Mayor Hammond stated that there should be a complete review of the city-county fiscal relationship by the Public Relations Committee.

The authority of the County to establish the rate was generally discussed by the Council.

The City Attorney explained that the law provides that the County may charge a reasonable fee for the cost of care and maintenance of city prisoners if there is no contract or agreement between the parties, but in the absence of an agreement, the court is the final arbitrator in the case of disagreement.

The City Manager stated that San Joaquin County charges \$1.75 per day and Merced County \$1.50 per day. He suggested that the Public Relations Committee ask the Board of Supervisors to give further consideration to the "Merced Plan."

Mayor Hammond directed that the staff furnish the Public Relations Committee with an analysis of charges for prisoner care made by adjoining counties.

Answering a question submitted by Councilman Martin, the City Manager stated that the staff is preparing a report on water and sewer charges to the County which will be presented to the Council shortly.

Councilman Martin stated that if the bill is not paid, it might serve as a basis for determination by the courts as to whether or not the charge is reasonable, and that if payment is made it should be made under protest.

Assistant City Manager Masonheimer pointed out that the rate has been established by the County by resolution of the County Board of Supervisors, the City has accepted the service at the rate established, and the charge levied by the county is now due and owing.

Chief of Police Bowers stated that the number of arrests in June, July, and August are high because of transient labor problems. There were approximately 600 arrests in August. The average number of arrests for January is between 200 and 250.

RESOLUTION NO. 60-338

A RESOLUTION APPROVING PAYMENT UNDER PROTEST FOR CARE OF PRISONERS IN THE COUNTY JAIL AND AT THE ROAD CAMP FOR THE MONTH OF JULY, 1960

Introduced by Martin Seconded by Spaulding
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

CITY HALL MATTERS 6-122

SHADING OF COUNCIL ROOM DOORS TO ELIMINATE GLARE

Director of Public Works Ray displayed two samples of louvered glass to the Council, one of aluminum louvering and one of bronze. The glass would prevent glare but would not obstruct visibility. Although both types effectively eliminate glare, Mr. Ray recommended that the bronze louvered glass be selected as it was less obtrusive. A bid of \$436 has been received to install 7/16" glass in both doors and the transom.

MOTION

That the staff be authorized to accept the bid of \$436 for the installation of 7/16" bronze louvered glass in doors and transom of the Council room.

Moved by VanderWall Seconded by Spaulding Unanimously carried

APPROPRIATION TRANSFERS 8-25

None

REPORTS FROM THE PLANNING COMMISSION

DISTRIBUTION OF PUBLICATION TO COUNCIL MEMBERS 8-40

Director of Planning Smeath distributed copies of the publication, "Study of the Central Business District, City of Modesto, California" to members of the Council.

MATTERS FOR THE GOOD OF THE COMMUNITY

POLICE PROTECTION TO McHENRY VILLAGE

Alfred Hamaway reported that on Monday night, September 12, 1960,

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his store and four others at McHenry Village were burglarized. The front doors were jimmed open and the cash register and cash box looted. At a board of directors meeting of McHenry Village the following day he learned that there have been 14 similar forced entries into stores at McHenry Village. He stated that it was the opinion of the majority of the board that McHenry Village is not getting the police protection that it should. Although the amount of money stolen was small, repair of the damaged doors in the various establishments cost over \$1,000. Neon signs have been damaged innumerable times by vandalism.

Mayor Hammond assured Mr. Hamaway of the Council's concern.

The City Manager reported that 7 additional patrolmen have been authorized to start October 1, 1960, thus enabling the police force to devote more time to preventive patrol.

Chief of Police Bowers stated that there is not a higher percentage of burglaries in McHenry Village than other areas in the City, but that this problem is being experienced community-wide. He stated that he is aware that McHenry Village is a high hazard area and that all the protection consistent with the other responsibilities of the Police Department is given. The additional patrolmen will make possible reduction in the size of beats and more frequent patrolling, but unless a man is assigned specifically to that area, the police department cannot do much more than is now being done. Two years ago the matter of having patrolmen "shake doors" was brought before the Council, and at that time it was the policy of the Council that the police department was not going to go into competition with existing private patrol services. It was then estimated that it would require the full time services of twelve additional men to actively shake the front and back doors of all business establishments in the community. He stated that this is a very desirable service if the community can afford it.

Chief Bowers stated that he would gladly meet with McHenry Village businessmen to discuss methods of mutual assistance.

PETITION FOR ACCEPTANCE OF DEDICATION FOR ALLEY PURPOSES 9-02

With the unanimous consent of the Council, Mayor Hammond presented a petition entitled "Petition for Acceptance of Dedication for Alley Purposes" bearing approximately 25 signatures, asking for approval of an alley behind their properties on Charles Ave. between Sunrise Ave. and LaCienega Drive. The petition was presented earlier in the meeting by Robert Stonum, President, Wolverine Building Service, Inc.

MOTION

That the petition be referred to the Planning Commission for its recommendation.

Moved by Knoles Seconded by Spaulding Unanimously carried

REQUEST FOR SEWER SERVICE BY G. O. WEBB

With the unanimous consent of the Council, a request by G. O. Webb for sewer service on his property on the northwest corner of Rose and Irene Avenues was presented by the City Manager.

Director of Public Works Ray stated that this property was located in a subdivision where dry sewers were constructed prior to construction of the trunk sewer. Mr. Webb agrees to annex to the City when requested to do so and to comply with other

provisions generally required by the City, including payment of the fees established. Mr. Ray stated that service is available and recommended that the request be granted.

MOTION

That the request of G. O. Webb for sewer service on his property be approved.

Moved by Spaulding Seconded by Arata Unanimously carried

REPORT ON WATER SERVICE TO CHURCHES 9-20

The City Manager presented a report requested by the Council on water service provided to churches, indicating present charges and what the charges would be if billed at regular rates.

Mayor Hammond expressed the opinion that it is not the responsibility of the City to assist in financing churches and, like any other establishment, they should be charged for water service.

MOTION

That the staff be instructed to prepare the necessary documents to effect an amendment to the Code charging churches for water service.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

REPORT ON AUCTION SALE OF PRIVATE PROPERTY IN THE CITY FOR NON-PAYMENT OF TAXES - COUNTY TREASURER AND TAX COLLECTOR 9-32

The City Clerk reported that notice had been received from the County Tax Collector that the County is auctioning 15 parcels of real property for nonpayment of taxes. Two of the parcels are in the City of Modesto, both in the vicinity of Virginia Ave. The City will receive its share of the proceeds of the sales.

The report was ordered filed.

NOTICE OF 9TH ANNUAL CENTRAL VALLEY TOMATO FESTIVAL IN RIVERBANK SEPT. 29 & 30, OCT. 1 & 2 9-42

A notice received from the Tomato Festival Committee was presented to the Council.

LIGHTING FOR 11TH STREET PARKING LOT 9-50

With the unanimous consent of the Council, the City Manager presented a proposal to install two lumen mercury vapor lamps on 8-foot mast arms instead of the incandescent lighting fixture provided for in the plans of the City Hall parking lot. Two places have been provided for light standards in the center of the lot. He stated that this type of lamp would match the existing City Hall lights. The total cost for installation of the mercury vapor lamps is approximately \$700. The contractor has agreed to allow a credit of \$515 in making the change.

There were no objections by the Council.

RESOLUTION COMMENDING BILL MASONHEIMER

Councilman Knoles introduced and read to the Council a resolution commending Bill Masonheimer, Assistant City Manager, who is resigning to accept the position of City Manager, Watsonville.

RESOLUTION NO. 60-349

A RESOLUTION COMMENDING BILL MASONHEIMER FOR HIS SERVICE TO THE CITY AS ASSISTANT CITY MANAGER OF MODESTO

Introduced by Knoles Seconded by Arata
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams


ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Spaulding Unanimously carried

The meeting adjourned at 9:40 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, Modesto California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Councilman Knoles arrived at 4:10 P.M.
Councilman Adams arrived at 4:10 P.M.

Absent: None

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

Reverend Stanley A. Brown gave the invocation.

APPROVAL OF MINUTES OF AUGUST 17, 1960

Mayor Hammond asked for a correction of the record of the vote on the motion on the item entitled "REPORT ON SEWER SERVICE TO THE AREA NORTH OF MID LATERAL NO. 3 AND BETWEEN PRESCOTT AND U.S. HIGHWAY 99" (page 91-34 of the official records, City Clerk's Office). Mayor Hammond stated he cast the only dissenting vote on the motion "That the request for extending sewer service to property located north of M.I.D. Lateral No. 3 and between Prescott and U.S. Highway 99 be denied" and the minutes should indicate "The motion carried" instead of "Unanimously carried." The official record on file in the City Clerk's office has been corrected to reflect this change. There being no other objections, the minutes were approved.

LETTER FROM FRANK ANDREWS RE: NEWS COVERAGE BY DAILY AND WEEKLY PAPERS 1-43

A letter alleging deplorable news coverage by local newspapers and radio stations on the real facts behind the shortage of water to farmers was read by the City Clerk.

The letter was ordered filed.

LETTER FROM EVELYN LARSON RE: BUSINESS EDUCATION DAY 1-60

A letter of appreciation for the privilege of visiting the City Hall on Business Education Day was read by the City Clerk.

The letter was ordered filed.

LETTER FROM MODESTO COUNCIL OF CHURCHES RE: USE OF MANCINI BOWL THIS PAST SUMMER 1-68

A letter of thanks to the City Council from Stanley A. Brown, Secretary, Modesto Council of Churches, for permitting this group to use Mancini Bowl the past summer was read by the City Clerk.

The letter was ordered filed.

LOCAL WAGE AND WORKING CONDITIONS SURVEY 1-80

With the unanimous consent of the Council, the City Manager read a letter from Robert Alford, Chairman, Personnel Commission, requesting that an additional \$450 be appropriated to augment the \$1,000 already budgeted to cover the cost of a survey of local wage and working conditions which is needed for salary deliberations scheduled for late fall. The City Manager recommended that the request be approved.

RESOLUTION NO. 60-348

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$450 TO PROVIDE ADDITIONAL FUNDS FOR LOCAL WAGE AND SALARY SURVEY

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

CONSIDER AWARD OF BID FOR WATER MAINS IN PARK MANOR NO. 2B 1-90

Director of Public Works Ray reported that no bids had been received for this project. The estimated cost for installation by City forces is \$1,365.50.

RESOLUTION NO. 60-350

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN PARK MANOR 2B

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

CONSIDER AWARD OF BID FOR WATER MAINS ON "J" STREET 1-110

The Director of Public Works reported that no bids had been received for this project. The estimated cost for installation by City forces is \$6,277.80. This project involves installation of a 10" main from 12th Street to Needham Avenue. This is a new line and recommended by the U.S. Fire Protection Service for strengthening this section of the system before the fire rating study is made, and the staff recommends the improvement be made.

RESOLUTION NO. 60-351

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR EXTENSION OF WATER MAINS IN "J" STREET BETWEEN 12TH STREET AND NEEDHAM AVENUE

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

CONSIDER AWARD OF BID FOR SUBTRUNK SEWER AND SEWER LIFT STATION FOR MAY FAIR ESTATES AND NORTHGATE SUBDIVISION 1-110

The Director of Public Works reported that the only bid received (\$18,317.25) exceeded the engineer's estimate by nearly 18%. Most of the funds involved are to be advanced by the

parties involved, and their decision indicating whether or not they wish to proceed has not yet been received. He requested that the matter be held over one week.

There were no objections by the Council.

CONTINUATION OF HEARING ON AMENDMENT TO SUBDIVISION REGULATIONS

Mayor Hammond stated that this matter was held over from the last meeting because not all Councilmen had been present. It was his opinion that the subdivider should make the decision as to whether a subdivision should have alleys or not without asking permission from the Planning Commission. He stated that when the matter was first discussed several months ago, prohibition was not a factor and he resented the manner in which it had been handled.

Councilman Spaulding stated that the matter had been handled at length at public hearings and that the Council had decided by a majority vote to prohibit alleys and had directed the staff to prepare an amendment to the regulations accordingly.

Mayor Hammond said it was his impression that the vote at that time did not prohibit the alleys if the subdividers wanted them.

The City Manager stated that subdivisions have been permitted with or without alleys for many years in Modesto, and that the decision reached a few months ago went to whether or not alleys should be permitted rather than whether subdividers would have a choice.

Councilman Knoles stated that he had done considerable research on this problem and read the following statement:

"All of the Council members over a period of many months have heard and discussed and weighed the advantages and disadvantages of having or not having alleys in single family residential subdivisions. Some of the councilmen have been involved in this question for years. I would like to present a brief summary of my point of view. There can be no question but that there are both advantages and disadvantages to alleys. Some utilities say it is more convenient and economical to maintain overhead lines in an alley or on a street than in an easement, which is a part of the homeowner's lot. Other utilities have stated that they can and do serve overhead utilities in easements without serious difficulty and some prefer it. It is obvious that alleys provide an additional access for fire fighting, but it is also certain that many fires begin in the debris or weeds which exist in many alleys. Some fire departments have stated that they prefer alleys for fire protection but oppose alleys for fire prevention. The National Board of Fire Underwriters stated that while alleys are important for fire fighting in high value areas, the elimination of alleys in single family districts would not affect the city's fire rating. It is certain that garden refuse can be more easily dumped over the fence into an alley by a homeowner and it may be more economical for the city to pick up the refuse from an alley than from a street, but it is also the law of the city that materials may not be stored or dumped in an alley. For this and other reasons alleys should be kept clean and sanitary. Garbage can be picked up from an alley and it can also be economically picked up near

the kitchen door of the house by a street entrance. All of the police departments who have reported on alleys are opposed to them on the basis that they are places for peeping toms, provide access to dwellings for prowlers, and generally add to the cost of police protection and to a loss by property owners. There can be no question but that alleys use up large amounts of land that could otherwise be in private use on the tax rolls and not requiring public maintenance. If alleys are continued in new subdivisions in Modesto, it is estimated that approximately one square mile of land will be used up for this purpose within the next twenty years. Cost of maintenance of these alleys by the city is estimated to be about \$50,000 a year. After reading and rereading the record, it appears to me without question that nearly all of the cities of California and of this country have given up the use of alleys in new developments of residential subdivisions. Beautiful, efficient, attractive residential neighborhoods have become the chief pride and accomplishment of many cities. These almost without exception are free from alleys, permitting design of the subdivisions to fit the kinds of housing developments which the people of the community approve. An important point I would like to make is that my vote cannot be cast on the basis of advantage or disadvantage to any individual or group. There are advantages and disadvantages on both sides. Having alleys will be a convenience to some, an inconvenience to others. My position must be, and I am sure it is a position of all other members of the Council, even though we have differing points of view, the overall good of the people of this community must be considered and we must make our decisions based on the welfare, efficiency, economy, convenience and safety of the people of the City of Modesto."

He added, "I recognize that there are two boards concerned with this, if we call our Council a board, that we do have differing points of view. However, our problem, I think, is that the City Council make a decision based on what will be the best for the looks of the city, for the health and welfare of the city. I would like to say that as far as I know, the vote that was taken approximately one year ago on the alleys was taken on the prohibition of alleys and was not a permissive thing."

Director of Planning Smeath stated that the staff, in preparing the amendments to the subdivision regulations, had tried to promulgate as accurately as possible the intent and purposes expressed by the Council.

ORDINANCE NO. 413-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE TO ADD SECTION 4-4.106 THERETO; AMENDING SECTION 4-4.201 OF ARTICLE 2 OF CHAPTER 4 OF TITLE IV; AMENDING SECTIONS 4-4.301 AND 4-4.302 OF ARTICLE 3 OF CHAPTER 4 OF TITLE IV; AMENDING ARTICLE 4 OF CHAPTER 4 OF TITLE IV; AMENDING ARTICLE 5 OF CHAPTER 4 OF TITLE IV; AMENDING SECTIONS 4-4.802 AND 4-4.803 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV AND AMENDING ARTICLE 9 OF CHAPTER 4 OF TITLE IV RELATING TO SUBDIVISION REGULATIONS"

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

Moved by Spaulding Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding
 Noes: Arata, VanderWall, Mayor Hammond Absent: None

CONSIDER ORDINANCE AMENDING SECTION 7-3.401 OF MUNICIPAL CODE
RELATING TO CHARGES FOR CITY-COUNTY AIRPORT HANGARS TO AUTHORIZE
COUNCIL TO ESTABLISH CHARGES BY RESOLUTION 2-110

The City Manager stated that another T hangar will become the property of the City on November 1, 1960, and it is necessary to establish charges for this hangar.

The staff recommended that the Code be amended to authorize the Council to establish these charges by resolution rather than by amendment to the Code.

ORDINANCE NO. 414-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.401 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO MODESTO CITY-COUNTY AIRPORT HANGARS"

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

Moved by Spaulding Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall
Mayor Hammond
Noes: None Absent: None

RESOLUTION AUTHORIZING REFUND OF BUSINESS LICENSE PENALTY AND
INTEREST PAYMENTS 2-125

The City Manager reported that two additional requests had been received for refund and waiver of delinquent penalties on business license payments made on August 1, 1960, postmarked between 5:00 P.M. and midnight of that day, and claimed to have been deposited in the U. S. mail prior to 5:00 P.M.

RESOLUTION NO. 60-352

A RESOLUTION AUTHORIZING WAIVER AND REFUND OF CERTAIN DELINQUENT PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENTS AS PROVIDED BY SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE

Introduced by Martin Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

The City Manager asked the Council if it wished to consider eliminating from the business license regulations the provision that penalties or charges will be waived under certain conditions.

Mayor Hammond was of the opinion that this provision should remain in the regulations because there might be circumstances when consideration should be given to requests for refund.

No action to eliminate the provision was taken by the Council.

ACCEPTANCE OF COMPLETED CONTRACT FOR IMPROVEMENT OF "G" STREET AND
14TH STREET 3-23

The City Manager reported that this work has been completed. The contract bid price was \$17,429.25; the cost of the total work done was \$17,382.15. The completion date was set for September 6, 1960 and no extensions were necessary. He recommended that the work be accepted, the Notice of Completion recorded, and payments made according to the contract.

RESOLUTION NO. 60-353

A RESOLUTION ACCEPTING THE CONSTRUCTION OF UNIT A-IMPROVEMENT OF "G" STREET (BETWEEN SIERRA & 7TH STS.) AND UNIT B- IMPROVEMENT OF 14TH STREET (BETWEEN "H" AND "J" STS.) BY M. J. RUDDY AND SONS; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENT OF AMOUNTS DUE ACCORDING TO THE CONTRACT

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

REPORT ON PROPOSAL FOR ASSISTANCE TO PROPERTY OWNERS ON PIGEON
PROBLEM 3-30

The City Manager reported that the following recommendations had been made by Chief of Police Bowers to control the pigeon problem in the City, both downtown and in outlying areas:

1. That the City utilize the services of a commercial pigeon trapper to trap adult birds, the City to furnish the necessary feed and the trapper to dispose of the birds through commercial sources.
2. That the merchants and building owners in the City assume responsibility for cleaning out nests, eggs and squabs on their own buildings; making every effort to seal off, in some suitable manner, those areas where birds nest.

The City Manager recommended that the staff be authorized to proceed on the basis outlined by Chief Bowers. The cost of the feed to be furnished by the city would be from \$50 to \$100.

Chester Barnhill, 232 Fusco, asked who would be responsible for insurance liability of the pigeon trapper climbing buildings.

The City Manager stated that the matter of insurance would be cleared as part of any agreement reached.

With the unanimous consent of the Council, the staff was authorized to proceed on the basis recommended by Chief Bowers.

RESOLUTION APPROVING AGREEMENT WITH THE COUNTY FOR MAINTENANCE
OF TRAFFIC SIGNALS ON PARADISE ROAD AND COFFEE ROAD 3-80

Director of Traffic Carmody stated that this agreement provides for the allocation of the costs of maintenance of the traffic signals on Paradise Road and Coffee Road for the life of the signals as long as they remain jointly within the city and county. Should the city annex a larger portion of the intersections, the ratio of the cost will change proportionately.

RESOLUTION NO. 60-354

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR MAINTENANCE OF TRAFFIC SIGNALS ON PARADISE ROAD AND COFFEE ROAD

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

LETTER FROM H. J. BOYD REQUESTING TERMINATION OF AGREEMENT FOR DISPOSAL OF GARDEN REFUSE ON HIS PROPERTY 3-95

The City Manager reported that a letter dated September 7, 1960 had been received from Mr. Boyd requesting termination of agreement regarding disposal of garden refuse on his property within the six-months period specified in the agreement.

Director of Public Works Ray stated that Mr. Boyd's idea was to use the refuse as compost, but the idea was not successful.

The staff was directed to make a further report.

NOTICE OF HEARING BY THE PUBLIC UTILITIES COMMISSION ON APPLICATION OF THE WESTERN UNION TELEGRAPH CO. FOR A RATE INCREASE 3-110

In accordance with regular Council policy, no action was taken.

RESOLUTION DIRECTING COLLECTION OF ASSESSMENTS UPON TAX ROLLS FOR IMPROVEMENT DISTRICT NO. 9 3-115

The City Attorney reported that Resolution of Intention, Improvement District Proceedings, District No. 9, provides that the Council may collect on the tax rolls assessments in amounts less than \$50 which remain unpaid, pursuant to state law. The Director of Finance advises that assessment No. 555-2A in the amount of \$3.77, plus interest of 38¢, remains unpaid.

RESOLUTION NO. 60-355

A RESOLUTION DIRECTING COLLECTION OF ASSESSMENTS UPON TAX ROLLS FOR IMPROVEMENT DISTRICT NO. 9

Introduced by Arata Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CONSIDERATION OF REQUEST TO CLOSE "C" STREET BETWEEN 9TH AND 10TH STREETS 3-122

Director of Planning Smeath stated that the Planning Commission, interested parties, and public utility agencies had reviewed the request of Haig Berberian to close "C" between 9th and 10th Streets. It was recommended by the Planning Commission that no part of "C" Street be closed. There are a number of utilities, both overhead and underground, on the street, and the street is used by many. Among the objectors were the M.I.D. and Beard Land and Investment Co.

Lewis Sneed, 2305 Louise St., a representative of Haig Berberian, stated that the company is looking for an answer to the problem of traffic congestion created by the unloading of walnuts on 10th Street. It was his belief that the original request was not to actually close the street, but an adequate loading zone and parking area for trucks be provided on "C" Street.

The staff was directed to investigate and report to the Council.

CONSIDER PROPOSED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO SCHOOL DISTRICT FOR THE OPERATION OF THE AFTER SCHOOL RECREATION PROGRAM 4-30

The City Manager stated that the proposed agreement was a renewal of the terms in effect the past several years. He recommended that the renewal agreement be approved on the present basis, but that the Director of Parks & Recreation review with the Superintendent of Modesto City Schools the amount of the funds provided under the agreement.

The staff was directed by the Council to discuss the increasing costs of the after school program with the Modesto City Schools with a view toward a higher allocation.

RESOLUTION NO. 60-356

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL DISTRICT FOR OPERATION OF AN AFTER SCHOOL RECREATION PROGRAM

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

REQUEST FROM SAN FRANCISCO CONSERVATORY OF MUSIC TO RENT SPACE IN THE COMMUNITY SERVICE CENTER ON AN HOURLY BASIS 4-50

The City Manager read a letter dated September 15, 1960 from the San Francisco Conservatory of Music requesting the rental of two rooms and the auditorium of the Modesto Community Service Center on Morris Avenue on Monday afternoons, beginning September 19, 1960, on an hourly basis, between the hours of 4:00 and 6:00 P.M.

The Director of Parks and Recreation suggested that if hourly rates are approved they might be \$2 per hour for the auditorium, and \$1.25 per hour for each of the two rooms (on an interim basis) for a minimum of two hours. Mayor Hammond questioned whether these rates would be high enough to cover operating costs.

The City Attorney stated that Resolution 56-392 establishes a standard schedule of rates and operating policies of the rooms by the day or by the month, and not by the hour.

MOTION

That Resolution 56-392 not be amended to establish hourly rental rates at Modesto Community Service Center.

Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: Adams
 The motion carried.

JUNIOR FIRE MARSHAL PROGRAM - FIRE PREVENTION WEEK

With the unanimous consent of the Council, Henry Laws, representative of the Modesto Insurance Agents Association, outlined the Junior Fire Marshal program sponsored nationally by Hartford Fire Insurance Co. during Fire Prevention Week, October 9 to 15, 1960. The intention of the program is to help train elementary grade children in fire prevention and safety fundamentals. He displayed various types of literature which will be distributed to every elementary school in the city. The program entails no cost to the schools or the city and is conducted through the joint efforts of the sponsoring agency, the schools, and the Fire Department.

MOTION

That City participation in the Junior Fire Marshal program be approved.

Moved by Knoles Seconded by VanderWall Unanimously carried

CITY HALL MATTERSFINAL INSPECTION, CITY HALL PARKING LOT

The City Manager reported it is possible that a formal recommendation for acceptance of the City Hall parking lot will probably be presented to the Council at the next Council meeting.

SECOND OPEN HOUSE, CITY HALL

The City Manager reported that the second City Hall Open House is proposed for the third week of October in conjunction with "Merchants' Downtown Week" probably on a Thursday evening.

There were no objections by the Council.

APPROPRIATION TRANSFERS

None

REPORTS FROM THE PLANNING COMMISSION

None

MATTERS FOR THE GOOD OF THE COMMUNITY

None

PRESENTATION OF CITY OFFICIAL COPY OF CALIFORNIA PUBLIC LIBRARY REPORT

The report was presented to the Council and ordered filed.

REPORT ON PERIMETER AND SUBTRUNK SEWER CHARGES AND REFUNDS

The report was presented to the Council, and will be placed on next week's agenda for discussion and consideration.

ITEMS CONSIDERED WITH THE UNANIMOUS CONSENT OF THE COUNCILREPORT FROM GOLF COURSE COMMITTEE

The City Manager presented architectural drawings of the proposed clubhouse at Dryden Municipal Golf Course. He stated that the architect has presented possibilities of a three-stage construction of the two-story building: A first stage would be an area on the lower floor containing the men's locker room, women's lounge and lockers, ventilating and heating equipment, dressing areas, showers, lavatories and toilet facilities, with about 1,150 sq. ft. of space at approximately \$20 per sq. ft., or a total cost, including some 10% for contingencies, of about \$25,000.

A second stage could include space for golf club storage and repair, adding 900 sq. ft. at approximately \$10 per sq. ft., or a cost of \$9,000. The total cost of both stages, including about 10% for contingencies, would be approximately \$35,000.

Construction of a second floor providing about 1,900 sq. ft, would involve no expensive facilities, and the cost is estimated at about \$12 per sq. ft. The total cost of the entire two-story building would be of the order of \$60,000.

Plans for single-floor construction provide for 3,450 sq. ft. of area, at a total cost of approximately \$61,000.

The City Manager submitted for Council consideration, a proposal to purchase for interim clubhouse use buildings along the freeway route being sold by the State at public auction on September 22, 1960. He listed the following alternatives: Purchase one of the larger homes, and remodel it as necessary; purchase a smaller home and supplement it with some of the smaller buildings; or purchase four 14' x 18' buildings. Several of these latter buildings are available to the city at \$200 each and can be moved to the golf course site for about \$100 each. The City would have the first option to obtain them. He presented to the Council a sketch prepared by Director of Parks and Recreation Cowie and Greenskeeper Don Baker, showing how the four buildings could be used if this plan were adopted. The estimated total cost of this project would be about \$7,000. When the buildings are no longer needed for a clubhouse they could be readily moved to be used as service or storage buildings wherever needed. The buildings would be placed where they would not interfere with the construction of the permanent clubhouse.

Councilman Martin, expressing his individual opinion rather than as a member of the Golf Course Clubhouse Committee, felt that there was merit in this temporary arrangement because of the high investment in the golf course at the present time. He stated that building a clubhouse at a cost of \$60,000, plus \$30,000 or \$40,000 for a parking lot, practice greens, etc., would be a disproportionate investment in this activity since it is operating at a loss.

Gene Leluch, 509 North Morton Blvd., stated that any facilities would be an improvement over the existing ones.

MOTION

That the staff be authorized to proceed in accordance with the program outlined by the City Manager, on an

interim basis, for the purchase of four buildings at public sale by the State on September 22, 1960.

Moved by Martin Seconded by Arata Unanimously carried

The City Manager reported that to date the city has expended \$272,000 on the golf course. As proposed, the permanent golf course clubhouse would cost approximately \$60,000, and an additional \$50,000 would be required to do the following:

Driving range with automatic sprinkler system -- \$30,000. Without the automatic sprinkler system the cost would be less, but cost of maintenance more. Greens nursery - completion of a tool shed and restroom -- \$1,000; additional tree planting on the course -- \$2,000; clearing along the river, \$1,000; landscaping the existing restrooms, \$200; practice greens, \$1,200; ground improvements around and adjacent to the proposed clubhouse, \$13,600, which would include the following: Landscaping, parking lot, access road, relocation of No. 1 tee; planting east of Neece Drive, to screen the pumping plant station. The proposed improvement of Neece Drive is not included in the above.

PROPOSED PURCHASE OF BUILDINGS FOR NURSERY

The City Manager proposed the purchase of two additional buildings from the State to be used at the City Nursery to replace buildings which are worn out. Two buildings would provide working and storage area at a cost of \$1,200 -- \$600 for purchase and moving, and the balance to remodel.

MOTION

That the staff be authorized to purchase two homes from the State at public sale on September 22, 1960, for use at the City Nursery.

Moved by Arata Seconded by Adams Unanimously carried

PLANTING OF TREES AT GOLF COURSE

The City Manager requested that consideration be given to the planting of additional trees at the new golf course to provide needed shade. If approved, he stated that they should be planted this winter. \$2,000 is required for this project.

RESOLUTION NO. 60-357

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,200 TO PROVIDE INTERIM CLUBHOUSE FACILITIES AND ADDITIONAL TREE PLANTING AT DRYDEN PARK MUNICIPAL GOLF COURSE AND WORK AND STORAGE BUILDINGS AT THE CITY NURSERY

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

REPORT OF COUNCIL COMMITTEE ON ADMINISTRATIVE ASSISTANCE

Mayor Hammond stated that earlier in the year a committee consisting of himself, Councilmen Knoles and Martin was set up to review the administrative aspects of the City, and the committee was now in a position to report its findings. A report

entitled, "Report for the Council Committee on Administrative Assistance - by Mayor Don Hammond," dated September 21, 1960, was read by Mayor Hammond. He stated that the purpose of the Committee's study was not to lessen the responsibility of Mr. Miller, but to find a means of freeing more of the Manager's time for urgent major long-range problems and programs of the City. It was on this basis that the Committee recommended Council consideration of up-grading the position of Assistant City Manager to "Deputy City Manager" and assigning to the position basic responsibility for much of the daily operational activities of the City.

The staff was instructed to furnish for the Council's consideration at the next Council meeting information on qualifications and salary for similar positions in other cities and counties.

MOTION

That the recommendation of the Committee on Administrative Assistance be approved.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting adjourned at 6:00 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: Adams, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Absent: Councilmen: Arata

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

Reverend R. Truman Northrup gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of August 24, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM FRANK ANDREWS RE: NEWS COVERAGE AND WATER SITUATION 1-20

A letter from Frank Andrews dated September 23, 1960 on the subject of news coverage and the water situation, a copy of which was presented to each Council member before the meeting, was ordered filed.

LETTER FROM MRS. E. E. MARLETT, 1630 VICTOR WAY RE: CITY TREE TRIMMING 1-25

A letter from Mrs. E. E. Marlett dated September 19, 1960, was read by the City Clerk. Mrs. Marlett criticized the manner in which the trees from Scenic Drive to Highway 132 were pruned.

Director of Parks and Recreation Cowie reported that he had called on Mrs. Marlett, had found that the trees she referred to were not under the jurisdiction of the City, and had explained this to her and also discussed the pruning methods used by the city crews. He said he believed the matter was cleared to Mrs. Marlett's satisfaction.

LETTERS FROM INDIVIDUALS RE: BUSINESS AND EDUCATION DAY 1-45

Letters were read by the City Clerk from Marlene Brock, Bernice Goodwin and Dorothy R. Hanson thanking the City for a pleasant and informative time on Business-Education Day. The letters were ordered filed.

LETTERS FROM MODESTO RETAIL MERCHANTS, DOWNTOWN DIVISION, RE: FALL SALES PROGRAM 1-55

Letter from Clark Smith, Chairman, Promotion Committee

The City Clerk read a letter from Clark Smith, Chairman, Promotion Committee, Modesto Retail Merchants (Downtown Division)

requesting permission to allow merchants in the downtown area to sell from sidewalks during a six-day period beginning Monday, October 17, through Saturday, October 22, 1960.

The City Manager stated that although this type of display is not permitted under the code it appeared the intent of the regulations went to regular merchandising procedures by individual firms. He said that the Council in the past has permitted some specific deviation when matters of community interest are involved, provided insurance is carried to guarantee the City is held harmless from any and all liability.

City Attorney Grimes stated that the display of goods, wares and merchandise on sidewalk areas is prohibited by the code.

Mr. Clark Smith described the insurance coverages held by the Modesto Retail Merchants, Downtown Division, and said that if so desired the association would obtain a rider to this policy naming the City as insured during the period of the proposed sales program. Mr. Clark said plans included tables or racks holding small items and various appliances and furniture of suitable size, to be displayed on and sold from the sidewalks. Restaurants would have tables placed on the sidewalk areas. The merchants would see that sufficient sidewalk area remained clear for pedestrian traffic. Mr. Smith reported that a similar program was recently tried in Oroville with great success.

Councilman Knoles stated that this type of program has been tried in Redwood City for the past several years. It was his opinion that the ordinance was not intended to prohibit a special event of this kind, and that approval could be given, provided it would not be assumed by the merchants that it would become a recurring event without specific Council approval.

MOTION

That the staff be authorized to cooperate with the downtown merchants in working out arrangements for the proposed sidewalk sales promotion during a six-day period beginning Monday, October 17 through Saturday, October 22, 1960; that a rider to its liability insurance policy be obtained by the Modesto Retail Merchants, Downtown Division, naming the City as insured during this period; and that adequate sidewalk area be kept clear for pedestrians.

Moved by Spaulding Seconded ^{by} VanderWall Unanimously carried

A group from Modesto Union Academy was welcomed to the Council meeting by Mayor Hammond.

The City Manager explained to the group that the action just taken should not be interpreted as an evasion of the law, but to accomplish a benefit to the community within the spirit of existing regulations.

COMMUNICATION FROM CITY OF OAKDALE RE: PROPOSITIONS NO. 1 AND 15 - NOVEMBER GENERAL ELECTION 2-50

The City Clerk read a letter from the Council of the City of Oakdale to which were attached resolutions citing its opposition

to Proposition No. 1, California Water Resources Development Bond Act, and Proposition No. 15, Senate Reapportionment.

Mayor Hammond stated that this matter would be discussed later on the agenda. The letter was ordered filed.

CONSIDER AWARD OF BID FOR SUBTRUNK SEWER AND SEWER LIFT STATION FOR MAY FAIR ESTATES AND NORTHGATE SUBDIVISION 2-55

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

APPROVE AGREEMENT FOR TRAFFIC SIGNALS AT TUOLUMNE-PARADISE AND FAIRMONT-COFFEE INTERSECTIONS 2-60

RESOLUTION NO. 60-358

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR SHARING COST OF TRAFFIC SIGNAL INSTALLATION AT TUOLUMNE-PARADISE AND AT FAIRMONT-COFFEE INTERSECTIONS

Introduced by Knoles Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TRAFFIC SIGNALS AT TUOLUMNE-PARADISE AND COFFEE-FAIRMONT ROADS 2-65

RESOLUTION NO. 60-359

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF TRAFFIC SIGNALS AT TUOLUMNE-PARADISE AND COFFEE-FAIRMONT ROADS

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

October 25, 1960 at 2:00 P.M. was set for the time and date of opening of bids.

ADOPTION OF ORDINANCE NO. 413-C.S., AMENDMENT TO THE SUBDIVISION REGULATIONS 2-70

ORDINANCE NO. 413-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE TO ADD SECTION 4-4.106 THERETO; AMENDING SECTION 4-4.201 OF ARTICLE 2 OF CHAPTER 4 OF TITLE IV; AMENDING SECTIONS 4-4.301 AND 4-4.302 OF ARTICLE 3 OF CHAPTER 4 OF TITLE IV; AMENDING ARTICLE 4 OF CHAPTER 4 OF TITLE IV; AMENDING ARTICLE 5 OF CHAPTER 4 OF TITLE IV; AMENDING SECTIONS 4-4.802 AND 4-4.803 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV AND AMENDING ARTICLE 9 OF CHAPTER 4 OF TITLE IV RELATING TO SUBDIVISION REGULATIONS"

introduced on September 21, 1960 and having been printed and published as required by the Charter, was moved and adopted.

Moved by Spaulding Seconded by Adams
Ayes: Adams, Knoles, Martin, Spaulding
Noes: VanderWall, Mayor Hammond
Absent: Arata

ADOPTION OF ORDINANCE NO. 414-C.S., AMENDMENT TO THE MUNICIPAL
CODE RELATING TO CHARGES FOR AIRPORT HANGARS 2-70

ORDINANCE NO. 414-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.401 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO MODESTO CITY-COUNTY AIRPORT HANGARS"

introduced on September 21, 1960 and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

FURTHER CONSIDERATION OF POSITION OF DEPUTY CITY MANAGER 2-85

At the request of the Council, the City Manager presented a memorandum, subject, "Deputy City Manager - Class Description and Salary", setting forth qualifications and information on salary for assistants in other cities. The report indicated that in California the salary of Assistant City Manager varies from around \$7,000 to over \$22,000. A nationwide survey made in 1959 indicated that over 1/3 of all Assistant Managers were paid an annual salary of over \$10,000. The salary recommended for the position of Deputy City Manager is from \$12,276 to \$14,916 per year -- approximately 10 per cent above the highest department head salary.

RESOLUTION NO. 60-360

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

Moved by VanderWall Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

RESOLUTION NO. 60-361

A RESOLUTION AMENDING RESOLUTION NO. 60-27 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

CONSIDERATION OF AGREEMENT WITH GRIFFENHAGEN-KROEGER, INC., FOR
CONSULTANT SERVICE FOR THE CENTRAL FILES 2-120

The City Manager stated that funds have already been budgeted for consultant service to provide assistance and direction in setting up the central files. When the City Hall was planned, space and facilities were provided for this purpose. Departmental files on all but current working projects will be consolidated, duplicates destroyed, and complete records will be available centrally for reference. The cost for the consultant service proposed will not exceed \$2,500. Councilmen Spaulding and Knoles concurred that to be done efficiently and economically, the files should be set up under expert guidance.

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Councilman Adams suggested that information on microfilming be gathered at the same time so that it will be available when needed, without further consulting service.

RESOLUTION NO. 60-362

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GRIFFENHAGEN-KROEGER, INC. FOR CONSULTANT SERVICE FOR THE CENTRAL FILES

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

CONSIDERATION OF REQUEST TO CLOSE "C" STREET BETWEEN 9TH AND 10TH STREETS 3-90

The City Manager read a letter from Mr. Sneed, representative of Haig Barbarian, withdrawing the request that "C" Street be closed between 9th and 10th Streets.

RESOLUTION NO. 60-363

A RESOLUTION OF THE CITY COUNCIL ACCEPTING THE WITHDRAWAL OF REQUEST TO VACATE AND ABANDON "C" STREET BETWEEN 9TH AND 10TH STREETS

Introduced by Knoles Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

CONSIDER FINAL ACCEPTANCE OF COMPLETED CONTRACT FOR IMPROVEMENT OF GRANGER AVE. BETWEEN TWSRR AND FLORIDA AVE. 3-102

The City Manager reported that this work has been completed. The contract bid price was \$20,497.75; the total cost was \$19,943.28. The completion date of September 16 was extended to September 23, 1960. He recommended that the work be accepted, notice of completion recorded, and payments made according to the contract.

RESOLUTION NO. 60-364

A RESOLUTION ACCEPTING THE IMPROVEMENT OF GRANGER AVENUE BY MUNN AND PERKINS; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENTS OF AMOUNT DUE IN ACCORDANCE WITH THE CONTRACT

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

PROGRESS REPORT, DRAINAGE IMPROVEMENT DISTRICT NO. 10

With the unanimous consent of the Council, the Director of Public Works gave a brief report on the status of Improvement District No. 10 - storm drainage.

CONSIDERATION OF PROPOSAL FOR CITY'S POSITION ON PROPOSITIONS NOS. 1 AND 15 -- NOVEMBER GENERAL ELECTION 4-125

Proposition No. 1, California Water Resources Development Bond Act

Mayor Hammond stated he believed there needed to be a clarification of this proposal prior to asking the taxpayers to vote the money. Because of its complicated nature, he felt that the Council should make an expression of opinion, since a lot of people will vote without knowing exactly what they are voting for.

Councilmen Spaulding and Martin spoke briefly on the complexity of the proposition, and stated they were personally opposed to it.

RESOLUTION NO. 60-370

A RESOLUTION EXPRESSING COUNCIL OPPOSITION TO PROPOSITION NO. 1, CALIFORNIA WATER RESOURCES DEVELOPMENT BOND ACT, NOVEMBER GENERAL ELECTION

Introduced by Spaulding Seconded by VanderWall

Councilman Adams stated that he had not had an opportunity to study the proposition, did not feel qualified to make a decision at the present time, and asked for additional time to study the matter before a vote is made.

MOTION

That Resolution No. 60-370 be tabled for two weeks; that the staff furnish Council pertinent data to assist in study of the proposition.

Moved by Adams Seconded by Spaulding Unanimously carried

Proposition No. 15, Senate Reapportionment, 4-80

RESOLUTION NO. 60-365

A RESOLUTION OPPOSING THE INITIATIVE CONSTITUTIONAL AMENDMENT TO REAPPORTION THE STATE SENATE

Introduced by Knoles Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

APPROVE LEASES FOR HANGARS AT THE AIRPORT 4-85

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

APPROVAL OF A BILL FROM THE COUNTY FOR HEALTH DEPARTMENT SERVICES

MOTION

That payment of \$3,000 be made to County of Stanislaus for health services, in accordance with agreement.

Moved by Knoles Seconded by VanderWall Unanimously carried

REQUEST FOR EXCEPTION TO SECTION 4-4.802(e)(2) OF THE SUBDIVISION REGULATIONS - AULSTON MANOR 4-95

The City Manager presented a request from the Director of Planning for exception to Section 4-4.802(e)(2) of the subdivision regulations, to permit lots of 9,000 square feet in area to be developed with septic tanks in Aulston Manor Subdivision. This has been recommended by the Planning Commission and approved by the County Health Department.

This section of the Municipal Code Subdivision Regulations has been amended by Ordinance No. 413-C.S. to permit lots of 9,000 sq. ft. in area to be developed with septic tanks, and will become effective October 13, 1960.

RESOLUTION NO. 60-366

A RESOLUTION APPROVING AN EXCEPTION TO SECTION 4-4.802(e)(2) OF THE SUBDIVISION REGULATIONS (AULSTON MANOR SUBDIVISION)

Introduced by Martin Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata

REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 1309 McHENRY BY FREEMAN A. CHENEY 4-100

Director of Public Works Ray stated that this property is located on the northeast corner of McHenry and Corson Avenues, presently outside the city limits, and thus the request for sewer service requires Council approval. This is on a portion of the lines constructed with moneys advanced by the city prior to the improvement of McHenry Ave. subtrunk and perimeter sewers. Mr. Cheney has signed the standard request form covering the City's conditions for sewer service outside the city limits. Mr. Ray recommended that the request be granted.

MOTION

That the request of Freeman A. Cheney for sewer service to property at 1309 McHenry Avenue be granted on the basis recommended by the Director of Public Works.

Moved by Spaulding Seconded by Martin Unanimously carried

CITY HALL MATTERS 4-110

FINAL ACCEPTANCE OF CITY HALL

The City Manager read a communication from Scofield DeLong of the architectural firm of Milton T. Pflueger, subject "Modesto City Hall Final Inspection & Completion", dated September 26, 1960. Several minor items of cleanup and correction were listed on an attached sheet. The architect recommended that the entire project be accepted subject to satisfactory clearing of the items listed, and that a notice of completion be filed.

The City Manager briefly summarized a memorandum from the Assistant Public Works Director concurring with the recommendation of the architect. To date Items 2, 4, 5 and 8 on the list attached to the architect's letter have been satisfactorily corrected. Items 1, 3, 6 and 7 are scheduled for correction in the near future.

RESOLUTION NO. 60-367

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PART IV - ELECTRICAL WORK OF THE CITY HALL BY MODESTO INDUSTRIAL ELECTRICAL CO.; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENT OF AMOUNTS DUE UNDER THE CONTRACT

Introduced by Knoles Seconded by Adams
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

RESOLUTION NO. 60-368

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PART II - PLUMBING WORK AND PART III - MECHANICAL WORK OF THE CITY HALL BY BAKER-NEWMAN INC.; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENT OF AMOUNTS DUE UNDER THE CONTRACT

Introduced by Martin Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

City Attorney Grimes stated that the sum of \$5,000 should be withheld by the City from the balance due Ron Fiske Construction Co. to cover a stop notice filed with the City by National Plastering, Inc., a subcontractor of Ron Fiske Construction Co. for work done in lathing and plastering the city hall.

RESOLUTION NO. 60-369

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PART I - GENERAL CONSTRUCTION OF THE CITY HALL BY RON FISKE CONSTRUCTION COMPANY; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENT OF AMOUNTS DUE UNDER THE CONTRACT

Introduced by Adams Seconded by Knoles
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

City Hall Garage

The City Manager reported that the garage will be open for business September 29, 1960.

Council Room - Glass Doors

The City Manager reported that the screen authorized is not as big as the glass and there will have to be a place where the louvers overlap at some point.

APPROPRIATION TRANSFERS None

REPORTS FROM PLANNING COMMISSION None

MATTERS FOR THE GOOD OF THE COMMUNITY 5-50 None

PRESENTATION OF ANNUAL OUTSIDE AUDITOR'S REPORT AND APPROVAL OF BILL

A copy of report of audit for the fiscal year ending June 30, 1960, prepared by Nattinger & Lowry, certified public accountants, was presented to each Council member. The City Manager stated that the amount due for the auditing services is \$1,600.

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MOTION

That the report be accepted and payment made.

Moved by Spaulding Seconded by Knoles Unanimously carried

REPORT ON PERIMETER AND SUBTRUNK SEWER CHARGES AND REFUNDS 5-60

A memorandum dated September 19, 1960, subject, "Status of Advances by the City and Returns Thereon for Perimeter and Subtrunk Sewers" was distributed to each Council member.

The City's total investment in this program at the present time is \$122,829.51; total returns to date are \$18,239.69.

Mayor Hammond expressed surprise at the slow rate of return.

The City Manager stated that when a sewer is installed where there is a subdivision on one side and none on the other, the City advances one-half the costs. When the undeveloped land is subdivided the subdivider reimburses the City for the sewer costs advanced.

Director of Public Works Ray displayed a map indicating in color the areas for which the city has advanced funds for subtrunk and perimeter sewers.

WITHDRAWAL OF RESIGNATION OF CITY ATTORNEY

With the unanimous consent of the Council, the City Attorney read a Memorandum addressed to the Council, dated September 20, 1960, subject, "Withdrawal of Letter of Resignation".

MOTION

That the withdrawal of letter of resignation by the City Attorney be approved.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Adams Unanimously carried

The meeting adjourned at 8:44 P.M.

ATTEST:


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: Adams, Knoles, Spaulding, VanderWall,
Mayor Hammond

Absent: Councilmen: Arata, Martin

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of September 7, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM VERNON PATTERSON, 628 DUNCAN AVE., RE: NOISE IN CITY
CAUSED BY AUTOMOBILES 1-10

A letter from Vernon Patterson complaining of "unnecessary noise and commotion" caused by automobiles was read by the City Clerk.

Chief of Police Bowers stated the Police Department has been under instructions to concentrate on noisy mufflers. During the past two months, approximately 200 individual citations have been issued for this offense.

At Mayor Hammond's request, Chief Bowers reported on the "dragging" of 10th and 11th Streets. He stated that the situation has calmed down considerably because of police concentration in this area, particularly during the last two weeks. One full time traffic officer has been assigned and at times as many as four are on the two streets. Approximately 7 to 9 citations are being issued in this location daily.

Answering a question submitted by Councilman Spaulding, Chief Bowers discussed briefly the regulations concerning mufflers.

Answering a question submitted by the City Manager, Chief Bowers stated that it is possible to purchase from any standard auto parts store, devices which are illegal when installed. The City Manager requested that he check out the possibility that the sale of these devices can be prohibited. Chief Bowers stated that he would have to refer the matter to legal counsel to determine whether or not this would be constitutionally proper or possible.

He further stated that most of the citations issued on 10th and 11th Streets are for improper lane changing; excessive acceleration (spinning of rear wheels when taking off); illegal mufflers; impeding traffic (driving down the street, side by side, at a speed of 10-15 miles per hour).

CONSIDER AWARD OF BID FOR SUBTRUNK SEWER AND SEWER LIFT STATION FOR MAY FAIR ESTATES AND NORTHGATE SUBDIVISION 1-96

The City Manager reported that the only bid received (\$18,317.25) was 18% over the engineer's estimate. The necessary funds have been advanced by all parties involved.

Director of Public Works Ray stated that two units are involved. There is no city participation in Unit A-- all funds have been advanced by the developers; Unit B -- 51% of the costs are being advanced by the City, 49% by the developer.

RESOLUTION NO. 60-371

A RESOLUTION ACCEPTING THE BID OF GEORGE REED IN THE SUM OF \$18,317.25 FOR CONSTRUCTION OF UNIT A -- SANITARY SUBTRUNK SEWER AND SEWAGE LIFT STATION FOR MAY FAIR ESTATES, GLEN AULEN SUBDIVISION AND GRACE M. DAVIS HIGH SCHOOL; AND UNIT B -- SEWAGE LIFT STATION FOR NORTHGATE SUBDIVISION NO. 3

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin

APPROVE AMENDMENTS TO LEASES AT AIRPORT - POSSESSORY INTEREST 1-110

RESOLUTION NO. 60-372

A RESOLUTION APPROVING AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND NAKAGAWA FARMS; DONALD R. MONTGOMERY; NATHAN J. PROVINCE; DARRELL OLSON; GARY SMITH AND WALTER FOUNTAIN FOR RENTAL OF HANGARS AT MODESTO CITY-COUNTY AIRPORT

Introduced by Knoles Seconded by Spaulding
Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin

RESOLUTION AUTHORIZING A CREDIT TO SILVAIR FLYING SERVICE IN CONNECTION WITH POSSESSORY INTEREST PROPERTY TAXES 1-118

RESOLUTION NO. 60-373

A RESOLUTION AUTHORIZING A CREDIT TO SILVAIR FLYING SERVICE IN CONNECTION WITH POSSESSORY INTEREST PROPERTY TAXES

Moved by Spaulding Seconded by Knoles
Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin

REPORT ON COMMUNICATION FROM NORTHERN CALIFORNIA COMPANY REGARDING POSSIBLE PURCHASE OF CITY PROPERTY ON MORTON BOULEVARD AND "B" STREET 2-01

The City Manager stated that the railroad relocation study recommended that this section of Morton be used for railroad.

relocation purposes. This has been discussed with representatives of Northern California Co. He recommended that the property not be sold at this time.

MOTION

That the staff be authorized to advise Northern California Co. that the property will not be sold at this time.

Moved by Spaulding Seconded by VanderWall Unanimously carried

CONSIDER PROCEDURE FOR CLEARANCE OF PLANS FOR COMMUNICATIONS CENTER 2-10

The City Manager stated that a summary on the Communications Center was presented to the Council some time ago recommending the various steps to be taken which would lead to ultimate completion of the communications center. The first step has been completed -- a review of and report on the City's communications needs by George Mason, Director of Communications, Santa Clara County. The second step proposed would be securing technical assistance to advise us on automation of controls of the water system and improvements of the fire alarm system, and architectural assistance to draft preliminary structural plans to be coordinated with both the existing main fire station and the proposed new police building. Funds have already been budgeted for this purpose.

Frank Andrews, 1111 F Street, suggested that work on this project be deferred because of the current cost of the new city hall, the possible effects of electronics on fire alarm installations, and the uncertainty of the water situation.

MOTION

That a committee be appointed, consisting of Councilman Adams, Chairman, and Councilman Martin, to review the communications center program and submit recommendations to the Council on the next steps to be taken to further the program.

Moved by Spaulding Seconded by Adams Unanimously carried

CONSIDER RESOLUTION REQUIRING CONSTRUCTION OF CURB AND GUTTER AT THE FOLLOWING LOCATIONS: 201 HINTZE, BLOCK 624, LOT 9 AND PORTION OF LOT 8; CORNER OF MELROSE AND CEDAR, BLOCK 585, LOTS 23 AND 24

Director of Public Works Ray reported 30 days had elapsed since the owners were informally requested to install curbs and gutters, and the work has not been done.

RESOLUTION NO. 60-374

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 Knoles Seconded by Spaulding
Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin

November 2, 1960 at 4:30 P.M. at the Council Chambers, Modesto City Hall, was set for the time and place of hearing.

Answering a question submitted by Councilman Adams, the Director of Public Works stated that the majority of people requested to install curbs and gutters proceed with the work upon informal request. In only one instance to date has it been necessary for the City to have the work done through a contractor. Two instances are now pending which may require this procedure.

CONSIDER REVISION OF THE MUNICIPAL CODE PERTAINING TO WATER-USING HEAT PUMPS AND REFRIGERATION UNITS 2-60

Director of Public Works Ray reported that it has been brought to the staff's attention through the city employees' suggestion plan that there are at least four water-using heat pumps in the City- two 3-ton units and two 5-ton units. Information secured by Mr. Ray indicates that the units use $1\frac{1}{2}$ gallons of water per minute per ton. Therefore if used half-time a 5-ton unit would use almost a million gallons of water per year. There are presently no provisions in the code which require metering water service for this type of installation. A control could be established when permits are issued.

Mr. Ray stated that the problem, mainly, is the quantity of water discharged after use and not re-circulated. Construction of wells which would discharge the water into the underground strata would require a permit from the City Council and clearance with the Regional Pollution Control Board. He stated that there is an ordinance requiring the metering of water service for swimming pools if the water is not re-circulated, and the problem under consideration might possibly be resolved in the same manner. A further check will be made with the owners and suppliers of the units before a code change proposal, if any, is presented to the Council.

It was Councilman Spaulding's opinion that metering water service to residents might be one way to eliminate waste of water. He mentioned instances of lawn sprinklers remaining set in one spot for long periods. He requested that the staff furnish the Council information as to the cost of installing meters on all water services.

Councilman VanderWall asked how many cities operated on a flat rate basis. Mr. Ray stated he would find out and report to the Council.

Byron Glover, 1314 Cypress St., stated that he was one of the four owners and also the distributor of the water-using heat pumps presently under discussion by the Council. He said his heat pump, a 3-ton unit, runs less hours and uses less water than indicated by Mr. Ray's figures. Water is disposed^{pi} in winter by means of a sump with a rock fill. In summer the runoff has been used to irrigate his lawn and has not been sufficient for this purpose. Mr. Glover stated that he would be willing to actually measure the water to determine the exact amount used.

Mayor Hammond suggested that Mr. Glover work closely with the Director of Public Works so that an accurate figure as to the amount of water used can be determined.

J. Erickson, an owner of one of the heat pumps, stated that he uses the runoff water to water his lawn during the summer, and this has not been sufficient to water the entire lawn.

MOTION

That the staff proceed with a study of the amount of water used by heat pumps and report further to the Council.

Moved by Knoles Seconded by Spaulding Unanimously carried

HEARING ON REQUIRING OF CURB AND GUTTER AT 526 SEMPLE (BLOCK 574)
AND AT SEMPLE AND MAYNELL (BLOCK 575) 4:30 P.M. 3-50

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the hearing on requirement of curbs and gutters at 526 Semple (Block 574) and at Semple and Maynell (Block 575).

Peter Chisamore, 526 Semple Street, asked for a 20-day extension of time. He was told by the Director of Public Works that he had 60 days after date of notification, and at the present time 40 days still remained.

Mayor Hammond declared the hearing closed.

The Director of Public Works reported that the owners of the property at Semple and Maynell (Block 575) are presently installing the curbs and gutters.

RESOLUTION NO. 60-375

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Spaulding Seconded by Adams

Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: Arata, Martin

CONSIDER PROPOSAL FROM ARCHIE NEY TO HARVEST WALNUTS AT GOLF COURSE, ROOSEVELT PARK, FORMER SNEDIGAR PROPERTY ON McHENRY, AND VIRGINIA AVE. PUMP STATION

The City Manager reported that a proposal had been received from Archie Ney offering 55% of the gross receipts to harvest walnuts at the locations listed, and another from Walter F. Brown offering 50%. He recommended that Mr. Ney's offer be accepted.

MOTION

That the staff be authorized to accept Archie Ney's offer to harvest walnuts at the various locations, the City to receive 55% of the gross receipts.

Moved by VanderWall Seconded by Knoles Unanimously carried

APPROVAL OF NEW COMPREHENSIVE AUTOMOBILE LIABILITY POLICY 3-105

The City Manager reported that the City's present comprehensive automobile liability policy expires October 13, 1960. The Springfield

Fire and Marine Insurance Co. has submitted a new policy (one year) providing the same coverage, at a premium of \$7,011.84, a reduction from last year's premium of \$8,052.91, a result of favorable experience during the last year of coverage.

The City Manager pointed out that the size of judgments has been increasing and it might be wise to consider increasing the City's coverage. For an additional premium of \$642.63, the coverage could be increased as follows:

Each person, from \$100,000 to \$250,000

Each accident, from \$200,000 to \$500,000

Property damage, \$10,000 to \$25,000

RESOLUTION NO. 60-376

A RESOLUTION APPROVING ^{NEW} COMPREHENSIVE AUTOMOBILE LIABILITY POLICY INCREASING CITY COVERAGE

Introduced by Knoles Seconded by Adams
Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE EL VECINO ADDITION TO THE PLANNING COMMISSION FOR CONSIDERATION AND REPORT

RESOLUTION NO. 60-377

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

Introduced by Spaulding Seconded by VanderWall
Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin

CITY HALL MATTERS

None

APPROPRIATION TRANSFERS 3-10

The City Manager stated that a transfer of \$2,127 from the General Reserve Fund to various accounts in the Fire Department was necessary to cover the costs involved in the "sleeper" program.

RESOLUTION NO. 60-378

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,127 FROM GENERAL FUND, GENERAL RESERVE 600, TO VARIOUS ACCOUNTS IN THE FIRE DEPARTMENT FOR "SLEEPER" PROGRAM

Introduced by Adams Seconded by Knoles
Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin

REPORTS FROM THE PLANNING COMMISSION 3-20

None

MATTERS FOR THE GOOD OF THE COMMUNITY

TELEGRAM, FRANK ANDREWS

The City Manager presented to each Council member a copy of a telegram sent to Frank Andrews by the U.S.D.I., Washington, D.C.

RENTAL OF OFFICE SPACE, 913 EYE STREET

The request of Ed Patmore, 426 Rosedale, representing the Muscular Dystrophy Association, to rent office space in city owned property at 913 Eye Street at a monthly rental of \$15 was approved.

RESOLUTION NO. 60-379

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MUSCULAR DYSTROPHY ASSOICATION FOR LEASE OF OFFICE SPACE AT 913 EYE STREET IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Arata, Martin

Mr. Patmore stated that payment of utilities had been arranged for with Ernie of Ernie's Ship Cafe.

PROGRESS REPORT ON FIRE PROTECTION 3-45

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

MISCELLANEOUS

Mayor Hammond reminded the Council that since Wednesday, October 12, 1960 was a legal holiday, the next Council meeting will be held on Thursday, October 13, 1960, at 7:30 P.M.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting adjourned at 4:55 P.M.

ATTEST: 
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. October 12, 1960, the regular date of the Council meeting being a holiday, the meeting was held on the following day.

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Martin, VanderWall, Mayor Hammond
Councilman Adams arrived at 7:35 P.M.

Absent: Councilmen: Knoles, Spaulding

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

Rev. Charles W. Williams gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of September 14 and 21, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM LEAGUE OF WOMEN VOTERS OF MODESTO RE: SUBLETTING OF ROOM IN MODESTO COMMUNITY CENTER BUILDING 1-10

A letter from the League of Women Voters of Modesto requesting permission to sublet a room in the Community Center Building to the San Francisco Conservatory of Music from 4:00 to 4:40 P.M. each Monday, was read by the City Clerk.

RESOLUTION NO. 60-388

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

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

LETTER FROM BEECH DEVELOPMENT COMPANY REGARDING SUBDIVISION ON CARVER ROAD 1-25

A letter from Beech Development Company requesting that the City install a main sewer line along Carver Road to the southeast corner of property the company is presently subdividing was read by the City Clerk.

Director of Public Works Ray stated that this company is planning to subdivide the Cornwell property on Carver Road, an area of approximately 40 acres adjacent to the north line of Fresno Manor. It has requested that the City install a main sewer line along Carver Road to the southeast corner of the property, install a lift station at this point, and install a ten inch line extending westerly approximately 700 to 800 feet to a point where the subdivision sewers can tie in.

Mr. Ray stated that in order to provide sewer service to this general area, it is necessary to extend the trunk sewer on Carver Road from Evergreen Ave. north to this point. The staff is presently working with developers of areas lying between the Cornwell Addition and the point to where the sewer trunk presently extends, for assurance that portions of this area will also be developed before funds are expended to extend the trunk sewer. This is the area where construction of a subtrunk sewer was started some time ago and construction dropped when developers ran into a high water table. A rough estimate of the cost of installing the trunk and subtrunk sewer is \$55,000, over 50% being available through sewer bond funds for the trunk sewer itself. The first agreement would be with Beech Development Co. and would provide that this company pay its share of the subtrunk sewer and lift station which is designed to serve the entire area. As the other areas develop, they would also have to pay their share of this construction. Mr. Ray outlined on the map location of the subtrunk sewer running north to serve these areas.

MOTION

That the matter be referred to the staff for study and further report to the Council.

Moved by Arata Seconded by VanderWall Unanimously carried

CONSIDER INFORMAL OFFER FOR PURCHASE OF SCOOPMOBILE 1-125

Director of Public Works Ray reported that an informal bid has been received from Edward R. Bacon Co. for the purchase of a Scoopmobile at a price of \$9,313.20, less \$1,879.20 trade-in for the old Model "C" Scoopmobile, making the net price to the City \$7,434. The Scoopmobile is specified because of its maneuverability, particularly in leaf pickup. The sum of \$8,500 has been budgeted for the purchase of this equipment.

RESOLUTION NO. 60-380

A RESOLUTION AUTHORIZING THE PURCHASE OF SCOOPMOBILE FROM EDWARD R. BACON CO.

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

ORDINANCE AUTHORIZING SALE OF CITY PROPERTY TO THE MODESTO CITY SCHOOL DISTRICT 2-45

The City Attorney stated that an agreement has been executed by the Modesto City School District in which it agrees to pay the City \$6,783.20, net, for the purchase of property previously sold at that cost to the City by the District. (Lot 22 of Maze Ranch Subdivision)

ORDINANCE NO. 415-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO TO THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA"

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

Moved by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

CONSIDER ACTION ON RESOLUTION NO. 60-370, CITY'S POSITION ON
 PROPOSITION NO. 1 (WATER BOND MEASURE) 2-50

This resolution was introduced at the meeting of September 28, 1960, and by motion was tabled for two weeks to permit members of the Council to study Proposition No. 1, Water Bonds Act, more thoroughly.

The City Manager read a letter from Dorothy Thornsbery, President, League of Women Voters of Modesto dated September 30, 1960, stating that they would like to have a representative present their point of view on Proposition No. 1 to the Council.

Mrs. Van Overbeek, representing the League of Women Voters, stated that the League is supporting Proposition No. 1, which authorizes the issuance of \$1.75 billion in general obligation bonds to build a state water system. A copy of her statement was presented to each Council member. In behalf of the League of Women Voters, she recommended that the Council support Proposition No. 1.

Frank Andrews, 1111 F Street, spoke briefly in support of the proposition.

Councilman Adams stated that until such time as the controversies between the Governor and Southern California agencies are resolved satisfactorily, he was opposed to this proposition.

Mayor Hammond concurred with Councilman Adams and Mrs. Van Overbeek that there is great need for an active program relating to water resources but it was his opinion that the present measure is too loosely drawn, and if the people of Southern California are to reap the benefit of the water they should pay for all of the costs.

MOTION

That the Council acknowledges the importance of Proposition No. 1 and recommends that special attention and study be given by the voters.

Moved by Martin Seconded by Adams Unanimously carried

Councilman Adams stated that another matter which should be discussed by the Council concerns the proposed San Joaquin Valley Air Pollution Control District. He requested that this be placed on the agenda of the October 27 meeting. He stated that he would like to make pertinent information available to Council members. The request was approved with unanimous consent of the Council.

CONSIDER DISPLAY OF MAPS IN THE COUNCIL CHAMBERS 4-50

The City Manager presented a proposal for a display area to be installed permanently on the side north wall of the Council room, providing blackboard space on the left hand side, expandable map display space on the right, and a pull-down projection screen.

After general discussion the Council requested that for a trial period the large tack board area on the front wall of the Council

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chambers be used, to see if any real inconvenience to the Council and others resulted.

APPLICATIONS FOR GARBAGE FRANCHISE 4-115

- (a) Modesto Garbage Co.
- (b) Airport Garbage Co.
- (c) Sanders Salvage Co.

The City Manager stated that the listed garbage companies have submitted applications for a garbage franchise, with the necessary deposits.

MOTION

That the applications be referred to the City Manager for investigation and report in accordance with the requirements of Sec. 5-5.15 of the Municipal Code.

Moved by Adams Seconded by Arata Unanimously carried

REQUEST OF DIVISION OF HIGHWAYS FOR CONFIRMATION OF FREEWAY ARRANGEMENTS 5-5

The City Manager stated that approval of the agreement would confirm the proposal that 5th St. would be one-way southbound, and 6th St. one-way northbound. The limits of the one-way streets would be Sierra and Maze for 5th St., and D and M Streets for 6th St. The agreement also provides for elimination of pedestrian traffic on the freeway side of 5th and 6th Streets. The City Manager recommended approval of the agreement.

RESOLUTION NO. 60-381

A RESOLUTION APPROVING THE REQUEST OF THE DIVISION OF HIGHWAYS RELATING TO THE DESIGN OF THE FREEWAY IN THE CITY OF MODESTO

Moved by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

CONSIDER MAKING BRIGGSMORE AVE. A TRUCK ROUTE 5-25

The City Manager distributed to each Council member a map indicating the existing truck routes in the City. He pointed out that the Northern Boulevard-Briggsmore route is being designed to provide a major east-west route in the north section. There is presently no truck route north of Needham and trucks are prohibited unless delivering in the area. Trucks wishing to go between Tully and McHenry have to cross either on Needham Ave. to the south or on some county road outside the city limits. The City Manager recommended that Briggsmore Ave., between McHenry and Tully, be designated as a truck route. In discussing the matter with the Public Works Department, two matters were brought out: (1) This street is newly constructed and a "settling down" time would be helpful from a construction standpoint; (2) There is a small portion on the east end of Briggsmore not yet paved because of inability to secure a sufficient right of way.

Don Schmidt, American Transit Mix Co., stated that in order to get to his job at Grace Davis High School via established truck routes, it is necessary to go four miles out of his way. He requested a truck

route be established in the northern area of the City--either Roseburg or Orangeburg, or a street in that area which would intersect Tully. He pointed out that Briggsmore did not intersect Tully Road.

Chief of Police Bowers reviewed briefly city regulations governing truck routes.

Mayor Hammond stated that the Council has planned for some years to make Briggsmore and Northern Boulevard an eventual east-west couplet. Inasmuch as Briggsmore has been constructed to handle heavier traffic, even though it is not a through arterial, he felt that it should be made available now to truck traffic interchanging from Tully to McHenry.

Harry Robinson, representative of McWilliams & Ramsey Lumber Co., 1830 Clayton Ave., spoke briefly on the truck delivery problems in this area and the lack of east-west truck route connections through to Carver Road.

RESOLUTION NO. 60-382

A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF MODESTO
(Adding Briggsmore Ave. from McHenry Ave. to Tully Road)

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

MOTION

That the staff make a study of the possibility of establishing Orangeburg Ave., from Tully to Carver Road, as an interim truck route.

Moved by Adams Seconded by VanderWall Unanimously carried

CONSIDER AGREEMENT WITH MODESTO CITY SCHOOLS FOR RIGHT OF WAY
ACQUISITION OF TULLY ROAD 6-75

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

REPORT ON COMPLETION OF TRAFFIC SIGNAL INSTALLATION AND REQUEST
FOR TRANSFER (12th & J Sts-Yosemite at LaLoma, South Santa Cruz)

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

RESOLUTION APPROVING PAYMENT FOR CARE OF CITY PRISONERS AT THE COUNTY
JAIL AND ROAD CAMP 6-80

The City Manager read a letter from E. W. Hane, Chief Administrative Officer, Stanislaus County, dated October 7, 1960, acknowledging receipt of Council Resolution No. 60-338, authorizing payment of the July, 1960 bill from Stanislaus County for prisoner care under protest. A bill for the months of August and September, 1960, total \$22,417.20, was attached. The City Manager recommended that the bill be paid under protest. He further stated that if the

bills continue at the present rate and the rates are not lowered by the County, more money will have to be budgeted.

The City Manager stated that a report covering charges for various services to the County will be presented to the Council shortly.

The City Manager was directed to find out what other cities are paying the County for care of prisoners in the county jail and road camp.

MOTION

That the payment of the bill for care of city prisoners at the county jail and road camp be withheld pending a meeting of the Council Committee and County Board of Supervisors.

Moved by Arata Seconded by VanderWall Unanimously carried

CONSIDER PROPOSAL THAT CITY SELL EXCESS PROPERTY AT NORTHERN BOULEVARD AND MCHENRY AVENUE 7-05

The City Manager stated that this property is the remainder of the property purchased on McHenry Ave. and M.I.D. Lateral No. 3 for right of way for Northern Boulevard. The land measures 64 feet on McHenry Ave., 45 feet on the opposite end, and is approximately 600 feet long. A portion is zoned C-M and a portion R-1. Sale of the property has been held up pending the completion of McHenry Avenue improvements in order to secure the full benefit of the added value to the property. If sale of the property is approved by the Council, he recommended that the following method be followed:

1. Advertise for bids, setting a minimum price with the assistance of an appraiser;
2. Require a 10% deposit on the minimum price by cash or certified check;
3. Set a time for auction sale at a Council meeting, permitting oral bids over and above the highest bid received at that time, bidding to start at not less than 5% above the highest bid, and subsequent bidding in units of at least \$100.

Prior to the sale, the staff would make a report to the Council on the proposed access rights to Northern Blvd. from this property.

MOTION

That the staff proceed with the sale of the property as outlined by the City Manager, and report to the Council prior to the sale on the access rights to Northern Blvd.

Moved by VanderWall Seconded by Arata Unanimously carried

CONSIDER REQUESTS OF CITIES OF SEASIDE AND WATSONVILLE FOR TRAFFIC ENGINEER ASSISTANCE 7-50

MOTION

That Parking and Traffic Director Doug Carmody be permitted to

assist the City of Seaside on Traffic engineering problems on vacation time.

Moved by Martin Seconded by VanderWall Unanimously carried

MOTION

That Parking and Traffic Director Doug Carmody be permitted to assist the City of Watsonville on traffic engineering problems November 1, 1960, on an inter-city cooperation basis.

Moved by Adams Seconded by VanderWall Unanimously carried

CONSIDER EXTENSION OF WATER SERVICE TO AULSTON MANOR SUBDIVISION 7-60

Director of Public Works Ray stated the developers of Aulston Manor Subdivision, located on the west side of Prescott Ave. north of M.I.D. Lateral No. 3 have requested water service. This subdivision is within the City limits. It would be necessary to construct 3,600 lineal feet of water main to serve this area at an estimated cost of \$21,000. In order to provide for future development in this area, Mr. Ray proposed that the main on Prescott Road be 12 inches in diameter; and the main on Evergreen 8 inches. The Director of Public Works stated that the developer of this subdivision has offered to advance \$10,000 to assist in construction of this main, with the provision that this sum be repaid by the City within a three-year period. Construction of the interior water system would cost approximately \$11,830. On the basis of 75 lots in the proposed subdivision, total connection fees would be \$6,375. The City's net investment within the tract would be \$5,455, plus \$11,000 to carry the trunk main to the tract, or a total investment of \$16,455. Revenue from the 75 lots based on flat rate water service charges would be \$3,037.50 per year. Mr. Ray recommended that the developer's offer of an advance of \$10,000 be accepted and that the request for water service to Aulston Manor Subdivision be approved. The \$10,000 advance would be repaid to the developer as follows: \$3,500, July, 1961; \$3,500, July, 1962; \$3,000, July, 1963, interest free.

"Leapfrog" development was discussed by the Council. Mr. Ray stated that the owners of the land between this subdivision and presently developed areas are interested in developing their property and he felt that this area would develop rapidly.

MOTION

That the staff be authorized to proceed on the extension of water service to Aulston Manor Subdivision as recommended by the Director of Public Works, if the proposal is found legally possible.

Moved by Adams Seconded by VanderWall Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE CORNWELL ADDITION TO THE PLANNING COMMISSION FOR CONSIDERATION AND REPORT 8-30

RESOLUTION NO. 60-383

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

Moved by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

CONSIDER OFFER FOR CAR RENTAL SERVICE AT MODESTO CITY-COUNTY
 AIRPORT 8-35

Director of Public Works Ray stated that two offers had been received for car rental service at the airport. A-1 Truck Rental Company, Avis Rent-a-Car System, 310 South California St., Stockton, offered to pay the same percentage as any competitor. This company feels that since federal funds are involved in the construction of the airport, the City has no right to grant an exclusive franchise for this service. Mr. Ray stated that the grant agreement covering the last project for airport improvement contained the following clause: "Nothing contained herein shall be construed to prohibit the granting or exercise of an exclusive right for the furnishing of non-aviation products and supplies or any service of a non-aeronautical nature."

The second offer received was from Frank M. Helm Co., a five-year renewal of its present agreement--2½ per cent of the gross revenues to be paid the City each month.

The Director of Public Works recommended that the agreement with Frank M. Helm Co. be renewed for a period of five years.

MOTION

That the staff be authorized to prepare the necessary papers to grant a five year exclusive concession to Frank M. Helm Co. for car rental service at Modesto City-County Airport.

Moved by Adams Seconded by Martin Unanimously carried

RESOLUTION SETTING DATE FOR HEARING OF RECOMMENDATION OF PLANNING
 COMMISSION FOR UNCLASSIFIED USE PERMIT TO D. S. REED LAND CO. FOR
 ERECTION OF HOSPITAL 8-73

RESOLUTION NO. 60-384

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO D. S. REED LAND CO. FOR ERECTION OF A HOSPITAL

Introduced by Martin Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

November 2, 1960, at 4:45 P.M., at the Council Chambers, 801 11th Street, was set as the time and place for the hearing.

MATTERS PRESENTED WITH THE UNANIMOUS CONSENT OF THE COUNCIL 8-78

REQUEST OF CITY MANAGER FOR POSSIBLE ABSENCE, NEXT COUNCIL MEETING

The City Manager stated that in addition to attending the International City Managers Association meeting in San Francisco during the period October 15 through 19, 1960, he was also inter-

viewing applicants for the position of Deputy City Manager. He requested permission to be absent, if necessary, from the meeting scheduled for October 19.

MOTION

That the City Manager be authorized to be absent from the Council meeting of October 19, 1960 if necessary.

Moved by Adams Seconded by Arata Unanimously carried

CITY HALL MATTERS 8-125

Open House, Thursday, October 20, 1960

The City Manager reported that Thursday, October 20, 1960 has been agreed upon as open house night.

APPROPRIATION TRANSFERS None

REPORTS FROM THE PLANNING COMMISSION None

MATTERS FOR THE GOOD OF THE COMMUNITY None

PROGRESS REPORT ON FIRE PROTECTION 9-05

(a) Proposal for extension of fire zones

The City Manager stated that this matter had been under study for some time. He submitted a proposal that the No. 2 fire zone be extended along the commercial areas on Yosemite Blvd. and McHenry Ave. The individuals concerned have been very cooperative and all buildings constructed on these streets since annexation have been constructed to the required standards of Fire Zone No. 2. A further report will be made shortly.

(b) Report on communication from Pacific Fire Rating Bureau

The City Manager reported that a communication has been received from the Pacific Fire Rating Bureau stating that their representatives will be here sometime around November 9 or 10 to review and regrade Modesto's fire protection facilities.

(c) Extension of No. 1 fire zone

The Fire Survey Report recommends the extension of No. 1 zone to the south and to the west. A further study will be made and a map presented to the Council before a recommendation is made by the staff.

The following recommendations were made for Council approval:

That an alarm box be installed either on or adjacent to each of the outlying fire stations, so the alarm would be recorded and the central station alerted in case of a call while the men were out on a prior alarm. In some cases presently installed boxes could be moved to a new location. The cost would be approximately \$200 per station;

Installation of 12 additional tappers in firemen's homes at an estimated cost of \$800 to \$900;

Revise signal switches on additional pumps at nine stations at an estimated cost of \$50 each.

RESOLUTION NO. 60-387

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2000 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE 600, TO FIRE PROTECTION IMPROVEMENTS 503, TO IMPROVE CITY OF MODESTO FIRE RATING

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

REPORT ON COST OF INSTALLATION OF WATER LINES IN QUARESMA
SUBDIVISION NO. 2 9-60

The City Manager reported that the estimated cost of installation was \$861, actual cost \$764, 11% below the estimate.

CONSIDER REPORT ON PROPOSAL FOR CITY OF MODESTO'S INSURANCE
STUDY 9-70

The City Manager briefly reviewed the report prepared by Director of Finance Bird, Subject, "Proposals for City of Modesto's Insurance Study" dated October 4, 1960, copies of which were previously sent the Council members. He recommended that the low bid of Griffenhagen-Kroeger, Inc. be accepted at a cost not to exceed \$985.

Director of Finance Bird stated that this company will not be able to tell us what companies will provide insurance at the lowest rates, but they will be able to inform the City the reasonable rates for the various types of coverage.

Mayor Hammond said he had understood that this service was provided by the Modesto Insurance Group free of charge and it was their responsibility to see that the City was properly covered at the proper price. The City Manager said the local insurance people do recommend the coverages they think desirable for the City. He said the study proposed will reveal whether or not the City is adequately covered.

MOTION

That the staff be authorized to accept the low bid of Griffenhagen-Kroeger, Inc., to review the City's insurance program at a cost not to exceed \$985.

Moved by VanderWall Seconded by Adams Unanimously carried

PROGRESS REPORT ON UTILITY RELOCATION (99 FREEWAY) 10-10

Director of Public Works Ray reported that the City is now working on the relocation of various city utilities in connection with the freeway, as requested by the Division of Highways. Plans for this work are needed and agreements must be entered into with

the state for each utility. The state is to pay all costs for relocating the utilities, including engineering costs.

The City Manager pointed out that determination of the location of the grade separations will affect the relocation of utilities.

REQUEST FOR BLOCK PARTY

The request of Sheldon Lambert for the closing of Mt. Vernon Drive between Monticello Avenue and Mt. Verde Avenue between the hours of 12 noon and 6:00 P.M. on October 15, 1960, for a block party was approved.

RESOLUTION NO. 60-385

A RESOLUTION AUTHORIZING THE CLOSING OF MT. VERNON DRIVE ON OCTOBER 15, 1960 FOR BLOCK PARTY

Introduced by Martin Seconded by Adams
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

PARKING OF NAVY BAND BUSES ON CITY HALL PARKING LOT

MOTION

That the United States Navy Band be permitted to park its buses on the upper deck of the City Hall Parking Lot during the afternoon and night of October 19, 1960.

Moved by Martin Seconded by VanderWall Unanimously carried

RETAINING SERVICES OF ZEFF, HALLEY & PRICE AS SPECIAL COUNSEL, ROMAN VS. CITY 8-90

The City Manager stated that the City, George H. Smeath, and D. Freitas have been sued for \$45,000 by Clarence H. Roman et ux in connection with the Wilkin lot split proceedings. He recommended that the agreement retaining Zeff, Halley & Price as special counsel to assist with the defense of the defendants named be approved.

The City Attorney stated that the retainer fee was \$250, pre-trial services \$150 per day, and legal services during trial \$200 per day.

RESOLUTION NO. 60-386

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ZEFF, HALLEY AND PRICE, ATTORNEYS, RETAINING THEM AS SPECIAL COUNSEL TO REPRESENT CITY OF MODESTO, ET AL

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

REPORT ON IMPROVEMENT OF ALLEY - PIKE PARK AREA

The City Manager reported that the property owners have agreed to construct 356 feet of alley in accordance with commercial

standards, extending west from Kearney. This is beyond the entrance to the CocaCola Bottling Plant. Construction is now underway.

PRESENTATION OF FINANCIAL STATEMENT FOR THE MONTH OF SEPTEMBER, 1960

The financial statement for the month of September, 1960 was presented to the Council.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Arata Unanimously carried

The meeting adjourned at 9:50 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, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Knoles, Martin, VanderWall, Mayor Hammond
Councilman Adams arrived at 4:03 P.M.
Councilman Spaulding arrived at 4:20 P.M.

Absent: None

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

Rev. T. A. Litov gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of September 28, 1960 and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MODESTO CITY SCHOOLS RE: LOCATION OF PROPOSED NEW
ELEMENTARY SCHOOL 1-15

RESOLUTION NO. 60-389

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION THE REQUEST OF THE BOARD OF EDUCATION, MODESTO CITY SCHOOLS, FOR REPORT AND RECOMMENDATION RELATING TO THE LOCATION OF SCHOOL SITES AND THE EFFECT OF ANNEXATION ON SCHOOL DISTRICT BOUNDARIES

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION ACCEPTING CONTRACT FOR IMPROVEMENT OF BRIGGSMORE AVE.
AND AUTHORIZING NOTICE OF COMPLETION 1-35

The City Manager reported that all work has been completed on the improvement of Briggsmore Ave. The contract bid price was \$42,462.50. Total work done, including two change orders, is \$44,486.45. One change order totaling approximately \$1,200 involved the repair of leaking irrigation lines which crossed the project/a number of locations. Work was completed by September 30, 1960, the date set for completion. He recommended that the work be accepted, notice of completion recorded, and payment made according to the contract.

RESOLUTION NO. 60-390

A RESOLUTION ACCEPTING THE IMPROVEMENT OF BRIGGSMORE AVE. BETWEEN TULLY AVENUE AND ALLEY EAST OF ALOHA WAY BY GEORGE REED; AUTHORIZING

RECORDATION OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE
UNDER THE CONTRACT

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

FURTHER CONSIDERATION OF SEWER SERVICE TO NEIGHBORHOOD MANOR
REST HOME AT TULLY AND WOODROW 1-50

Director of Public Works Ray stated that the request of Modesto Neighborhood Church for sewer service to Neighborhood Manor at the corner of Woodrow and Tully was denied by the Council at its meeting of August 17, 1960, upon recommendation of the staff. The group is now asking to be allowed to use the city sewer lines when their drain fields will not carry the complete load of the home. The excess effluent would be pumped into a holding tank and from there into city lines during hours of minimum flow, such time to be specified by the City. Mr. Ray stated that this proposal is considered favorably by the staff who have proposed that pumping into city lines be limited to 100 gallons per minute, and be permitted only during the hours between midnight and 6:00 A.M. All of the cost involved in connecting to the city system at the northernmost point at Bowen and Tully would be at the expense of the Modesto Neighborhood Church. The City would serve the proposed rest home on an emergency basis, at regular commercial rates. This would be on an interim basis only until regular sewer facilities are provided to serve that area. Mr. Ray pointed out that the recommendation outlined relates to the granting of sewer service on a standby basis when and if needed, and has nothing to do with approval or non-approval of the proposed property use.

The City Manager stated that the feasibility of the proposal will have to be studied in detail, including the legal aspects, before a precise proposal can be submitted to the Council.

Mr. Ray stated that the proposal is feasible to a limited degree, but that it cannot be considered an example on which precedent could be based, and that future requests for similar service in any section of the City would need to be considered separately in the light of specific conditions involved.

MOTION

That the staff study the proposal and if it is found legally possible, work out specific means by which it can be accomplished.

Moved by Adams Seconded by VanderWall Unanimously carried

CONSIDER APPROVAL OF AGREEMENT WITH HELM MOTOR RENTAL DIVISION
OF FRANK L. HELM COMPANY FOR EXCLUSIVE CAR RENTAL CONCESSION AT
AIRPORT 2-1

The City Attorney reported that the agreement with the Helm Motor Rental Division of Frank M. Helm Co., Inc., provides for renewal of an exclusive car rental concession at Modesto City-County Airport for a five-year period for 2 $\frac{1}{2}$ % of the gross monthly revenue. The agreement has been signed by officials of that company.

ORDINANCE NO. 416-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT WITH THE HELM MOTOR RENTAL DIVISION OF FRANK M. HELM CO., INC., RELATING TO THE GRANTING OF A CAR RENTAL CONCESSION AT MODESTO CITY-COUNTY AIRPORT"

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

Moved by Vander Wall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

CONSIDER ACQUISITION OF PARK ADJACENT TO SYLVAN SCHOOL 2-10

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

(Councilman Spaulding arrived at 4:20 P.M.)

REQUEST FOR APPROVAL OF PAYMENT OF \$11,000 DUE UNDER CONTRACT WITH THE CHAMBER OF COMMERCE 2-15

The City Clerk read a letter from the Chamber of Commerce requesting payment of \$11,000 for advertising and promotion program for the City in accordance with existing contract with the City. This amount has been budgeted.

MOTION

That the payment of \$11,000 to the Chamber of Commerce be authorized in accordance with terms of the contract.

Moved by Arata Seconded by Knoles Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE "TUTTLE ADDITION" TO THE PLANNING COMMISSION FOR STUDY AND REPORT 2-25

RESOLUTION NO. 60-391

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

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

CONSIDER RESOLUTION APPROVING LEASE AGREEMENT AT 428 BRIGGSMORE AVENUE 2-30

The City Manager reported that this house is located on property purchased by the City for the construction of Northern Blvd. Rental will be on a month-to-month basis for \$55 per month.

RESOLUTION NO. 60-392

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HERMAN C. AND PATRICIA M. HOUSE FOR LEASE OF PROPERTY AT 428 BRIGGSMORE AVENUE

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

REPORT FROM THE SALVATION ARMY OF SERVICES RENDERED FOR QUARTER
 ENDING SEPTEMBER 30, 1960 2-42

A report from the Salvation Army listing welfare activities for the three-month period ending September 30, 1960, and a request for the annual \$300 appropriation from City funds in support of transient and family services performed by the Salvation Army was read by the City Clerk. This amount has been budgeted.

MOTION

That the payment of \$300 to the Salvation Army be authorized in accordance with terms of the existing contract with the Salvation Army.

Moved by Knoles Seconded by Arata Unanimously carried

CITY HALL MATTER

The louvered panes installed in the Council Chamber doors were noted by the Council.

FURNITURE, OLD CITY HALL BUILDING

The City Manager was requested to submit a report on the proposed disposition of surplus furniture and office equipment stored in the former city hall.

APPROPRIATION TRANSFERS None

REPORTS FROM THE PLANNING COMMISSION None

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews, 1111 F Street, suggested that a sign, "Modesto--Gateway to Yosemite" be placed on the water tank at 10th and D Streets. No action was taken by the Council.

REPORT BY COUNCIL COMMITTEE ON CORPORATION YARD 2-85

A report from the Council Corporation Yard Committee, dated October 19, 1960, was read by the City Manager. The Committee recommended that the City commence negotiations to purchase an area of approximately 7 to 8 acres for the corporation yard, to be located within the area bounded by Chestnut, Washington, the proposed new freeway, and M.I.D. Lateral No. 4.

MOTION

That the staff be authorized to proceed in accordance with the recommendation of the Council Committee.

Moved by Adams Seconded by Knoles Unanimously carried

REPORT ON WATER AND SEWER SERVICE TO STANISLAUS COUNTY PROPERTIES

A report prepared by the Director of Public Works dated October 19, 1960 entitled "Water and Sewer Service to Stanislaus

County Properties" was distributed to each Council member for their review. The matter will be placed on the agenda again shortly.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Arata Unanimously carried

The meeting adjourned at 4:35 P.M.

ATTEST:


CITY CLERK

Modesto City Council
October 26, 1960

Due to a lack of a quorum, the regular Council meeting
scheduled for this date was adjourned to meet October 27, 1960,
at 7:30 P.M.

ATTEST: 
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, Modesto, California, Mayor Hammond presiding. The regularly scheduled meeting of October 26, 1960, was adjourned to this date due to the lack of a quorum.

The City Clerk called the roll and there were:

Present: Adams, Arata, VanderWall, Mayor Hammond
(Councilman Knoles arrived at 7:55 P.M.)
Absent: Martin, Spaulding

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

Reverend A. P. Gregory gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of October 5, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTERS FROM EDITH S. JENNINGS AND ELIZABETH BERNARDO REGARDING USE OF COMMUNITY SERVICE CENTER BY CONSERVATORY OF MUSIC 1-30

Letter from Edith S. Jennings

A letter from Mrs. Jennings was read by the City Clerk containing the request that cost of rental facilities at the Community Service Center be kept at a minimum to enable the Conservatory of Music to continue its training of children in the fields of music, language, dramatic and dance arts, pointing out that this is a nonprofit educational institution.

Letter from Mrs. Bernardo

A letter from Mrs. Bernardo requesting that the Conservatory be allowed to rent two upstairs rooms and the auditorium of the Community Service Center on an hourly basis was read by the City Clerk.

Action was withheld pending a report from the staff.

REQUEST FROM LEWIS C. NELSON & SONS, GENERAL CONTRACTORS, RE: USE OF PORTION OF PARKING LOT ON SOUTH SIDE OF P. T. & T. BUILDING TO INSTALL SCAFFOLDING 1-50

The City Manager stated that Lewis C. Nelson & Sons have requested permission to use a portion of the city-leased parking lot to install temporary scaffolding along the Pacific Telephone and Telegraph Building at 13th & K Streets, which is being remodeled. He recommended that approval be granted with the provision that the contractors protect the City with adequate liability insurance. Approval was granted as recommended.

RESOLUTION NO. 60-393

A RESOLUTION APPROVING REQUEST OF LEWIS C. NELSON & SONS, CONTRACTORS, TO INSTALL TEMPORARY SCAFFOLDING EXTENDING ONTO CITY OFF-STREET PARKING LOT

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin, Spaulding

ADOPTION OF ORDINANCE NO. 415-C.S., SALE OF PROPERTY TO THE MODESTO SCHOOL DISTRICT 1-65

ORDINANCE NO. 415-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO TO THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA"

introduced on October 13, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Adams Seconded by Arata
 Ayes: Adams, Arata, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin, Spaulding

ADOPTION OF ORDINANCE NO. 416-C.S., CAR RENTAL SERVICE AT AIRPORT 1-70

ORDINANCE NO. 416-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT WITH THE HELM MOTOR RENTAL DIVISION OF FRANK M. HELM CO., INC., RELATING TO THE GRANTING OF A CAR RENTAL CONCESSION AT THE MODESTO CITY-COUNTY AIRPORT"

introduced on October 19, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Arata
 Ayes: Adams, Arata, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin, Spaulding

CONSIDER SMOG CONTROL MEASURE - GENERAL ELECTION, NOVEMBER 8, 1960

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

RESOLUTION ADOPTING BUDGET AND APPROVING SECOND SUPPLEMENTAL MEMORANDUM OF AGREEMENT, GAS TAX ALLOCATION FOR MAJOR CITY STREETS

Director of Public Works Ray stated that in the construction of McHenry Avenue severe cross slopes on the south section of the street affect some driveways. An agreement has been reached with the State to reconstruct these driveways, the State to pay for the reconstruction costs and the City to pay for the engineering costs from allocated gas tax funds. The estimated construction cost is \$3,500; engineering costs, \$500. Several alley approaches are also involved.

RESOLUTION NO. 60-394

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING BUDGET AND APPROVING SECOND SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin, Spaulding

**RESOLUTION ESTABLISHING CHARGES AND FEES FOR RENTAL OF AIRPORT HANGARS
2-5**

The City Manager stated that an ordinance was recently adopted to enable the Council to set rates for airport hangars by resolution. The proposed resolution establishes a rate for T-hangar No. 1 effective November 1, 1960, at which time the City will acquire title.

RESOLUTION NO. 60-395

A RESOLUTION ESTABLISHING CHARGES AND FEES FOR THE RENTAL OF AIRPORT HANGARS

Introduced by VanderWall Seconded by Adams
Ayes: Adams, Arata, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Martin, Spaulding

RESOLUTION AUTHORIZING REFUND OF BUSINESS LICENSE PENALTY AND INTEREST PAYMENT 2-25

The request of Charlie's Barber Shop for refund of \$2.63, penalty on business license payment for the quarter ending June 30, 1960, received between 5:00 P.M. and 12:00 midnight on August 31, 1960, was approved.

RESOLUTION NO. 60-396

A RESOLUTION AUTHORIZING WAIVER AND REFUND OF CERTAIN DELINQUENT PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENTS AS PROVIDED BY SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Martin, Spaulding

CONSIDER LEASE AGREEMENT FOR PROPERTY AT 430 BRIGGSMORE 2-40

The City Attorney stated that the proposed agreement covered rental of property at 430 Briggsmore to Jack Wayne and Reba Shoemake on a month to month basis at \$40 per month, retroactive to October 21, 1960.

RESOLUTION NO. 60-397

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JACK WAYNE AND REBA SHOEMAKE FOR LEASE OF PROPERTY AT 430 BRIGGSMORE AVENUE

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Martin, Spaulding

CONSIDER AGREEMENT WITH MODESTO CITY SCHOOLS FOR RIGHT OF WAY ACQUISITION ON TULLY ROAD 2-65

Director of Public Works Ray stated that the staff has been working with the Modesto City Schools District for several months regarding alterations to its maintenance shop and buildings located on the west side of Tully Avenue, between Stoddard and Coldwell Avenues, which are necessary in clearing the right of way. The District has prepared drawings showing alterations needed to remove ten feet from the front of the buildings and provide a like space

in the rear. These plans have been approved by the staff. Informal bids were obtained from three local building contractors for the necessary remodeling, the low bid being \$26,327. The engineer's estimate for this work was \$30,000. Mr. Ray recommended that an agreement be entered into with the District providing for dedication of the right of way without cost to the City, the City to pay the sum of \$26,327 to the District upon dedication of the right of way. Although there are other rights of way still to be obtained, this is the last piece of property in this area bearing an encroachment.

The City Manager pointed out that the procedure outlined by the Director of Public Works in obtaining bids is followed to determine a fair price for damages to the building. This practice has been followed with other property owners. The land is dedicated to the City without cost. In some cases the owner does not agree to remodel the building, but merely to clear the right of way.

The Director of Public Works stated sufficient funds are not available from gas tax funds to pay for these damages. He recommended that \$25,000 be allocated for this purpose from Special Capital Outlay funds budgeted for land acquisition. This would eliminate revision of the Memorandum of Agreement with the State and would permit clearing the right of way before the construction season begins next spring.

MOTION

That the staff be authorized to prepare necessary documents for Council approval, and that funds for payment of damages be allocated from Special Capital Outlay funds budgeted for land acquisition, as recommended by the Director of Public Works

Moved by VanderWall Seconded by Adams Unanimously carried

The City Manager stated that a report on the status of right of way acquisitions on Tully Road will be furnished the Council shortly.

(Councilman Knoles arrived at 7:55 P.M.)

RESOLUTION SETTING DATE FOR HEARING ON ZONING OF THE EAST ORANGEBURG ADDITION 3-30

RESOLUTION NO. 60-398

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 MAP NO. 21 TO FORMALYZONE THE EAST ORANGEBURG ADDITION

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin, Spaulding

November 16, 1960 at 4:30 P.M. was set as the date and time of hearing for the final zoning of the East Orangeburg Addition.

RESOLUTION SETTING DATE FOR HEARING ON THE PROPOSED ANNEXATION OF EL VECINO ADDITION 3-37

RESOLUTION NO. 60-399

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

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin, Spaulding

November 23, 1960, at 8:00 P.M. was set for the date and time of hearing of the proposed annexation of El Vecino Addition.

RESOLUTION SETTING DATE FOR HEARING ON THE PROPOSED ANNEXATION OF CORNWELL ADDITION 3-45

RESOLUTION NO. 60-400

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

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin, Spaulding

November 23, 1960 at 8:05 P.M. was set for the date and time of hearing of the proposed annexation of Cornwell Addition.

RESOLUTION EXTENDING THE TIME FOR FILING OF FINAL MAP OF THE BROOKDALE PARK SUBDIVISION 3-45

The City Manager reported that the City Planning Commission has recommended approval of the request of the subdivider of Brookdale Park Subdivision to extend the time for filing the final map, to November 16, 1961. (Resolution No. 645)

RESOLUTION NO. 60-401

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR FILING FINAL MAP OF BROOKDALE PARK SUBDIVISION

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin, Spaulding

CITY HALL MATTERS - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY 3-55 - TRAFFIC ON SUTTER ST.

Lloyd Robert White, 1701 Huron Street, stated that within the past month two accidents on Sutter Street have resulted in the death of a boy and serious injury to another. He stated that cars travel at great speed on this street, and since there are no sidewalks, it is difficult to know whether the children are playing in the sidewalk or street area. He requested assistance in securing better patrol for the street, and that steps be taken to construct sidewalks.

The City Manager stated that the staff would check and work with the County in intensified enforcement on Sutter Street, since it lies within and outside the City. He said that construction of sidewalks is the responsibility of the property owners, and that the City would be glad to work with them and help in any way it can with any group undertaking to encourage sidewalk installation. Mr. Miller suggested that Mr. White make an appointment to meet with him to discuss the matter.

Mayor Hammond stated that he had received several calls from residents of the area on the same matter.

MATTER PRESENTED WITH UNANIMOUS CONSENT OF COUNCIL

EXTENSION OF WATER SERVICE TO AULSTON MANOR SUBDIVISION

Director of Public Works Ray stated that the Council at its meeting of October 13, 1960, authorized the staff to proceed with the extension of water service to Aulston Manor Subdivision on the basis of advancement of part of the cost (\$10,000) by the developer, to be repaid in installments by the City if this proved legally possible. This subdivision is located west of Prescott Road and north of M.I.D. Lateral No. 3. The proposal was for a water line extension on Evergreen and up Prescott Road. The City Attorney has determined that such a procedure cannot legally be established. Also, changes are proposed in Prescott Road in connection with the freeway, and it is not desirable to locate a water line there at this time.

Mr. Ray submitted an alternate proposal that the line be extended up Carver Road from its present location just south of Lateral No. 3, to proposed subdivision Park Manor No. 3. It would proceed via easements through this proposed subdivision and other land to the west to Prescott Road, and then north on Prescott Road to Aulston Manor Subdivision.

The estimated cost of \$22,000 for the alternate proposal is higher than the original proposal but will serve a greater area, including a new school proposed for this area. The subdivider has offered to pay \$3,000 outright to the City towards the extension. The Director of Public Works recommended that this alternate proposal be approved by the Council.

Well locations in the northwest area, existing and proposed, were discussed.

The Director of Public Works stated that a proposal for sewer service to this area will be submitted to the Council at an early date.

MOTION

That the staff be authorized to extend water service to Aulston Manor Subdivision on the basis recommended by the Director of Public Works, that the necessary documents be prepared on the basis of a \$3,000 cash contribution from the subdivider, and that necessary easements be secured by the subdivider

Moved by Adams Seconded by VanderWall Unanimously carried

ADJOURNMENT

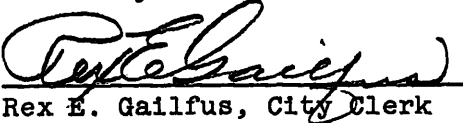
MOTION

That the meeting now in session be adjourned

Moved by Knoles Seconded by Arata Unanimously carried

The meeting adjourned at 8:24 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: Arata, Spaulding, VanderWall, Mayor Hammond
(Councilman Adams arrived at 4:10 P.M.)
(Councilman Knoles arrived at 4:10 P.M.)
(Councilman Martin arrived at 4:15 P.M.)

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

Reverend Donald G. Weston gave the invocation.

LETTER FROM McHENRY-DRY CREEK FIRE PROTECTION DISTRICT RE: PROPOSAL FOR DEEDING OVER TO THE CITY FIRE STATION AND LAND

A letter from Melvin H. Ware, Secretary, McHenry Dry Creek Fire Protection District, dated October 24, 1960, was read by the City Clerk, which contained recommendations of the joint City-District Committee on the settlement of money due the City because of annexations. The total due the City as of April 13, 1960 is \$17,477.07. The proposal presented by the District provides that the District deed to the City certain land and buildings owned by the District appraised at \$22,500. This would leave a balance due the District of \$5,022.93. This balance would be applied towards rental of the land and buildings by the District at the annual rate of \$1,000 on a five-year lease term, the rental lease to be terminated on a one-year notice by the Fire District only; in case of lease termination, the City to pay any balance due the District.

MOTION

That the staff prepare the necessary documents to carry out the proposal of the McHenry Dry Creek Fire Protection District and present to Council for approval

Moved by Spaulding Seconded by VanderWall Unanimously carried

COMMUNICATION FROM STATE COMPENSATION INSURANCE FUND RE: ACCIDENT RECORD 1-35

A letter from Earl R. Howard, General Manager, State Compensation Insurance Fund, dated October 24, 1960 congratulating the City on its accident prevention record in the 1959-60 California Cities Employee Safety Contest was read by the City Clerk. Modesto placed third among cities in Group IV, which is composed of cities with 301 to 600 employees. The letter was ordered filed.

TELEGRAM FROM PRESIDENT, SANTA FE R.R., RE: PROPOSED MERGER WITH WESTERN PACIFIC R.R. CO. 1-55

The City Clerk read a telegram from E. C. Marsh, President, Santa Fe Railroad, Chicago, stating that this company has filed an application with the Interstate Commerce Commission to acquire control of Western Pacific Railroad through purchase and exchange of stock. He requested support of the community in this endeavor, and stated that representatives of the railroad would call at an early date to discuss the matter.

Councilman Spaulding was of the opinion that this is an Interstate Commerce Commission matter and suggested that the Council take no action.

The City Manager stated that the final outcome of the control of Western Pacific Railroad was very important to the community. Council approval was given to his suggestion that he furnish the Council with pertinent information as it develops. Councilman Adams expressed special interest in the subject.

LETTER FROM DINA D. KIRKSEY, MODESTO REALTY CO., RE: CORPORATION YARD AND AVAILABLE LAND 1-90

A letter from Dina D. Kirksey, Modesto Realty Co., dated October 27, 1960, offering a listing of 9½ acres at 500 Emerald Avenue as a possible site for the corporation yard, was read by the City Clerk.

The City Manager stated that the letter had been brought to the attention of the Corporation Yard Committee, and it directed that Mrs. Kirksey be advised that another area has been chosen for the corporation yard site.

MOTION

That the City Clerk inform Mrs. Kirksey by letter that another area has been chosen for the corporation yard site

Moved by Adams Seconded by Arata Unanimously carried

LETTER FROM JARED W. HAWKINS, JR., ATTORNEY, REGARDING DRAINAGE OF STORM SEWERS INTO BEARD BROOK 1-110

A letter from Jared W. Hawkins, Jr., Attorney, dated October 26, 1960 regarding drainage of sewer of sewers into Beard Brook, was read by the City Clerk. He referred to the Special Stream Survey made on June 10, 1960 which stated "The local health department plans to collect additional bacteriological data over the next two months from Dry Creek and the Tuolumne River." He requested results of these tests and stated that it was the opinion of his clients that these tests should be made out of the catch basin at the end of the pipe before the drainage goes into the stream. He asked that a definite commitment be made by the City as to whether it intends to continue drainage into Dry Creek during the summer, or have the drainage diverted.

The City Manager reported that the Health Department has taken tests throughout the summer and when a summary is received it will be presented to the Council and a copy forwarded to Mr. Hawkins. He recommended that action be withheld pending receipt of the report.

By order of the chair, with the consent of the Council, the City Clerk was directed to inform Mr. Hawkins of the action taken and to ask Mr. Hawkins to submit the names of his clients to the Council.

INTRODUCTION OF ORDINANCE AMENDING SECTION OF MUNICIPAL CODE RELATING TO FIRE ZONES (ADOPTION OF AMENDED FIRE ZONE MAPS) 2-40

The City Manager stated that the proposed ordinance will extend Fire Zone No. 2 to include commercially zoned areas along Yosemite Boulevard easterly to the city limits, and along McHenry Avenue to the city limits at the canal just north of McHenry Village. The Chief Building Inspector reports that all of the buildings constructed since the time of annexation have been constructed to meet Fire Zone No. 2 requirements on a cooperative basis. The proposed ordinance requires

that construction meet Fire Zone No. 2 requirements.

The City Attorney briefly explained a proposed change of procedure whereby fire zones would be indicated on a map rather than by using legal descriptions, as has been done in the past. Any amendment to the fire zones would be made by amending a map section. The map can be adopted by reference and placed on file in the City Clerk's office. The City Attorney also stated that the proposed ordinance utilizes the same type of standards in locating boundaries where uncertainty exists in the boundary line of any fire zone adopted by the Council.

ORDINANCE NO. 417-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 2-1.201.1 THERETO, RELATING TO FIRE PREVENTION REGULATIONS"

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

Moved by Spaulding Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CONSIDER AWARD OF BID FOR TRAFFIC SIGNALS AT PARADISE AND AT COFFEE ROAD 2-90

The City Manager reported that four bids were received. A low bid of \$24,495 was received from Industrial Electrical Co. The City's share of the cost is budgeted. The proportionate share of County costs will be based on the number of streets under County jurisdiction entering the intersections. The City Manager recommended that the bid of Industrial Electrical Co. be accepted.

RESOLUTION NO. 60-402

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL CO. FOR CONSTRUCTION OF TRAFFIC SIGNALS AT PARADISE-TUOLUMNE INTERSECTION FOR THE SUM OF \$19,321 AND AT COFFEE-FAIRMONT INTERSECTION FOR THE SUM OF \$5,174

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

HEARING ON REQUIRING CURB AND GUTTER AT 201 HINTZE, BLOCK 624, LOT 9 AND A PORTION OF LOT 8; CORNER OF MELROSE AND CEDAR, BLOCK 585, LOTS 23 AND 24 2-100

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the hearing of curb and gutter requirements at the above named locations.

The City Clerk reported that the property had been posted, the owners notified, and no letters of protest received.

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

Assistant Director of Public Works Campbell stated that the owner of the property at 201 Hintze is willing to install curbs and gutters. The Parks and Public Works Departments have requested that an attempt be made to save the trees. Mr. Campbell stated that

an additional two or three weeks time would be sufficient to determine whether or not the trees adjacent to the curb can be saved. The owner of the property has been asked to withhold installation of the curb and gutter until this determination has been made.

RESOLUTION NO. 60-403

A RESOLUTION CONTINUING THE DATE OF HEARING ON REQUIREMENT OF CURB AND GUTTER AT 201 HINTZE, BLOCK 624, LOT 9, AND A PORTION OF LOT 8, AND CORNER OF MELROSE AND CEDAR, BLOCK 585, LOTS 23 AND 24, TO NOVEMBER 23, 1960, AT 8:00 P.M.

Introduced by Spaulding Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CONSIDER SMOG CONTROL MEASURE FOR NOVEMBER 8 GENERAL ELECTION 3-25

Councilman Adams read a statement entitled "San Joaquin Valley Air Pollution Control Proposal" dated November 2, 1960, in opposition to the measure appearing on the November 8 ballot. A copy of the statement was presented to each Council member.

He summed up his opposition by stating that the Valley at this time does not have a smog problem hazardous to health and it was his belief that we will be forewarned in sufficient time to take care of the situation if and when it arises. The prevalent agricultural haze in the valley is not considered a health hazard and is expressly excluded from the measure for this reason.

Councilman Spaulding spoke briefly in opposition to the measure.

The City Attorney pointed out that if this law becomes operative and a District is created, it is to be financed by taxes levied on real property in the District, at a rate not to exceed 1/2 of 1 per cent of each \$100 assessed valuation.

MOTION

That the statement presented by Councilman Adams relating to air pollution control be approved as a statement of the Council

Moved by Knoles Seconded by Spaulding Unanimously carried

HEARING ON HOSPITAL UNCLASSIFIED USE PERMIT 4-25

Mayor Hammond announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the application of D. S. Reed Land Co. for the erection of a hospital at the northeast corner of Orangeburg and Sherwood Avenues.

The City Clerk reported that notices of the hearing were published as required by the Code on October 18, 1960; the area was posted on October 20, 1960; notices were distributed in the area on the same day. No written protests were filed at the time this report was written.

Director of Planning Smeath displayed a map showing surrounding land uses in the area. Plans submitted by the applicants for the hospital were also shown the Council.

The Planning Commission recommended the granting of an unclassified use permit to D. S. Reed/Company, subject to the following conditions:

Land

That the owners dedicate 20 feet on Orangeburg Avenue to widen the street to 80 feet; and dedicate 30 feet for the widening of Sherwood Avenue;

That the owners construct a 5-foot sidewalk along the Orangeburg frontage and provide curbs, gutters, a 5-foot concrete sidewalk and street surfacing along the Sherwood Avenue frontage, to be installed prior to the occupancy of the hospital.

Mr. Smeath stated that the plan submitted by the developers shows possible future additions to the rear of the proposed hospital, approval for which is not now requested. He pointed out that Planning Commission approval applies only to the application for the development of a 50-bed hospital at this time, and nothing more.

Two entrances and exits are proposed in the plan, one on Orangeburg leading into the service area to the rear of the hospital, and one on Sherwood Avenue.

The following documents were read to the Council by the City Clerk: A petition bearing 40 signatures opposing an entrance-exit on Sherwood Avenue; a letter from Dr. Hoyt R. Gant in support of the construction of the hospital in this location; Planning Commission Resolution No. 639 recommending an unclassified use permit to D. S. Reed Land Company for erection of the hospital, with stated conditions.

Robert McLain, representative of Stolte, Inc., General Contractors, spoke briefly on the design and landscaping of the hospital. He cited the advantages of entrance-exits on both Sherwood and Orangeburg Avenues. He stated that the proposal of the Director of Traffic for a single entrance-exit on Orangeburg Avenue, off Sycamore, had been considered and found disadvantageous because ambulances and trucks coming into the hospital grounds would be hampered by individuals parking in the lot. Two entrance-exits on Orangeburg Avenue would require drivers leaving the hospital grounds and returning to McHenry Avenue to cross the main lane of traffic on Orangeburg without benefit of an intersection.

Armin Baudler, 444 Coronado Way, representing the signers of the petition, orally protested an entrance-exit on Sherwood Avenue.

Edward Maurice, 315 West Orangeburg Avenue, expressed his concern over an alley on the east side of the property where the proposed hospital is to be located. He asked if the alley could be closed at the hospital end to eliminate the possibility of it being used as an approach to the parking lot. Director of Planning Smeath expressed the opinion that the alley should not be connected to the hospital parking lot.

Mayor Hammond declared the hearing closed.

Director of Traffic Carmody stated that Orangeburg Avenue will eventually be a four-lane street. The plans submitted by the developers show the Orangeburg Avenue entrance-exit 150 feet off of Sycamore Avenue and not at an intersection. If the entrance-exit on Sherwood Avenue is eliminated, he recommended a single Orangeburg entrance-exit to be aligned with Sycamore Avenue. This would create a four-legged intersection which could be more easily signalized.

The recommendations of the Planning Commission incorporated in Resolution No. 639 were approved by the Council, subject to the following additional condition: That there be a single entrance-exit to the hospital parking lot, this entrance-exit to be located on Orangeburg Avenue and aligned with Sycamore Avenue.

It was the Council's opinion that curbs and gutters on the Orangeburg Avenue frontage should be installed by the City as part of the improvement of Orangeburg Avenue on the basis of the dedication of the necessary right of way by the property owner without cost to the City.

Dr. Henry Jackson, 1401 Edgebrook Drive, asked if the improvement of Sherwood Avenue by the developers might be delayed and was informed by Mayor Hammond that this work is to be governed by the recommendations set forth by the Planning Commission in Resolution No. 639.

RESOLUTION NO. 60-404

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO D. S. REED LAND COMPANY TO ERECT A HOSPITAL AT THE NORTHEAST CORNER OF SHERWOOD AND WEST ORANGEBURG AVENUES

Introduced by Knoles Seconded by VanderWall

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Noes: None Absent: None

REPORT ON REQUEST FOR NEW TRAFFIC SIGNALS ON McHENRY AVENUE 8-05

The City Manager reported that a letter from J. G. Meyer, District Engineer, State Division of Highways, dated October 11, 1960, had been received indicating that none of the nationally accepted warrants for the installation of traffic signals were met at the intersections of Roseburg, Granger, Briggsmore, Wright, Griswold, and Judith Lane Avenues with McHenry Avenue.

REPORT ON REQUEST FOR SIGNALS AT 16TH AND J STREETS, AND ONE-WAY TRAFFIC AT THE EASTERLY END OF NEEDHAM AVENUE. 8-15

The City Manager reported that J. G. Meyer, District Engineer, State Division of Highways, in a letter dated October 11, 1960, states that a study of traffic conditions at the intersection of 16th and J Streets indicates that the installation of traffic signals is not warranted at this time. The State further suggests that any decision to realign traffic flow in this area be deferred until present studies are finalized for a one-way system in which 14th and 15th Streets may become an integral part. The City Manager stated that further reports will be made to the Council.

AUTHORIZE PAYMENT TO COUNTY FOR WORK PERFORMED ON SUTTER STREET 8-20

The City Manager reported that the work has been completed. The total cost to the City is \$6,698.56. He recommended that payment be made to the County for the City's proportionate share in accordance with the agreement.

MOTION

That payment to County for work performed on Sutter Street be authorized in accordance with the agreement

Moved by Adams Seconded by Spaulding Unanimously carried

SET DATE FOR HEARING ON CHANGE OF WORK IN IMPROVEMENT DISTRICT NO. 10

The City Manager reported that the State has advised the City that the pump controls are not acceptable and will have to be replaced. The cost of replacement is approximately \$300. He recommended that an offer be made to the contractor to share the cost, rather than hold a hearing on the proposed change of work.

MOTION

That the staff be authorized to make an offer to the contractor that the City pay one-half the cost of the pump control change

Moved by Martin Seconded by Knoles Unanimously carried

RESOLUTION EXTENDING TIME FOR COMPLETION OF IMPROVEMENT DISTRICT NO. 10

Asst. Director of Public Works Campbell stated that an extension of time was necessary to allow the preparation of the final assessment roll and diagram and spread of costs. He recommended that the completion date be extended to January 11, 1961.

RESOLUTION NO. 972-S.P.

A RESOLUTION EXTENDING THE TIME FOR THE CONTRACTOR TO COMPLETE THE WORK AND IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 10

Introduced by Arata Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Noes: None Absent: None

CONSIDERATION OF REPORT ON WATER AND SEWER SERVICE TO COUNTY PROPERTIES 8-45

MOTION

That the staff be authorized to proceed in accordance with recommendations contained in the report dated October 19, 1960, prepared by the Director of Public Works, entitled "Water and Sewer Service to Stanislaus County Properties"

Moved by Martin Seconded by Arata Unanimously carried

RESOLUTION AUTHORIZING REFUND OF PENALTY AND INTEREST CHARGES ON BUSINESS LICENSE PAYMENT (BAILEY'S BLACKSMITH) 8-50

The request of Bailey's Blacksmith for refund of \$3.39, penalty on business license payment for the quarter ending June 30, 1960, received between 5:00 P.M. and 12:00 midnight on August 31, 1960, was approved.

RESOLUTION NO. 60-405

A RESOLUTION AUTHORIZING WAIVER AND REFUND OF CERTAIN DELINQUENT PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENTS AS PROVIDED BY SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE

Introduced by VanderWall Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Noes: None Absent: None

CONSIDER SALE OF WALNUT TREES AT THE AIRPORT 8-56
MOTION

That the staff be authorized to prepare specifications and call for bids to effect the sale of walnut trees, setting a minimum bid of \$4,000

Moved by VanderWall Seconded by Knoles Unanimously carried

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF CORNWELL ADDITION 8-68

RESOLUTION NO. 60-406

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS CORNWELL ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO, AND RESCINDING RESOLUTION NO. 60-400

Introduced by Martin Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

December 14, 1960 at 8:00 P.M., at the Council Chambers, 801 11th St., was set for the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE EL VECINO ADDITION 8-70

RESOLUTION NO. 60-407

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS EL VECINO ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO, AND RESCINDING RESOLUTION NO. 60-399

Introduced by Martin Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

December 14, 1960 at 8:05 P.M., at the Council Chambers, 801 11th Street, was set for the time and place of hearing.

CONSIDER AGREEMENTS FOR SEWER SERVICE WITH:

Fresno Guarantee Savings and Loan Association

RESOLUTION NO. 60-408

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRESNO GUARANTEE SAVINGS AND LOAN ASSOCIATION TO INSTALL SANITARY SEWER LATERALS AND SEWAGE LIFT STATION

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall
Mayor Hammond
Noes: None Absent: None

Beech Development Company

RESOLUTION NO. 60-409

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BEECH DEVELOPMENT COMPANY TO INSTALL SANITARY SEWER LATERALS AND SEWAGE LIFT STATION

Introduced by Adams Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

(Councilman VanderWall was excused because of personal interests in the following matter).

CONSIDER RESOLUTION TO AUTHORIZE THE FILING OF CONDEMNATION PROCEEDINGS TO ACQUIRE RIGHT OF WAY ON TULLY ROAD - SANDERS AND VANDERWALL PROPERTY 8-90

The City Attorney reported that since Councilman VanderWall has an interest in the Sanders and VanderWall property on Tully Road, condemnation proceedings are necessary because of the provisions of the Charter prohibiting any officer or employee of the City from having a direct or indirect interest in any contract, lease or other activity with the City.

RESOLUTION NO. 60-410

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

Introduced by Spaulding Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, Mayor Hammond
 Noes: None Absent: VanderWall

(Councilman VanderWall returned to his chair)

RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS NO LONGER REQUIRED 8-100

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

CITY HALL MATTERS None

APPROPRIATION TRANSFERS None

REPORTS FROM THE PLANNING COMMISSION None

MATTERS FOR THE GOOD OF THE COMMUNITY 8-105

Request by Bethlehem Steel Co. for use of city-leased parking lot

The request of M. H. Frincke, Manager of Erection, Bethlehem Steel Co., for permission to use the city-leased parking lot on 13th Street for the erection of steel for the addition to the Pacific Telephone Building on or about November 9, 1960, was approved, with the provisions that the City be adequately covered by liability insurance and that \$8.00 be paid the City for loss of parking revenue.

RESOLUTION NO. 60-411

A RESOLUTION GRANTING A PERMIT TO BETHLEHEM STEEL CO., SAN FRANCISCO, TO OCCUPY THE CITY'S 13TH STREET PARKING LOT ON OR ABOUT NOVEMBER 9, 1960

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

PRELIMINARY REPORT ON PROPOSAL FOR SALE OF SURPLUS USED FURNITURE AND OTHER SURPLUS CITY PROPERTY 8-120

The City Manager stated that the annual sale of surplus city property is planned for December. He recommended that the surplus used furniture be sold at the same time. A report entitled "Sale of Surplus Property" dated November 2, 1960, prepared by the Director of Finance, was presented to the Council. Approval was granted by unanimous consent of the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Knoles Seconded by VanderWall

The meeting adjourned at 6:00 P.M.

ATTEST:


 Rex E. Gallifus, City Clerk

AMENDMENT TO MODESTO CITY COUNCIL MINUTES OF NOVEMBER 2, 1960

At the regular session of the Modesto City Council on November 23, 1960, a motion proposed by Councilman Adams, seconded by Councilman VanderWall, and unanimously approved by the Council, was adopted, authorizing that the statement of Councilman Adams, subject, "San Joaquin Valley Air Pollution Control Proposal", dated November 2, 1960, be quoted verbatim instead of by summary, and appended to the minutes of November 2, 1960 and made a part thereof.

11/2/60
M. Adams

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL PROPOSAL

"With my interest and participation in the smog problem studies starting several years ago and subsequent studies up to this current proposal, I would like to present my reasoning for opposing the measure as submitted to the voters.

"All of us are very much aware of the smog problem in the Los Angeles area and more recently in the Bay Area. The effects of air pollution to which the public object are eye irritation, damage to agricultural crops, odor, or visible haze. The atmosphere may be polluted by many things, most of which are not considered smog. The pollutant which appears to be responsible for the difficulty is generally the result of burning fossil fuels. Research has found this to be the exhaust fumes of olefinic hydrocarbons reacting with oxides of nitrogen or ozone under the influence of high energy sunlight. This is the situation in Los Angeles and Santa Clara areas. Both are relatively small bowl areas with a very high concentration of auto exhaust and some industrial processes.

"In our San Joaquin Valley areas, we have quite the opposite situation - large area with much lower concentration of exhaust fumes and less industry. Even anticipating future increase in population, autos, and industry, there is a question that the problem in this large area may ever equal that of the small Los Angeles or Santa Clara areas. What we presently see in the San Joaquin Valley as smog is a visible haze, largely due to agricultural operations, permitted burning, etc. From what is known about smog, we believe the San Joaquin Valley does not have an oxidant-type problem. Local problems can and are being tackled by local governments, such as the Delta peat dust.

"Accepting this situation, our question should be how best do we combat the area problem if and when it arises?

"The present State legislation which has set up a measure of control on auto exhaust within the next several years (granted, not complete) undoubtedly will go a long way to reduce the present approximately 65% attributed to exhaust in the Los Angeles area. It should also reduce the exhaust problem in the San Joaquin Valley proportionally. The remainder, with a small amount industrial, is largely an agricultural haze which is expressly excluded in the act. It should be noted that this latter haze, by current research, is not considered harmful.

"What assurance do we have, then, that we will be forwarned to prevent a situation as occurred in the Los Angeles area? We can assume that the present monitoring stations in the Stockton, Modesto, Merced, Fresno, and Bakersfield areas will continue to function and certainly keep us posted on the general situation.

"Presently, the University of California has budgeted \$651,000 for research on air pollution during the period July 1, 1960 to June 30, 1961, including studies on agricultural burning in the San Joaquin Valley. This includes grants to the University from various industries. The U. S. Department of Health, Education and Welfare has a Division of Air Pollution with headquarters in Cincinnati, having a budget this year for research on air pollution in the order of \$6 to \$7,000,000. Increasing amounts are planned for the next few years up to 1968.

"Additional sums are being spent by the Stanford Research Institute and the Air Pollution Foundation in Los Angeles. With this amount of work going on by experts in the field, it would seem unlikely that we would ever find ourselves in a situation as did Los Angeles with only limited knowledge of what the problem was or what to do.

"Until residential, industrial, and auto concentrations in the San Joaquin Valley approach that in the Los Angeles basin in 1945, or the Santa Clara Valley in 1955, we will probably not have a serious smog problem which produces eye irritation and plant damage.

"I would hope that at such time as control might become necessary, we would enact a pollution control district as proposed. This measure, patterned after the Bay Area District, appears to work most effectively with a governing board composed of area officials."

ATTEST:


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: Adams, Arata, VanderWall, Mayor Hammond
(Councilman Martin arrived at 7:34 P.M.)

Absent: Councilmen: Knoles, Spaulding

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

Reverend Judah L. Fish gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of October 19, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM PROPERTY OWNERS ON LEE STREET RE: CONSTRUCTION ON THE CORNER OF LEE AND McHENRY 1-20

The City Clerk read a letter signed by Leonard E. Duncan, C. W. Williams and Mrs. R. Jane McCourt, residents of Lee Street, Modesto, inquiring about the construction of a drive-in on property located at the corner of McHenry and Lee Street instead of a medical building and off-street parking for which a permit was granted Samuel Klor, M.D., on April 5, 1955, by the Board of Zoning Adjustment through its Resolution No. 196.

C. W. Williams, 115 Lee Street, stated that the property owners wish to know why the change in the use permit was made, and, if made, why the property owners were not given an opportunity to be heard.

With the unanimous consent of the Council, the staff was directed to prepare a report on the matter to be submitted to the Council next week.

LETTER FROM MRS. J. M. JOHNSON, 723 SUTTER AVE., RE: TRAFFIC ON SUTTER 1-100

A letter from Mrs. J. M. Johnson, relative to the speed of cars on Sutter Street and car-pedestrian accidents involving the death of one boy and severe injury to another, was read by the City Clerk.

The City Manager stated that the Chief of Police had checked with representatives of the County, and it is possible that at least a portion of Sutter Street under County jurisdiction can be made a 25-mile zone. Mr. Miller cited the lack of sidewalks in the City, making it necessary for pedestrians to walk on roads.

Mr. Miller presented the following proposal for Council approval: That the help and interest of the Safety Council, various clubs such as the P.T.A., Dads' Clubs, schools, and private citizens be enlisted for community action to construct sidewalks in the City. The City can help wherever possible from a legal standpoint. At the present time, the City is requiring that all new subdivisions have sidewalks, curbs and gutters.

MOTION

That the staff be authorized to proceed on the basis outlined by the City Manager toward encouraging community action to construct sidewalks in the City.

Moved by Arata Seconded by VanderWall Unanimously carried

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TRUNK SEWER ON CARVER ROAD, AND SUBTRUNK SEWER AND SEWAGE LIFT STATION SERVING SUBDIVISIONS WEST OF CARVER ROAD 2-50

Director of Public Works Ray stated that the call for bids covered the extension of the trunk sewer on Carver Road north from Evergreen to a new subdivision developing north of M.I.D. Lateral No. 3, and a subtrunk sewer and sewage lift station serving areas west from Carver Road through proposed subdivision, Park Manor No. 3. The trunk sewer will be paid from sewer bond funds; the subtrunk sewer partly from City advances and partly from two subdivisions, Park Manor No. 3 and Skylane Park. December 5, 1960, at 2:00 P.M. was proposed as the opening date for bids.

The City Manager stated that \$6,000 remains budgeted for this purpose. An additional \$10,000 will have to be appropriated to perform the project.

RESOLUTION NO. 60-412

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF SANITARY SEWER FACILITIES AT VARIOUS LOCATIONS

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR SALE OF WALNUT TREES AT CITY-COUNTY AIRPORT 2-70

The City Manager stated that the bids call for a minimum bid of \$4,000, with award to be made to the highest bidder.

RESOLUTION NO. 60-413

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE SALE AND REMOVAL OF CERTAIN WALNUT TREES LOCATED ON THE MODESTO CITY-COUNTY AIRPORT

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

CONSIDER ORDINANCE AMENDING TAXICAB REGULATIONS 2-70

Director of Traffic Carmody reported that a \$3 charge was originally set to cover a plasticized license, and investigation through the County and F.B.I., when a permit is issued to a taxicab driver. The proposed ordinance will require no additional charge for a permit if re-employment occurs within one year after termination. A new provision will provide that taxi drivers return their permits to the Parking and Traffic Department within 5 days of termination of employment.

ORDINANCE NO. 418-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 4-6.702 AND 4-6.709 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICABS"

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

Moved by VanderWall Seconded by Martin
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

ORDINANCE REGARDING SALE OF SURPLUS PROPERTY 2-100

The City Attorney stated that the proposed ordinance authorizes the City to sell at public auction certain items of surplus personal property owned by the City, and unclaimed personal property now in the possession of the Police Department, as shown on lists on file in the City Clerk's office.

ORDINANCE NO. 419-C.S. entitled

"AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS AND UNCLAIMED PERSONAL PROPERTY"

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

Moved by Arata Seconded by Adams
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

CLEAR METHOD OF CHARGE TO CHURCHES FOR WATER AND SEWER SERVICE 2-110

The City Manager stated that the Council had approved charging for water service to churches, but a determination was needed as to whether the charges should be on a flat rate or metered basis. He recommended that the churches be allowed to determine whether they wish to be charged on a flat rate or metered basis, at rates established for dwellings, the charges to be effective February 1, 1961.

MOTION

That the staff be authorized to draft a proposed ordinance establishing charges for water service to churches, effective February 1, 1961, each church to determine whether such charge would be on a flat rate or metered basis.

Moved by Adams Seconded by VanderWall Unanimously carried

The City Manager stated that churches and schools have not been charged for sewer services.

MOTION

That the motion authorizing the staff to draft a proposed ordinance establishing charges for water service to churches be amended to include sewer charges for churches, based on a flat rate basis as charged for dwellings, to be effective February 1, 1961.

Moved by Martin Seconded by VanderWall Unanimously carried

MOTION

That the staff be authorized to prepare a report covering sewer charges to schools for presentation to Council.

Moved by Martin Seconded by VanderWall Unanimously carried

CONSIDER ACQUISITION OF PARK ADJACENT TO SYLVAN SCHOOL 3-40

Approve agreement for purchase of property from Sylvan School

The City Manager stated that the original plans called for a 5-acre park, but slightly less than 4 acres is available for purchase from the Sylvan School for \$12,715. Funds for the purchase of this land have been budgeted.

ORDINANCE NO. 420-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE SYLVAN UNION SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA"

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

Moved by Arata Seconded by Adams

Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Knoles, Spaulding

Consider offer of owner to sell additional land adjacent to park site

With the unanimous consent of the Council, the staff was directed to prepare a report to submit to Council.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF TUTTLE ADDITION 3-60

RESOLUTION NO. 60-414

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

Introduced by Arata Seconded by VanderWall

Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Knoles, Spaulding

December 21, 1960 at 4:30 P.M. in the Council Chambers, 801 11th Street, was set for the time and place of hearing.

REPORT AND RECOMMENDATION ON SELECTION AND INSTALLATION OF DRAPES FOR NEW CITY HALL 3-70

The City Manager presented a proposal for the purchase of drapes for the city hall to be placed on the following windows: The court area and the 1st, 2nd, and 3rd floors on the west side of the building where the sun penetrates the solar screen, causing 'spots' on the working area; and possibly on the east side of the 1st, 2nd and 3rd floors; the large southerly window areas on the second and third floors.

A sample of the type of drape proposed was shown to the Council. Asst. to the Director of Public Works McFarland stated that the proposed drapes will be unlined, of a draw type, and the complete job might cost from \$5,000 to \$6,000.

MOTION

That the staff be authorized to prepare specifications and call for bids for drapes throughout the city hall as outlined by the Assistant to the Director of Public Works.

Moved by VanderWall Seconded by Adams Unanimously carried

CITY HALL FURNITURE

The City Manager stated that the two-year "special deal" contract with the furniture dealers expires December 31, 1960. A report will be made to the Council shortly to determine if the Council wishes to make further purchases while the contract is still in effect. It was suggested that the companies might be willing to extend the agreement for one year. The City Manager indicated this would be checked.

REPORT ON CONSTRUCTION OF CURBS AND GUTTERS AT PORTION OF BLOCK 824, COLLEGE AVENUE AND BLOCK 317, LOTS 36 and 37, MADERA AVENUE 4-60

A report filed by the Director of Public Works indicated that installation of curbs and gutters by ~~city forces~~ ^{(correction} had been made at Director of Public Works) completed on October 28, 1960 on portion of Block 824, College Avenue, at a cost of \$110.39; work completed October 31, 1960, on Lots 36 and 37, Block 317, Madera Avenue, at a cost of \$92.89. These figures are the proposed assessment for the properties and will be filed pending a hearing set for December 7, 1960, at 4:45 P.M.

FURTHER CONSIDERATION OF REVISION OF THE MUNICIPAL CODE RELATING TO WATER-USING HEAT PUMPS AND REFRIGERATION UNITS 4-70

Director of Public Works Ray stated that this matter was heard by the Council on October 26, 1960, at which time the staff was requested to further investigate and report the amount of water used in the operation of the heat pumps. A check with representatives of the units reveals that the water-use is approximately one and one-half gallons per minute per ton. Therefore, a 5-ton unit used half-time would use approximately 43,200 cubic feet of water bi-monthly, or 259,000 cubic feet per year. He stated that Mr. Glover, seller of the units under discussion, disputed these figures. City meter records indicate that the average monthly consumption of eleven duplexes is 3,805 cubic feet, about one-sixth of the estimated amount used by a 5-ton heat pump. Mr. Ray recommended that heat pump

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installations be placed on a metered basis with regular metered rates to apply. This would serve not only to equalize the costs of production and distribution of water, but would tend to prevent a widespread usage of the units which could result in depletion of water from the municipal system or underground supply. Costs of water on a metered rate would be approximately \$25.00 per month.

Mr. Glover suggested that if the proposed legislation is adopted, the owners of the existing heat pump users be given the opportunity to drill their own wells for a water supply. Mr. Ray stated that he did not recommend approval, but if approved by the Council, recommended that the wells be installed within the requirements and under the supervision of the County Health Department. Mr. Ray further stated that it was possible to convert the water heating pumps to air units.

It was Councilman Adams' opinion that since the owners of the water-using heat pumps in question were not aware that the operation of the units would require them to be put on metered rates, some provision should be made whereby their units could be operated without excessive cost. He pointed out that when the units were purchased, there was no ordinance requiring that the water service be metered. He mentioned two alternatives suggested by the Director of Public Works -- the installation of wells by the users or conversion to air units.

MOTION

That the staff be authorized to prepare the necessary documents to amend the Municipal Code to require metering of water to users of water-using heat pumps and refrigeration units

Moved by Martin Seconded by VanderWall Motion carried

MOTION

That the staff be authorized to prepare the necessary documents to amend the Municipal Code to require metering of water to users of water-using heat pumps and refrigeration units, with the alternative that the users may provide their own well.

Moved by Adams
The motion died for lack of a second.

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE KIRKPATRICK ADDITION TO THE PLANNING COMMISSION 5-45

RESOLUTION NO. 60-415

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

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

CONSIDER RESOLUTION AUTHORIZING INSTITUTION OF CONDEMNATION
PROCEEDINGS TO ACQUIRE PROPERTY FROM THE MODESTO CITY SCHOOLS ON
WEST SIDE OF TULLY AVE. PROJECT 54-1 5-50

RESOLUTION NO. 60-416

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

Introduced by Martin Seconded by Arata
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

RESOLUTION SETTING DATE FOR HEARING ON RECOMMENDED REZONING OF
NORTH SIDE OF WEST ROSEBURG EAST OF TULLY ROAD 5-60

RESOLUTION NO. 60-417

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE
THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO
SECTION 20 OF THE ZONING MAP TO RECLASSIFY THE PROPERTY LOCATED
NORTH OF WEST ROSEBURG AVENUE EAST OF TULLY ROAD

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

Dec. 7, 1960 at 4:30 P.M. was set as the time and place for hearing.
RECOMMENDATION BY THE PLANNING COMMISSION FOR ACQUISITION OF EXCESS
PARCEL NO. 2318 - STATE OWNED PROPERTY 5-62

The City Manager stated that this was a small parcel of
property under the bridge which ties in with the Dennett Dam site.
The State has offered it for City purchase, and we are checking
on the cost involved. Discussions will be held with representatives
of the State, and a recommendation submitted to the Council.

CITY HALL MATTERS - None

APPROPRIATION TRANSFERS

Appropriation transfer from General Fund, 101, General Reserve,
600, to Miscellaneous Unclassified, Holiday Pay Litigation, 65-234

The City Attorney stated that the request for the appropriation
transfer covers audit of the claim for holiday pay of Elmer Horan,
recently retired from the Police Department. Inclusion of Mr. Horan's
claim in pending litigation will eliminate the filing of a separate
complaint, which would require another law suit with further special
counsel and attendant costs. In either event, an audit of Mr. Horan's
employment record is necessary.

RESOLUTION NO. 60-418

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,000 FROM
GENERAL FUND, 101, GENERAL RESERVE, 600, TO MISCELLANEOUS
UNCLASSIFIED HOLIDAY PAY LITIGATION, 65-234, TO PROVIDE ADDITIONAL
FUNDS FOR HOLIDAY PAY CLAIMS LITIGATION

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

REPORTS FROM PLANNING COMMISSION None

MATTERS FOR THE GOOD OF THE COMMUNITY

Report by Chairman of Communications Center Committee

Councilman Adams reported that he visited communications centers in Monterey and Santa Clara on November 4. He stated that the Committee is now at a point where it can present recommendations shortly.

REQUEST FOR DRIVEWAY VARIANCE BY THE GRANGE COMPANY 6-100

With the unanimous consent of the Council, a request for a driveway variance by the Grange Company was presented. The company has requested permission to construct a driveway 40 feet in width on the east side of Madonia Avenue just south of Stoddard Avenue. The Code provides that the width of any driveway shall not be more than 30 feet without Council approval. The extra-width driveway requested will enable truck and trailer combinations using the parking lot at that location to enter into Madonia Avenue without excessively wide turns into the street. The Director of Public Works recommended that the variance be granted.

RESOLUTION NO. 60-419

A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO THE GRANGE COMPANY ON MADONIA AVENUE

Moved by Martin Seconded by Arata
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

LEASE OF LAND AT AIRPORT 6-125

With the unanimous consent of the Council, the City Manager presented an offer received from Fred Cavagnaro to lease approximately 55 acres of land at the Modesto City-County Airport for grain planting purposes. He recommended that the offer be accepted. County approval has been obtained.

RESOLUTION NO. 60-420

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED M. CAVAGNARO FOR LEASING OF PROPERTY AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

PRESENTATION OF THE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDING JUNE 30, 1960 7-12

The annual financial report for the year ending June 30, 1960 was presented to the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Martin Unanimously carried

The meeting adjourned at 9:00 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 pro tempore Spaulding presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Knoles, Martin, VanderWall,
Mayor pro tempore Spaulding
(Councilman Adams arrived at 4:02 P.M.)

Absent: Mayor Hammond

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

Reverend Stanley Brown gave the invocation.

LETTER FROM ATTORNEYS SUTTER AND DOUGLAS, RECONSIDERATION OF
APPLICATION FOR SEWER SERVICE TO LAND WEST OF PRESCOTT ROAD AND
NORTH OF M.I.D. LATERAL NO. 3 1-22

A letter from Sutter & Douglas, Attorneys at Law, requesting Council reconsideration of a decision denying extension of sewer service to property located north of M.I.D. Lateral No. 3, and between Prescott and U.S. Highway 99, was read by the City Clerk. The decision denying the request was made by the Council at its meeting of August 17, 1960.

Douglas Sutter, attorney representing owners of the property, requested that the matter be held over for one week.

MOTION

That reconsideration of the application for extension of sewer service to certain property located north of M.I.D. Lateral No. 3, between Prescott and U.S. Highway 99, be held over for one week.

Moved by Arata Seconded by Knoles Unanimously carried

LETTER FROM THE SOUTHERN PACIFIC COMPANY REGARDING A PROPOSED
8 INCH UNDERGROUND PIPE LINE THROUGH THE CITY ON THE RAILROAD
RIGHT OF WAY 1-53

A letter from A. S. McCann, Superintendent, Southern Pacific Company, Oakland Pier 7, California, dated November 7, 1960, was read by the City Clerk. The Southern Pacific Pipe Line Co. proposes installation of an eight inch underground pipe line from the Port of Stockton to Castle Air Force Base. Since it will be necessary to cross various roads and streets in the city where the Southern Pacific Company owns the underlying fee title to the property, Mr. McCann asked for the City's cooperation in the installation of the line.

With the unanimous approval of the Council, the matter was referred to the staff for checking and further report to the Council.

LETTER FROM FRED C. BEYER, SUPERINTENDENT OF STANISLAUS SCHOOLS,
REGARDING A MEETING CONCERNING CIVIL DISASTER, ON NOVEMBER 25, 1960

A letter from the Superintendent of Stanislaus Schools requesting the Council members to attend a Civil Disaster meeting on November 25, 1960, from 9:00 A.M. to 5:00 P.M., at the Modesto Junior College Auditorium was read by the City Clerk.

The City Clerk was directed to send a reminder to the Council members with the agenda of the November 23 meeting, and a postcard to be returned indicating the Council members ability to attend the meeting.

LETTER TO CITY CLERK REGARDING STORM SEWER LEADING INTO BEARD BROOK,
FROM ATTORNEY JARED W. HAWKINS, JR.

A letter from Jared W. Hawkins, Jr., Attorney, dated November 8, 1960, was read by the City Clerk. Mr. Hawkins again requested an answer from the City as to its intentions regarding the drainage of sewers into Beard Brook.

The City Manager reported that a summary of tests taken of Beard Brook and Tuolumne River has been received from the Stanislaus County Health Officer. Copies of the summary were distributed to the Council.

Mayor pro tempore Spaulding again expressed a desire to know the names of the clients being represented by Mr. Hawkins.

Members of the Council agreed to study the summary of tests of Beard Brook and Tuolumne River submitted by the Stanislaus County Health Office, and, after study of the report, determine whether or not the matter should be placed on the agenda for further consideration or action.

The City Clerk was directed to again ask Mr. Hawkins for the names of his clients. Three copies of the summary of tests taken by the County Health Officer were mailed to Mr. Hawkins by the Public Works Dept.

LETTER FROM JOSEPH M. GOOD, MANAGER, GREATER MODESTO CHAMBER OF
COMMERCE, SUBJECT, "QUARTERLY REPORT" 2-1

A letter from Joseph M. Good, Manager, Greater Modesto Chamber of Commerce, dated October 28, 1960, was briefly summarized by the City Clerk, copies of which had been previously distributed to the Council. The letter contained a summary of Chamber activities in carrying out advertising and promotion of the city. The letter was ordered filed.

Civic Auditorium

Director of Finance Bird reported that he was in the process of summarizing information received from various sources pertaining to the proposed civic auditorium. A report will be submitted to the Council as soon as it is prepared.

COMMUNICATION FROM HARRY D. WISER, SUPERINTENDENT, MODESTO CITY
SCHOOLS, REGARDING LOADING AREAS AT WILSON AND ENSLEN SCHOOLS

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR EXTENSION OF WATER MAINS ON RUMBLE ROAD EAST OF TULLY AND ON SUNRISE BETWEEN TOKAY AND CAVIL DRAIN 2-20

RESOLUTION NO. 60-421

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR EXTENSION OF WATER MAINS ON RUMBLE ROAD EAST OF TULLY ROAD AND ON SUNRISE AVENUE BETWEEN TOKAY AND CAVIL DRAIN

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore Spaulding
Noes: None Absent: Mayor Hammond

The time and date for opening of bids was set for 2:15 P.M., December 5, 1960.

ADOPTION OF ORDINANCE NO. 417-C.S. ESTABLISHING NEW FIRE ZONES 2-28

ORDINANCE NO. 417-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-2.201.1 THERETO, RELATING TO FIRE PREVENTION REGULATIONS"

introduced on November 2, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Martin Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore Spaulding
Noes: None Absent: Mayor Hammond

ADOPTION OF ORDINANCE NO. 418-C.S. - TAXICAB REGULATIONS

ORDINANCE NO. 418-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 4-6.702 AND 4-6.709 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO TAXICABS"

introduced on November 9, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore Spaulding
Noes: None Absent: Mayor Hammond

ADOPTION OF ORDINANCE NO. 419-C.S. - SALE OF CITY SURPLUS PROPERTY

ORDINANCE NO. 419-C.S. entitled

"AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS AND UNCLAIMED PERSONAL PROPERTY"

introduced on November 9, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Adams
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore
 Spaulding
 Noes: None Absent: Mayor Hammond

ADOPTION OF ORDINANCE NO. 420-C.S. - PURCHASE OF PARK SITE NEAR
 SYLVAN SCHOOL

ORDINANCE NO. 420-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY
 BY THE CITY OF MODESTO FROM THE SYLVAN UNION SCHOOL DISTRICT OF
 STANISLAUS COUNTY, CALIFORNIA"

introduced on November 9, 1960, and having been printed and published
 as required by the Charter, was moved and adopted.

Moved by Adams Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore
 Spaulding
 Noes: None Absent: Mayor Hammond

FURTHER REPORT ON CONSTRUCTION ON THE CORNER OF LEE STREET AND
 McHENRY AVENUE (NEW DRIVE-IN SERVICE) 2-40

At the request of the petitioners requesting a hearing on
 the construction of a drive-in service at the corner of Lee
 Street and McHenry Avenue, and with the unanimous consent of the
 Council, this matter was held over and hearing set for
 November 23, 1960 at 8:15 P.M.

REQUEST FROM THE MODESTO DOWNTOWN MERCHANTS ASSOCIATION FOR
 PAYMENT OF THE ANNUAL \$3,000 APPROPRIATION 2-55

A letter from John Sutton, President, Modesto Downtown
 Merchants Association, requesting payment of the annual \$3,000
 appropriation under the Special Trades Events in the 1960-61
 Music and Promotion Budget was read by the City Clerk. These
 funds are used primarily for Christmas decorations and other
 community wide projects.

MOTION

That the staff be authorized to make the annual payment of
 \$3,000 to the Modesto Downtown Merchants Association from
 the Music and Promotion Budget in the General Fund in
 accordance with agreement.

Moved by VanderWall Seconded by Arata Unanimously carried

CONSIDER RESOLUTION REQUIRING CONSTRUCTION OF CURBS AND GUTTERS
 AND SIDEWALKS AT BLOCK 3071, LOTS 1 THROUGH 5, AND CURBS AND
 GUTTERS AT BLOCK 2018, PORTION OF LOT 4 3-65

RESOLUTION NO. 60-422

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE
 NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER AND SIDEWALK ALONG
 CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 3071, SUTTER AVE.)

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore
 Spaulding
Noes: None Absent: Mayor Hammond

December 7, 1960 at 5:00 P.M. was set for the time of hearing.

RESOLUTION NO. 60-423

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (WILSON AVENUE, BLOCK 2018)

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore
 Spaulding
Noes: None Absent: Mayor Hammond

December 7, 1960 at 5:05 P.M. was set for the time of hearing.

RESOLUTION REFUNDING PENALTY AND INTEREST PAYMENT REQUESTED BY THE TULLY ROAD MARKET

The request of the Tully Road Market for refund of \$3.95, penalty on business license payment for the quarter ending June 30, 1960, received between 5:00 P.M. and 12:00 midnight on August 31, 1960, was approved.

RESOLUTION NO. 60-424

A RESOLUTION AUTHORIZING WAIVER AND REFUND OF CERTAIN DELINQUENT PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENTS AS PROVIDED BY SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE

Introduced by VanderWall Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore
 Spaulding
Noes: None Absent: Mayor Hammond

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE NEIGHBORHOOD CHURCH ADDITION TO THE PLANNING COMMISSION 3-82

Due to the change of ownership of the Neighborhood Church Addition, the City Manager requested that this matter be held over. Approval was given by unanimous consent of the Council.

CITY HALL MATTERS - None

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION - None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

PRESENTATION OF THE FINANCIAL STATEMENT FOR THE MONTH OF OCTOBER, 1960 2-92

A copy of the financial statement for the month of October, 1960, was presented to each member of the Council.

CLEAR REQUEST OF AMERICAN MUNICIPAL ASSOCIATION THAT CITY MANAGER
CONTINUE AS MEMBER OF COMMITTEE ON FIRE INSURANCE GRADING AND
RATING 2-98

The City Manager reported that the Fire Insurance Grading and Rating Committee was meeting in New York shortly, but was not sure he could afford the time to attend. He believed that it would be in the city's interest for him to continue on the Committee for another year.

MOTION

That the City Manager continue as a member of the Committee on Fire Insurance Grading and Rating for another year.
Moved by VanderWall Seconded by Arata Unanimously carried

HEARING ON ZONING OF THE EAST ORANGEBURG ADDITION 4:30 P.M.

Mayor pro tempore Spaulding announced that the hour of 4:30 P.M. had arrived, the time set for the consideration of the zoning of the East Orangeburg Addition.

The City Clerk reported that notices were published in the Modesto Bee on November 2, 1960, notices were distributed to home owners in the area on November 4, 1960 and notices were posted in the area on November 4, 1960. No written protests were received.

Director of Planning Smeath stated that this area was almost wholly developed at the time of annexation. The Tropic Apartments and vacant property on the south side of Orangeburg Avenue and the fire station site on the north side of Orangeburg Avenue were zoned R-3 on an interim basis by the Council. The balance of the property, which includes the Safeway Store, the Diamond National Corporation and a garage were zoned C-2. All of these uses become conforming under the zoning regulations except the Diamond National Corporation, which becomes nonconforming.

Dick Thrasher, Manager, Diamond National Corporation, stated that his company had tried to carry out remodeling plans before the final zoning of this area was effected, but was unable to do so for various reasons. The remodeling plans were submitted to the Planning Commission a few months ago. He wanted to know if the final zoning would affect the securing of a variance to continue with these plans.

Director of Planning Smeath stated that Mr. Thrasher's request for a variance had been discussed by the Planning Commission, and the matter checked with the City Attorney. Mr. Smeath stated that it was the City Attorney's opinion that the Board of Zoning Adjustment could grant a variance for the reconstruction of a building on the property that was of nonconforming use, provided the plans presented by the company called for a reduction in total floor space and not an enlargement of the nonconforming building. The company wishes to tear down existing buildings, relocate buildings, and construct a parking lot. The remodeling plans call for a reduction in floor space. Mr. Smeath suggested that the request for a variance be presented to the Board of Zoning Adjustment for its consideration when the company is ready with its plans.

No one else in the audience wishing to be heard, Mayor pro tempore Spaulding declared the hearing closed.

ORDINANCE NO. 421-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (EAST ORANGEBURG ADDITION)"

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

Moved by VanderWall Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore Spaulding
Noes: None Absent: Mayor Hammond

FURTHER REPORT ON GARDEN REFUSE AND GARBAGE COLLECTION AND DISPOSAL 3-70

Director of Public Works Ray reported that the three garbage franchises expire at the end of the year. He stated that the staff has been working on various phases of the problem and it is more complicated than appears on the surface. It is possible that the matter will not be cleared in time for a franchise ordinance to become effective at the first of the year, in which case the staff will have to ask for some delay because of the problems facing the franchise holders, one being the replacement of obsolete equipment. One of the major problems is the disposal of garden refuse.

A considerable amount of information has been received from representatives of other cities and as soon as it is summarized, it will be presented to the Council.

MATTERS RAISED WITH THE UNANIMOUS CONSENT OF THE COUNCIL

Reviewing stand for Modesto High School

The City Clerk reported that a call had been received from the Police Department stating that a representative from the Modesto High School would be present at the meeting to request use of the reviewing stand on Friday, November 18. No representative was present.

MOTION

That the staff be authorized to approve use of the reviewing stand by the Modesto High School if needed, in accordance with standard practices.

Moved by Arata Seconded by Adams Unanimously carried

Request of Bethlehem Steel Co. to occupy 13th Street Parking Lot for 5 days 3-115

Director of Traffic Carmody stated that the Council granted permission to the Bethlehem Steel Co. to use the 13th Street parking lot on or about November 11, 1960, by Resolution No. 60-411, for \$8.00, the estimated parking revenue for one day. For various reasons, the company found that the time and conditions were inadequate and have now requested use of the lot for five days

beginning on or about November 17, 1960. They will pay \$8.00 per day for each day or portion of a day used.

RESOLUTION NO. 60-425

A RESOLUTION AMENDING RESOLUTION NO. 60-411 GRANTING A PERMIT TO BETHLEHEM STEEL CO., SAN FRANCISCO, TO OCCUPY THE CITY'S 13TH STREET PARKING LOT

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore
 Spaulding
Noes: None Absent: Mayor Hammond

City Attorney Grimes stated that the money received for use of the lot during this period should be credited to Off-Street Parking Funds.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 4:45 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, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Absent: None

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

Reverend Ray Singer gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Copies of the minutes of October 13, October 27 and November 2, 1960 were distributed to Council members and were available for public inspection. Minutes of October 13 and October 27, 1960 were approved. Minutes of November 2, 1960 were approved with the following exception: Councilman Adams requested that his statement, "San Joaquin Valley Air Pollution Control Proposal", dated November 2, 1960, be quoted verbatim instead of by summary. (Page 4 of November 2, 1960 minutes)

MOTION

That Councilman Adams' statement entitled "San Joaquin Valley Air Pollution Control Proposal", dated November 2, 1960, be appended to the minutes of November 2, 1960, and made a part thereof.

Moved by Adams Seconded by VanderWall Unanimously carried

LETTER FROM THE WESTERN PACIFIC RAILROAD COMPANY RE: PROPOSED
MERGER 1-29

A letter from F. B. Whitman, President, Western Pacific Railroad Company, was read by the City Clerk. The Santa Fe and Southern Pacific Railroads have filed applications with the Interstate Commerce Commission seeking authority to obtain control of the Western Pacific Railroad. The letter stated that Western Pacific is opposed to Southern Pacific's attempt to eliminate competition by securing control of Western Pacific, and asked that the City support Western Pacific's position and take such action as felt proper to make known such support.

The City Manager noted that the Council had asked the staff to keep the Council advised of developments.

With the unanimous consent of the Council, the letter was ordered filed.

STATE DIVISION OF HIGHWAYS, DISTRICT X, STOCKTON, CALIF. RE:
MEETING ON LIMITED ACCESS FREEWAY ALONG STATE ROUTE 132 1-52

A letter from J. G. Meyer, District Engineer, Division of Highways, District X, dated November 16, 1960, was read by the City Clerk. The letter stated that a public meeting is to be held by the Division of Highways to explain engineering and economic factors relating to the proposed route of a limited access freeway along State Route 132 between the San Joaquin River and the previously adopted South Tracy Bypass. The meeting is scheduled for 10:00 A.M. on December 7, 1960, at the New Jerusalem School, near Vernalis, San Joaquin County.

Director of Parking and Traffic Carmody stated that no portion of Route 132 within the Modesto city limits is affected.

With the unanimous consent of the Council, the letter was ordered filed.

CONSIDER APPLICATION OF SOUTHERN PACIFIC PIPE LINES, INC., TO
CONSTRUCT, OPERATE AND MAINTAIN A FUEL PIPE LINE THROUGH THE
CITY OF MODESTO 1-75

A letter from the General Manager of Southern Pacific Pipe Lines, Inc., requesting permission to construct a pipeline through the City of Modesto on an easement granted by Southern Pacific Company within the railroad right of way, was read by the City Clerk. The applicant proposes to construct, operate and maintain an 8 5/8 inch welded steel pipe line which will originate in the vicinity of Stockton, California and terminate at Castle Air Force Base.

Director of Public Works Ray stated that the proposal had been reviewed with representatives of Southern Pacific Pipe Lines, Inc., and with members of the Modesto City Fire Department. It was determined by the staff that the proposed pipe line within the Southern Pacific right of way along the railroad tracks and within the City is so located that it will not conflict with the proposed possible relocation of Tidewater Southern Railroad tracks. Mr. Ray recommended that the Council approve the application of Southern Pacific Pipe Lines, Inc., subject to an agreement including the following clauses:

1. That the City be held harmless from any damages or claims resulting from the construction or operation of the pipe line through the City;
2. That City approval be required before transmission of any liquids other than jet fuel is undertaken by the Company. (Mr. Ray stated that the Company would like to have the liquids transferred be referred to as "refined petroleum products" rather than "jet fuel.")
3. That the Company be required to raise or lower the grade of the pipe line crossing the city streets or the railroad tracks in the event of a change of grade of the streets.
4. That the Company be required to case a short section of pipe between casings proposed for the crossing of Kansas Avenue, and the crossing of Modesto Irrigation District Lateral No. 4. This is proposed because of possible future realignment of Kansas Avenue in that vicinity.

REPORT ON PROPOSALS FOR VARIANCE TO STANDARD CURB CONSTRUCTION TO
AVOID REMOVAL OF DESIRABLE STREET TREES 4-40

A copy of a memorandum dated November 18, 1960, subject, "Modified Curb and Gutter Section to Accommodate Street Trees," which had previously been distributed to the Council, was briefly reviewed by the City Manager.

A drawing attached to the memorandum illustrated possible modifications in curb construction that could be used to save trees of special value from the standpoint of shade or beauty or condition. He recommended that the modifications be permitted on the judgment of the Parks and Recreation Department and that in special cases where it would be necessary to move sections of the curb out in order to save the trees, Council approval be requested. He recommended use of drawings Nos. 2, 3 and 6.

RESOLUTION NO. 60-428

A RESOLUTION AUTHORIZING THE USE OF A MODIFIED CURB AND GUTTER SECTION TO PRESERVE THE EXISTENCE OF STREET TREES UNDER SPECIFIED CONDITIONS

Introduced by Arata Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Spaulding, Mayor
 Hammond
Noes: None Absent: None

Answering a question asked by Councilman VanderWall, City Attorney Grimes stated the Code provides for appeal to any administrative determination so long as it is exercised in the manner specified in the general appeal section.

CONTINUATION OF HEARING RE: CURB AND GUTTER INSTALLATIONS AT 201
HINTZE AND CORNER OF MELROSE AND CEDAR 8:00 P.M. 4-108

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the hour set for consideration of curb and gutter installation at 201 Hintze and corner of Melrose and Cedar.

The City Manager stated that this matter was held over at the request of the staff to enable it to determine possible deviations in construction of the curb in an effort to save trees adjacent to the curb.

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

Director of Parks and Recreation Cowie stated that two trees will be removed, and two will remain. Modified curbs will be used to save the trees.

Director of Public Works Ray stated that the installation of curb and gutter at Melrose and Cedar has been completed by the property owner.

RESOLUTION NO. 60-429

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (201 HINTZE, BLOCK 624)

Introduced by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Hammond
 Noes: None Absent: None

RESOLUTION APPROVING AGREEMENT WITH RAY GADA FOR MAINTAINING
 RADIO AND ELECTRONIC EQUIPMENT 5-1

The City Manager stated that Council approval would extend the agreement with Ray Gada through June 30, 1961, and that it would continue from year to year thereafter, subject to termination as of June 30 upon 30-days prior written notice. He said that a report will be made to the Council on this matter at the next budget hearing.

(Councilman Adams left the Council Chambers at 8:30 P.M.)

RESOLUTION NO. 60-430

A RESOLUTION APPROVING EXTENSION AGREEMENT BETWEEN THE CITY OF MODESTO AND RAY S. GADA FOR MAINTENANCE OF ELECTRONIC AND RADIO EQUIPMENT

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams

(Councilman Adams returned to the Council Chambers at 8:35 P.M.)

REPORT ON LETTER FROM ATTORNEYS SUTTER AND DOUGLAS ASKING
 RECONSIDERATION OF APPLICATION FOR SEWER SERVICE TO LAND WEST
 OF PRESCOTT ROAD AND NORTH OF M.I.D. LATERAL NO. 3 5-10

The City Manager stated that the matter was held over from the previous week at the request of Douglas Sutter, attorney, representing owners of the property. Reconsideration is asked of a Council decision made on August 17, 1960, denying extension of sewer service to property located north of M.I.D. Lateral No. 3, between Prescott and U.S. Highway 99.

Director of Public Works Ray stated that sewer service could be made available to this area by the extension of a line on Evergreen Avenue, and the installation of a pumping unit on the property. Depending on the use, the flow into the sewer might have to be limited as to quantity during peak-load periods. It would not be feasible to serve the area north of M.I.D. Lateral No. 3 from the system presently proposed. This property is not presently within the city limits.

Answering a question asked by Mayor Hammond, Mr. Ray stated that it would be possible for the city to serve this area with water and sewers but to do so would necessitate elimination of some other area from the proposed area of sewer service.

It was Councilman Spaulding's opinion that in fairness to those who had been proceeding on the basis of earlier Council decisions in this matter, the City should maintain its original decision in regard to the boundaries set for sewer service.

Mayor Hammond stated that the limits were originally set as a guide to the engineering staff in designing a sewer system within the proposed bond issue and that in his opinion a degree of flexibility should be maintained to meet changing conditions in the growth of the city. He said the city has a large investment in its sewer plant, and the faster additional business is established for the sewer plant the quicker the return on the investment.

The City Manager stated that the proposal for the sewer system was presented to and approved by the Council in April, 1960, and approval was given for service to the area within the boundaries proposed. Bids for the construction of these sewers will be opened on December 5, and the plans are designed with the capacity and grades to serve the originally proposed area.

Larry Banks, Prescott Road, owner of 25 acres north of the land for which sewer service is requested by Mr. Sutter, stated that if any part of this area is given city sewer service, he also will apply for such service in order to gain equal consideration for his investment.

Douglas Sutter, Attorney, representing owners of the property located north of M.I.D. Lateral No. 3 between Prescott and U.S. Highway 99, for which sewer service is requested, presented the following arguments in behalf of his clients:

Revenue-wise, it would be more advantageous for the city to devote a portion of the remaining sewer capacity to this commercial and highway frontage property than to the some 65 acres of agricultural property now included in the boundaries, which would be eliminated if the requested service is granted. Within this area, he said, a 40-acre and a 30-acre plot are presently owned by two families, and a recent title check on these properties showed no changes in ownership. Mr. Sutter said his clients are ready to proceed with development, whereas owners of the property in the alternate area are not. He urged the Council to encourage, where possible, fringe development of commercial property with sewer facilities, instead of septic tanks.

Mr. Sutter stated that it was his understanding from the Director of Public Works that even though some designs have been made for the sewerage of the 304 acres, there is now no technical reason why the top 65 acres could not be deducted and sewers provided for the 34 acres requested.

The Director of Public Works stated that he had told Mr. Sutter that the Council had called for bids for construction of the sewer lines and that bids would be opened on the 5th of December. These bids can be dropped or rejected and the project readvertised if desired by the Council. There is no great technical difficulty involved but there would be a delay in the development of the project.

Melvin Ware, consulting engineer, and representing Mr. Lance Ellis, stated that Aulston Manor Subdivision, just north of the

property owned by Mr. Sutter's clients, has been developed with septic tanks and smaller lots on the basis that sewer service would not be available on that side of Prescott Road. If the city establishes a change in policy, the subdivider would be one of the first to request sewer service for this subdivision.

Robert Herring, Carver Road, representing the owners of the 30 and 40-acre plots at the northern limits of the boundary, protested the changing of the boundary set for sewer service.

MOTION

That the request for sewer service to property located north of M.I.D. Lateral No. 3 between Prescott and U.S. Highway 99 be denied.

Moved by Spaulding Seconded by VanderWall

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall
Noes: Mayor Hammond

The Motion carried.

(Councilman Spaulding left the Council Chambers at 9:15 P.M.)

CONSIDER POSSIBLE POSTPONEMENT OF WATER LINE INSTALLATION ON J STREET 8-10

The City Manager stated that a petition had been received, signed by representatives of 25 business firms, requesting that installation of the water line on J Street be deferred until after December 25. The City's fire protection facilities are presently being resurveyed by engineers from the Pacific Fire Rating Bureau. This agency cooperated fully with the City at the time of Modesto's 1953 regrading, and permitted the City to make a number of improvements which were found possible before the grading was finalized. This was a helpful factor in our becoming one of the few cities in the country with a No. 2 fire grading.

Mr. Miller said that he had checked with the Chief Engineer of the Pacific Fire Rating Bureau in San Francisco and was told that additional time could be taken for installation of the J Street water line and credit still be obtained. On this basis, the City Manager recommended that the request of the business firms for deferment of installation of the water line be approved. He also suggested that the Council authorize the Mayor to write a letter to the Pacific Fire Rating Bureau thanking them for their cooperation in this matter, and also requesting that the City be granted, in this regrading process, the same opportunity to make indicated improvements prior to final grading, as was permitted in the earlier grading.

MOTION

That the staff be authorized to defer installation of water line on J Street until after December 25, 1960.

Moved by Arata Seconded by Knoles Unanimously carried

MOTION

That the Mayor be authorized to write a letter of appreciation to Pacific Fire Rating Bureau, and requesting that the City be permitted to make indicated improvements prior to final grading, as was done in previous reclassification.

Moved by VanderWall Seconded by Adams Unanimously carried

REQUEST FOR EXTENSION OF TIME FOR FILING OF FINAL MAP OF
MONTGOMERY VILLAGE NO. 4 8-60

RESOLUTION NO. 60-431

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR FILING FINAL MAP OF MONTGOMERY VILLAGE NO. 4

Introduced by Martin Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

The time for filing of final map was extended to November 17, 1961.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE
KIRKPATRICK ADDITION 8-65

RESOLUTION NO. 60-432

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

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

January 4, 1961 at 4:30 P.M., in the Council Chambers at the City Hall, 801 11th Street, was set as the time and place for hearing. It is proposed that there be no change in the School District boundaries, in accordance with agreement by the School District involved.

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE NEIGHBORHOOD
CHURCH ADDITION TO THE PLANNING COMMISSION FOR REPORT 8-70

RESOLUTION NO. 60-433

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

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RECOMMENDATION ON OFFER FOR SALE OF LEAVES 8-72

The City Manager stated that the Organic Company of Turlock has offered \$250 for the 1960-61 harvest of leaves collected from

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City streets. He recommended that the offer be accepted on the same basis as set forth in Resolution No. 59-450.

RESOLUTION NO. 60-434

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 1960-61 TO THE ORGANIC COMPANY OF TURLOCK FOR THE SUM OF \$250

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RECOMMENDATION REGARDING SCHOOL BOUNDARIES 8-82

The City Manager stated that the request of the Modesto City Schools that areas being annexed to the City of Modesto east of the center of Carver Road and south of the easterly extension of Rumble Road be included in the Modesto City School District at time of annexation, was referred to the Planning Commission by Council Resolution No. 60-389. Planning Commission Resolution No. 656 recommends annexation to the Modesto School District as requested.

RESOLUTION NO. 60-435

A RESOLUTION ESTABLISHING THE POLICY OF THE CITY RELATING TO THE CHANGE OF SCHOOL DISTRICT BOUNDARIES DUE TO THE ANNEXATION OF TERRITORY TO THE CITY LYING EAST OF CARVER ROAD AND SOUTH OF THE EASTERLY EXTENSION OF RUMBLE ROAD

Introduced by VanderWall Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

APPROPRIATION TRANSFER OF \$1,500 FROM GENERAL FUND OF THE GENERAL RESERVE (600-101) TO MISCELLANEOUS UNCLASSIFIED, ROMAN CASE LITIGATION, (233-65) 8-95

The City Manager requested that \$1,500 be transferred from the General Fund of the General Reserve to Miscellaneous Unclassified, Roman Case Litigation to take care of expenses arising from the hiring of special legal counsel.

RESOLUTION NO. 60-436

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 FROM THE GENERAL RESERVE OF THE GENERAL FUND (600-101) TO MISCELLANEOUS UNCLASSIFIED, "ROMAN CASE LITIGATION" (233-65)

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

MATTERS FOR THE GOOD OF THE COMMUNITY - None

REPORT ON ADVANCE PLANNING PROJECTS 8-100

(a) Planning for Briggsmore Avenue, North Boulevard, Prescott Avenue, approach to 99 Highway Interchange

Director of Planning Smeath stated that the problem of tying the Briggsmore-Northern Boulevard extension into the Prescott Road-new Highway 99 freeway intersection has been under study for a considerable period of time. Some subdivision and commercial zoning applications have been held up in this immediate area until it can be resolved. Maps were displayed, showing the recommendations finally made as a result of a series of meetings with the State Division of Highways, the County Road Department, members of the staff, and other agencies and interested individuals.

The City Manager stated that the best plan appears to be the one which would lengthen the curve in the canal and extend Northern Boulevard and Briggsmore Ave., which have been designated as a future expressway, down to tie in with Prescott and on down into the interchange. Answering a question submitted by Councilman Adams, Mr. Miller said that Briggsmore Avenue would be 60 feet wide on the north and Northern Boulevard 60 feet wide on the south of the canal. Together they would form a limited access highway, which means four lanes of traffic, two in each direction, with left turn lanes at intersections wherever they can reasonably be provided.

(b) Planning for a major street - Brighton Avenue and Coffee Road Area

The City Manager stated that development in the Brighton Avenue and Rose Avenue areas is being deferred, including the acquisition of the Downey High School park site, pending determination of the precise location of the major street in this area. A map of the area was displayed to the Council and discussed by Mr. Miller.

Director of Planning Smeath stated that the Planning Commission has recommended generally that a four-lane street should extend from Briggsmore Ave.-Northern Blvd. southward along Coffee Road to some point south of Orangeburg Avenue, then southeasterly to a connection with Brighton Avenue, then southward along Brighton to Scenic Drive. The Planning Commission has recommended that a 90-foot right of way be acquired from the connection with Coffee through to the east side of Brighton as far south as Scenic. It further recommended that engineering studies be made to determine the location of a four-lane street south of Brighton Avenue. There are several alternative possible routes through the LaLoma area to connect to Yosemite Boulevard and the eventual freeway which will come through that area.

Answering a question asked by Councilman Adams, the City Manager stated that a representative of the Schools has indicated that Downey High School has all the land now that it requires, but has asked specifically that Brighton Avenue be made a major street to minimize traffic in front of the school.

REPORT ON DEPARTMENTAL IMPROVEMENT PROJECTS

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

PROGRESS REPORT ON FILING SYSTEM PROJECT 8-85

The City Manager stated that the current filing project, setting up the City's new system, has brought to light many papers

that can be thrown away; for example, copies of citations issued for parking violations. Records of the old City Court have been transferred to the new Municipal Court, Modesto Judicial District.

REPORT ON STREET IMPROVEMENT BY CONSTRUCTION OR RECONSTRUCTION 8-110

The report was presented to the Council and ordered filed.

REPORT ON OPERATION OF CITY HALL PARKING GARAGE

The City Manager reported that the bottom level of the City Hall Parking lot is not being used to capacity. Advertisements are being run in the newspapers to inform the public that parking in this area is available.

REPORT ON COMPLETION OF WALNUT HARVEST AT VARIOUS CITY-OWNED PROPERTIES

The City Manager reported that Archie Ney has completed harvesting walnuts on city-owned property, and has paid the city 55% of the gross revenue, \$425.44, in accordance with the agreement.

REPORT ON BEGINNING OF OPERATIONS OF TRAFFIC SIGNALS AT 14th & D STREETS

The City Manager reported that the traffic signals at 14th & D Streets are now in operation.

REPORT ON MEETING IN NEW YORK

The City Manager reported that although he would have liked to attend the New York meeting of the American Municipal Association Committee on Fire Insurance Grading and Rating, because of the press of other commitments he believed it would be wiser not to go. He said he had talked to the Chairman by phone and has arranged to clear with him the points he would like presented. He stated that the Chairman would call him from New York on November 25 if there were additional matters on which he could assist.

ITEMS CONSIDERED WITH UNANIMOUS CONSENT OF THE COUNCIL

REQUEST FROM SALVATION ARMY TO USE PARKING SPACE FOR KETTLE HOUSE ON 10TH STREET

RESOLUTION NO. 60-437

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 Martin
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

CONSIDER APPROVAL OF AMENDMENT TO GENERAL DEVELOPMENT PLAN IN MODESTO INDUSTRIAL PARK

The City Manager reported that Whitmore Road is proposed by the County, City and the State as an expressway, which means that a 100 foot right of way will be required. The California Vegetable Concentrates, Inc., now owns or is purchasing a one-quarter mile portion along Whitmore. Their plant was built before

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the agreement was made with the Tidewater Southern Railway for the development of this area. This agreement provides for certain types of street access and certain limits to street access, and also provides that deviations from this plan may be made by mutual consent.

At a meeting with representatives of California Vegetable Concentrates, the Council Committee on Industrial Development, and representatives of the County, it was agreed that since this company is purchasing land over to the quarter-mile line where the first road was proposed, in lieu of the proposed 40-foot frontage road, the company will be permitted to provide access within its own property. California Vegetable Concentrates will dedicate the additional width required to provide 50 feet from the center line for street purposes, provided there will be no obligation for them to provide a public frontage road.

MOTION

That California Vegetable Concentrates be relieved of the implication of the plan agreed to between Tidewater Southern Railroad and buyers from the railroad, to the extent of the requirement of a public frontage road on property owned by California Vegetable Concentrates, modifying the plan accordingly, in consideration of dedication by California Vegetable Concentrates of the addition right of way needed for 50 ft. from the center line of the Whitmore expressway.

Moved by Martin Seconded by Knoles Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Arata Unanimously carried

The meeting adjourned at 10:02 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 Clerk called the roll and there were:

Present: Councilmen: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond

Absent: Adams, Martin

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

Reverend J. Paul Miller gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of November 9 and 16, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

CONSIDER AGREEMENT WITH SOUTHERN PACIFIC PIPE LINES, INC., FOR PIPE LINE INSTALLATION

Director of Public Works Ray stated that the proposed agreement is in line with recommendations previously submitted to the Council. The agreement contains the provision that in the event of a change of grade and relocation of streets, Southern Pacific Pipe Lines, Inc., will be required to make any adjustments in the grade of the pipe line necessary, excepting those streets on which the railroad has the fee title and over which the City has an easement only. This would apply to most of the streets on the route of the pipe line, which follows the Southern Pacific railroad tracks.

RESOLUTION NO. 60-438

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC PIPE LINES, INC., TO CONSTRUCT AND OPERATE A PIPE LINE THROUGH THE CITY OF MODESTO

Introduced by VanderWall Seconded by Arata
Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin

COMMUNICATION FROM THE STATE BOARD OF EQUALIZATION RE: ECONOMY IN SALES AND USE TAX ADMINISTRATION

A letter from John W. Lynch, Chairman State Board of Equalization with warrant for \$1,582.76 attached was read by the City Clerk. This sum covers the difference between the estimated cost of 1.64% and the actual cost of 1.50% incurred in the 1959-60 fiscal year in connection with the Board's administration of the local sales and use tax ordinance.

The letter was ordered filed.

COMMUNICATION REGARDING FAMILY CARE HOME FOR MENTAL PATIENTS AT
1133 COLLEGE AVE. IN R-1 ZONE 1-60

Letters from Mrs. Phillip Berry, Raymond E. Covell, and Mr. and Mrs. Edward R. Herman protesting the boarding of mental patients at 1133 College Avenue were summarized by the City Clerk. Along with the protest, the letters requested that the present ordinance covering "boarders" in an R-1 zone be amended to exclude mental patients, whatever their degree of recovery, from being classified as "boarders."

With the unanimous consent of the Council, the matter was referred to the staff and the Planning Commission.

LETTER FROM HELEN SHOEMAKE EXPRESSING THANKS FOR DELAY OF WORK
ON J STREET WATER LINE 1-75

A letter from Helen Shoemake, J Street store owner, thanking the City for its action in postponing the installation of the water line on J Street until after the Christmas holidays, was read by the City Clerk.

The letter was ordered filed.

LETTER FROM WILLIS M. KLEINENBROICH, MODESTO MOTOR BUS SERVICE,
REGARDING THE ILLEGAL USE OF BUS ZONES 1-80

A letter addressed to Director of Parking and Traffic Carmody from Willis M. Kleinenbroich, owner of Modesto Motor Bus Service, was read by the City Clerk. The letter stated that there has been no improvement in the illegal parking in posted bus zones. Mr. Kleinenbroich thanked the City for the efforts of the Police Department in keeping the bus zones cleared, but said he believes the issuance of citations in the posted zones has created illwill towards the bus service. He suggested that this situation would be eliminated if the bus zone curbs were painted red.

The City Manager stated that illegal parking in the bus zones has been getting enforcement attention. He felt that illegal parking would decrease after the holidays. The red curbs were removed and metal signs installed indicating bus zones by Council action July 27, 1960.

Mayor Hammond stated that he had checked the bus zones and found them adequately posted. It was his opinion that anyone using the zones for parking were misusing them willfully.

No action was taken.

CONSIDER AWARD OF BID FOR WATER MAINS ON RUMBLE ROAD 1-108

Director of Public Works Ray stated that no bids were received. The engineer's estimate for installation by city forces is \$1,983.80. The City Manager recommended that the water mains be installed by city forces.

RESOLUTION NO. 60-439

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR EXTENSION OF WATER MAINS ON RUMBLE ROAD EAST OF TULLY ROAD AND ON SUNRISE AVENUE BETWEEN TOKAY AND THE CAVIL DRAIN

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin

CONSIDER AWARD OF BID FOR SEWER LINE CONSTRUCTION IN CARVER ROAD AREA 1-115

The City Manager stated that the low bid was submitted by George Reed in the amount of \$48,980.50, which is slightly below the engineer's estimate.

Director of Public Works Ray recommended that the award be held over pending payment of funds by the other parties involved.

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

CONSIDER ORDINANCE ADOPTING THE FIRE PREVENTION CODE 1-125

The City Manager recommended that the proposed ordinance adopting the Fire Prevention Code, 1960 Edition, with certain amendments, deletions and additions, be adopted. He stated that it has been cleared by the departments concerned, with Fire Marshal Wayne Everett carrying a share of the burden, and that a report had been sent to all Council members.

The City Manager introduced Cliff Omert, one of the three engineers from the Pacific Fire Rating Bureau working on the regrading of the City.

ORDINANCE NO. 422-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-1.202 THROUGH 3-1.222 INCLUSIVE OF ARTICLE 2 OF CHAPTER I OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 3-1.223 THROUGH 3-1.238 INCLUSIVE, PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES, AND PRESCRIBING A PENALTY FOR VIOLATION THEREOF"

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

Moved by Spaulding Seconded by VanderWall
 Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin

LETTER FROM DIVISION ENGINEER, PACIFIC FIRE RATING BUREAU, APPROVING DELAY IN CONSTRUCTION OF WATER LINES, J STREET

The City Manager read a letter sent by Mayor Hammond to the Pacific Fire Rating Bureau requesting permission to postpone the installation of water mains on J Street until after Christmas, and still receive credit for this improvement in the current survey of Modesto's fire protection facilities. The letter also requested that the City be given an opportunity to review the findings of the Rating Bureau, and to make such improvements as are feasible before final classification.

A letter from E. C. Adams, Division Engineer, Pacific Fire Rating Bureau, was read by the City Manager. It stated that full

consideration will be given to this improvement in their grading evaluation, and that the results of their grading analysis will be reviewed with the City when the engineers have completed their work.

CONSIDER ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO RIDING OF BICYCLES ON SIDEWALK AREAS 2-55

The City Attorney stated that a conflict exists between two sections of the Code relating to the riding of bicycles on sidewalks. The most recent legislation adopted by the Council concerning traffic regulations prohibited the riding of bicycles in any sidewalk area in any business district. The proposed ordinance would amend the bicycle licensing regulations to make them consistent with the traffic regulations.

ORDINANCE NO. 423-C.S.

"AN ORDINANCE AMENDING SECTION 3-3.02 OF CHAPTER 3 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO BICYCLES"

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

Moved by Knoles Seconded by Arata
Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin

CONSIDER ORDINANCE ADOPTING PEACE OFFICERS STANDARDS AND TRAINING 2-64

The City Attorney stated that in order to qualify for State aid under a recent program established by the California Commission on Peace Officers Standards and Training, it is necessary that the City adopt an ordinance accepting the requirements of the state law relating to the training of law enforcement officers.

The City Manager recommended that the proposed ordinance be adopted.

ORDINANCE NO. 424-C.S.

"AN ORDINANCE ADDING CHAPTER 6 ENTITLED "PEACE OFFICER STANDARDS AND TRAINING" TO TITLE II OF THE MODESTO MUNICIPAL CODE"

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

Moved by Arata Seconded by VanderWall
Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin

ADOPTION OF ORDINANCE NO. 421-C.S. AMENDING THE MUNICIPAL CODE TO REZONE THE EAST ORANGEBURG AREA (ZONE MAP 21)

ORDINANCE NO. 421-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (EAST ORANGEBURG ADDITION)"

introduced on November 16, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by VanderWall
 Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin

CLEAR PROCEDURE FOR REVIEW OF GOLF COURSE STATUS 2-85

The City Manager stated that prior to the time of the completion of the 18-hole golf course, it was the Council's decision that determination regarding the disposition of the 9-hole course would be made only after a full year of experience with the completed 18-hole course. The one-year period expired in October, 1960. The Planning Commission has indicated its desire to review this matter and report to the Council before it takes any action. The City Manager suggested that Council action be withheld pending this report from the Planning Commission and a report from the staff on the revenue and background.

With the unanimous consent of the Council, this matter was held over for receipt of report from the Planning Commission.

CONSIDER AGREEMENT WITH STANISLAUS COUNTY FOR RECREATION ALLOCATION
 2-95

The City Manager stated that the annual agreement with the County for community recreation is based on the amount the County has budgeted for this purpose and the portion allocated to Modesto is \$15,214.55 for the current fiscal year. The Council has asked the staff to check with the County regarding the possibility of increasing the allocation. The Manager felt that this should not hold up the current year's arrangement, but should be considered in connection with next year's budget.

RESOLUTION NO. 60-440

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
 COUNTY OF STANISLAUS FOR RECREATION ALLOCATION FOR YEAR 1960-61

Introduced by VanderWall Seconded by Arata
 Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin

PROPOSED REZONING OF THE WEST ROSEBURG ADDITION 2-110

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed rezoning of the West Roseburg Addition.

The City Clerk stated that notice of the proposed rezoning had been published as required, the area posted, and interested parties in the area notified. A petition bearing 113 signatures protesting the rezoning was filed with the City Clerk.

Director of Planning Smeath indicated on the map the Becker Development Co. and Sabatino properties, for which rezoning is requested from R-1 to R-3, describing its location in relation to surrounding areas.

The City Clerk read the petition from 113 residents in the area, protesting the rezoning. Their objections were as follows:

Rezoning to permit construction of an apartment house would encourage owners of adjacent property along Roseburg Ave. to request the same rezoning, with the possibility of more apartment houses being constructed;

General undesirability because of noise, litter, and traffic created;

Homes were purchased with the understanding that the area in question was zoned R-1.

The petition suggested that if the property is to be rezoned, development should be planned so that types of construction and traffic patterns can be controlled.

Edward T. Taylor, Jr., attorney, one of the interested parties in the Becker Development Company, submitted the following arguments in favor of rezoning the area from R-1 to R-3:

The plan of the apartment house proposed for construction will completely block off the alley, and ingress and egress of cars to and from the parking area will be on Roseburg Avenue only.

Noise from cars coming in and out of Roseburg Avenue would be a considerable distance away from any of the residential properties. The planned swimming pool would also be constructed toward Roseburg.

An apartment house would serve as a buffer use between the commercial zoning on the corner and adjacent residential area.

The proposed apartment will be single-story in the rear along the alley, thus insuring backyard privacy of neighbors across the alley to the north.

Mr. Taylor stated that his company is not eligible for planned development zoning because the property owned is less than one acre in area. His company would be willing to have planned development zoning and to design the apartment structure in whatever manner the Planning Commission and Council request.

A. M. Frad, attorney, representing Mr. Sabatino, owner of the parcel adjoining the property owned by the Becker Development Co., for which rezoning from R-1 to R-3 is also requested, stated that Mr. Sabatino wishes to have his property rezoned to R-3, although he does not plan to build immediately. He said that his client, when ready to build, will do whatever he can to block off the use of the alley.

In answer to a question from the Council, Director of Planning Smeath listed the various uses permitted in an R-3 zone.

Joe Myers, 1222 College Court, representing those on the petition, objected to the rezoning as follows:

There is no master plan of the total property. A partial rezoning of the area leaves no knowledge as to how the remainder will be used;

There is no guarantee or ordinance stating that gates would not be set up in the alley. He cited instances of traffic and parking problems in other neighborhoods where apartments have been constructed.

Increased number of garbage cans would create problems of sanitation;

People purchasing homes in the College Court area bought their properties with the idea that the property behind them was zoned R-1 and would remain so;

Noise would be a disturbing factor because there is no limit as to the hours a swimming pool can be used.

Mrs. John Nix, 1213 College Court, spoke briefly on the noise created by an apartment house swimming pool north of her residence.

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

It was Councilman Spaulding's opinion that the attitude of the residents in the area was a reasonable one--they would like to be certain as to what type of building is going to go in before the area is rezoned. Once an area is rezoned, the property may be used for any permitted use in that particular zone.

Councilman Arata stated that he had personally checked the property that day and could not see any other use for the property other than an apartment house.

Mayor Hammond stated that there has been a trend toward apartment houses during the last few years. Modesto lacks suitable areas for apartment house dwellings. Apartment houses frequently offer an excellent buffer between commercial and residential zones. However, he felt in this instance that the petitioners had a valid objection because a vacant piece of property would be rezoned over which there would be no control. He felt that the Planning Commission should be able to assure the petitioners that the development would be planned.

RESOLUTION NO. 60-441

A RESOLUTION DENYING THE APPLICATION OF BECKER DEVELOPMENT COMPANY AND JOSEPH SABATINO TO RECLASSIFY CERTAIN PROPERTY IN SECTION 20 OF THE ZONING MAP AND REQUESTING A FURTHER REPORT FROM THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MUNICIPAL CODE

Introduced by Spaulding Seconded by VanderWall
Ayes: Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: Arata Absent: Adams, Martin

INTRODUCTION OF WORLD TRAVELERS, LOUIS ALFRED MOTTIEZ AND FAMILY

The City Manager introduced Louis Alfred Mottiez, his wife and son, from Switzerland, who are traveling around the world by auto.

REPORT RE: WORK COMPLETED AT 1007 COLLEGE AVENUE AND LOTS 36 AND 37 OF BLOCK 317, MADERA AVENUE

Director of Public Works Ray stated that this report was filed with the Council November 9, 1960. The total cost of curb and gutter construction at 1007 College Avenue performed for the City by contract because of failure of the property owner to have this work done, was \$110.39. The total cost of the work on Madera Avenue was \$92.89, and has been paid since the report was filed.

RESOLUTION NO. 60-442

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 (1007 College Avenue)

Introduced by Knoles Seconded by Spaulding
Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin

HEARING ON REQUIREMENT OF CURB, GUTTER AND SIDEWALK CONSTRUCTION ON SUTTER AVENUE (BLOCK 3071) 6-75

Mayor Hammond stated that the hour of 5:00 P.M. had arrived, the time set for hearing the consideration of the requirement of curb, gutter and sidewalk at Block 3071, Sutter Avenue, and opened the hearing.

Director of Public Works Ray stated that the owners of the property involved have been notified regarding the installation of curb, gutter and sidewalk. The work has not been done.

No one in the audience wishing to make a protest, Mayor Hammond declared the hearing closed.

RESOLUTION NO. 60-443

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB, GUTTER AND SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (Sutter Avenue Block 3071)

Introduced by VanderWall Seconded by Knoles
Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin

HEARING ON REQUIREMENT OF CURB AND GUTTER CONSTRUCTION - WILSON AVENUE (BLOCK 2018) 6-90

Mayor Hammond announced that the hour of 5:05 P.M. had arrived, the time set for hearing the consideration of the requirement

of curb and gutter construction at Wilson Avenue, Block 2018, and opened the hearing.

Director of Public Works Ray stated that the requirement is for construction of curb and gutter only. The properties have been posted and the property owners notified.

No one in the audience wishing to make any comments or protest, Mayor Hammond declared the hearing closed.

RESOLUTION NO. 60-444

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (Wilson Avenue, Block 2018)

Introduced by Arata Seconded by Knoles
Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin

REPORT ON GARBAGE AND REFUSE DISPOSAL 6-95

The City Manager reported that the staff is not yet clear as to the recommendation to be presented to the Council on the matter of garbage and refuse disposal. Mr. Boyd, on whose property garden refuse is now being dumped, has asked that this arrangement be terminated. Interest has been expressed from another source in using the garden refuse for compost purposes. The Manager requested authorization to check the willingness of the garbage operators for an extension of several months time in which to clear this matter.

MOTION

That the staff be authorized to request an extension of time for clearing the matter of garbage and refuse disposal.

Moved by Arata Seconded by VanderWall Unanimously carried

REPORT ON PROPOSAL FOR USE OF PARKING ENFORCEMENT PERSONNEL FOR FIRE FIGHTING 6-110

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

REPORT ON STATUS OF PROPOSAL FOR SALE OF CITY OWNED PROPERTY - NORTHERN BOULEVARD AND McHENRY AVENUE 6-112

The City Manager reported that Council approval has been given for the staff to proceed with the sale of the remaining portion of the Snedigar property on McHenry and Northern Boulevard. This property lies immediately south of Northern Boulevard and immediately west of McHenry. An alley is designated up to the south line of the property. With an alley going through it, there would be two parcels. If owned by a private individual, a lot split would be required. Mr. Miller stated that it was the staff's opinion that this should be done by the City. Both our appraisers and the staff believe it would be advantageous to the City to put in the alley and construct curbs, gutters and sidewalks,

and improve the street, and then offer the property for sale, rather than to sell the property unimproved and require the buyer to improve it. He recommended that the staff be authorized to make the improvements enumerated above as soon as possible in the coming summer season, and then place the property for sale.

Answering a question asked by Councilman VanderWall, the City Manager stated that the City would pay for the paving.

MOTION

That the staff be authorized to provide improvements for the remaining portion of the Snedigar property on McHenry Avenue and Northern Boulevard, as recommended by the City Manager, prior to placing the property up for sale.

Moved by Arata Seconded by VanderWall Unanimously carried

FISCAL REPORT ON CITY-COUNTY LIBRARY CONTRACT FOR 1959-60

The City Manager reported that a contract exists between the County and City for the operation of McHenry Library. The City furnishes the building, and pays the janitorial costs, and the City and County share the costs of the payroll, with the exception of the salaries of Carl Hamilton, Librarian and his secretary, which are paid by the County. A balance of \$804.02 is due the County for the 1959-60 fiscal year, on the basis of the City-County agreement. The City Manager stated that this amount would be paid the County.

RESOLUTION RELEASING BONDS FOR THE FOLLOWING SUBDIVISIONS 7-35

Zlab Subdivision No. 2

The City Manager reported that a certification by the City Engineer indicates that the work covered under the subdivision agreements for Zlab Subdivision No. 2 and Village Park Subdivision has been completed.

RESOLUTION NO. 60-445

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN ZLAB SUBDIVISION NO. 2

Introduced by Spaulding Seconded by VanderWall
Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin

Village Park Subdivision

RESOLUTION NO. 60-446

A RESOLUTION AUTHORIZING THE RELEASE OF CONTRACT BOND TO GUARANTEE IMPROVEMENTS IN VILLAGE PARK SUBDIVISION

Introduced by VanderWall Seconded by Spaulding
Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin

RESOLUTION REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO CANCEL THE TAX AND ASSESSMENT ON CERTAIN PROPERTY PURCHASED BY THE CITY OF MODESTO

At the request of the City Clerk, this item was dropped from the agenda.

REQUEST BY THE MODESTO CITY SCHOOLS FOR LOADING AREAS AT WILSON AND ENSLEN SCHOOLS 7-40

Director of Public Works Ray stated that a request has been received from Dr. Wiser, Superintendent of Schools, requesting a variance from the City Council to authorize the use of plant-mix asphaltic concrete with a temporary redwood header serving as a curb, at certain locations adjacent to Wilson and Enslen schools. At Enslen School it is proposed to install two 75-foot strips 6 feet wide, and at Wilson School, three 50-foot strips. The reason given for this request is the problem of drainage which could be created by the construction of short sections of curb and gutter and sidewalk. Representatives of the schools have been informed that the plant-mix surfacing does not meet City requirements and can be recommended only on a temporary basis. Mr. Ray recommended that approval of the variance be granted by the Council with the following provisions: That the variance be granted for a one-year period from date of granting of the permit, and that the schools maintain the street section in the gutter area. The granting of this permit for a one-year period will give the schools time to evaluate their situation and to provide for permanent construction, and will also eliminate the problem of creating a precedent which may be questioned by others in the City.

RESOLUTION NO. 60-447

A RESOLUTION GRANTING A VARIANCE TO MODESTO CITY SCHOOLS TO PERMIT ASPHALT SIDEWALK INSTALLATION AT ENSLEN AND WILSON SCHOOLS

Introduced by Arata Seconded by VanderWall
 Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin

REPORT ON STUDY OF ORANGEBURG AVENUE AS A POSSIBLE TRUCK ROUTE WEST OF TULLY ROAD 7-72

Copies of a report on the proposed truck route on Orangeburg between Tully and Carver Road prepared by Director of Parking and Traffic Carmody were provided for the Council prior to the meeting. The City Manager stated that the proposed truck route would be helpful to the truckers, but was not recommended because of the density of the residential development, and the absence of a compelling need for the route. Several alternative routes were investigated, but none can be recommended at this point.

Don Schmidt, Michigan Avenue, spoke briefly on the need of a truck route in the northern part of the City.

The report was ordered filed. No action was taken.

CONSIDER REQUEST FOR SEWER SERVICE TO SOUTHEAST CORNER OF CORSON AVENUE AND McHENRY AVENUE 7-98

Director of Public Works Ray stated that the owner, Goldie E.

Fair, has requested sewer service at the southeast corner of Corson and McHenry Avenues. A sewer line is available and the property is contiguous to the City limits. The regular agreement has been signed by Mrs. Fair, by which she agrees to annex to the city when requested and until then to pay the regular fees for sewer service outside the City. He recommended that the request be approved.

MOTION

That the request for sewer service at the southeast corner of Corson and McHenry Avenue be approved.

Moved by VanderWall Seconded by Arata Unanimously carried

RESOLUTION APPROVING AGREEMENT WITH SOUTHERN PACIFIC COMPANY FOR GRADE CROSSING PROTECTION IMPROVEMENT 7-105

The City Manager stated that the staff has been working on proposed improvements of grade crossings located at G, I, K, and H Streets. The project is now cleared. A \$3,000 appropriation transfer from the Special Fund for Capital Outlays Reserve to the Grade Crossing Protection fund is required to perform the work. He recommended that the Council approve the agreement with Southern Pacific Co. A report describing the project was previously furnished the Council.

RESOLUTION NO. 60-448

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY FOR GRADE CROSSING PROTECTION IMPROVEMENTS

Introduced by Spaulding Seconded by VanderWall
 Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin

RESOLUTION NO. 60-449

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,000 FROM SPECIAL FUND FOR CAPITAL OUTLAYS RESERVE (600-321) TO GRADE CROSSING PROTECTION, G, I, K AND H STREETS (503-321)

Introduced by VanderWall Seconded by Arata
 Ayes: Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Adams, Martin

CONSIDER PROPOSALS FOR TRAFFIC SIGNALS AT NEEDHAM AND VIRGINIA 7-120

The City Manager stated that a detailed report was furnished the Council, presenting alternatives and recommendations. Funds for this project are budgeted in the amount of \$7,000.

Mayor Hammond stated that he used the intersection frequently and felt that signals were not particularly needed at this time and their need should be reviewed again.

Councilman Spaulding stated that he also used the intersection frequently and had difficulty in getting across. He gathered from the report submitted by Director of Parking and Traffic Carmody that signalization of the intersection is proposed for consideration on the basis of traffic counts.

The possibility of backing up of traffic on Needham in the event of signalization was discussed by the Council.

The matter was held over for one week.

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for use of parking space by Gensler-Lee Diamonds

A representative of Gensler-Lee Diamonds orally requested the use of a parking space in front of the company's store during the period December 8 to December 25, 1960, from 1:00 P.M. to 9:00 P.M., for promotional purposes. The Council pointed out that established Council policy prohibited granting such requests except for non-profit or city-wide promotions.

MOTION

That the request of Gensler-Lee Diamonds for use of parking space in front of its store from December 8 to 25, 1960, be denied.

Moved by Spaulding Seconded by VanderWall Unanimously carried

REPORT ON 1960 STREET RECONDITIONING PROGRAM 8-70

A report entitled "Street Reconditioning Program, 1960," dated November 23, 1960, prepared by the Public Works Department, was presented to the Council and briefly summarized by the City Manager. The report was ordered filed.

REPORT ON SIDEWALK CONSTRUCTION PROGRAM 8-78

The City Manager reported briefly on the meeting called by the Mayor in connection with the sidewalk construction program. The meeting was well attended by representatives of the Schools, County Board of Supervisors, P.T.A., League of Women Voters and Dads' Clubs, and they agreed to help to the fullest extent possible. It was agreed that while it was a community-wide enterprise, regardless of city boundaries, it would be most feasible if taken on an elementary school basis as a unit. An interest by one school area would spur others on. Finally, it might get down to a block by block enterprise, where the Council by its present policy could require installation if more than half of the sidewalks were in.

The City Manager said that Director of Parking and Traffic Carmody has been designated as staff man on this project to work with representatives of interested organizations.

Councilman Spaulding expressed the Council's appreciation for the efforts of the Mayor in promoting this program.

REPORT ON COST OF WATER LINE INSTALLATION IN SARATOGA MANOR NO. 2 SUBDIVISION 8-125

The City Manager reported that the engineer's estimate was

\$564.55; the total cost was \$798.19, 41% above the estimate.

REPORT BY COUNCIL COMMITTEE ON COMMUNICATIONS CENTER AND
POLICE BUILDING 8-128

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

ADJOURNMENT

MOTION

That this meeting be adjourned in recognition of this, the 19th anniversary of Pearl Harbor. May this date serve to remind us and all Americans of the necessity of maintaining the strength of our democratic governmental processes and of the maintenance of the military and moral strength of our people.

Moved by Knoles Seconded by Spaulding Unanimously carried

The meeting adjourned at 6:01 P.M.

ATTEST:


CITY CLERK

Modesto City Council
December 14, 1960

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: Adams, Arata, Knoles, VanderWall, Mayor Hammond

Absent: Martin, Spaulding

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

A moment of silent prayer was observed.

EMPLOYEE SUGGESTION AWARDS

Cleo Luke, Parks and Recreation Department

Cleo Luke, Parks and Recreation Department, was awarded \$25 for suggesting a device which speeds up the installation of chain link fencing.

Mary Jo Hays, Planning Department

Mary Jo Hays, Planning Department, was awarded \$100 for a suggestion that there be a centralized gathering of information pertaining to annexations. Annual savings are estimated at \$1,000.

Inclusion of addressed return envelopes with business license tax payments

The City Manager presented to the Council a suggestion made by an employee that addressed return envelopes be included with the quarterly business license tax statements. The envelopes would be marked by a separate color, and upon receipt could be readily routed to those departments handling collections. There were no objections by the Council.

LETTER FROM J. W. FIELDING, ALAMEDA, CALIFORNIA, RE: MODESTO CITY-COUNTY AIRPORT 1-52

A letter from J. W. Fielding, Alameda, California, criticizing the condition of the rest rooms and the entire City-County Airport operation was read by the City Clerk. The letter indicated that copies had been sent to the Modesto Chamber of Commerce, AOPA, the Modesto Bee, and Radio Station KFIV.

The City Manager stated that the restrooms at the airport are old, but reasonably good care is taken of them. The restrooms were vandalized during the weekend referred to by Mr. Fielding. He felt that the normal conditions of the restrooms did not warrant this kind of a letter.

Mayor Hammond stated that the new restrooms are not getting immediate attention because of lack of funds. Priority has been given to construction of the new runway and proposed control tower.

Director of Public Works Ray stated that he spoke with Mr. Fielding by telephone and was told that Mr. Fielding's visit to the airport had been on a holiday or weekend, at which time no one is on duty at the airport to take care of the restrooms. Mr. Fielding, upon being asked by Mr. Ray why a copy of his letter was sent to Radio Station KFIV, replied that he did so at the suggestion of friends in Modesto.

Councilman Knoles stated that he was the officer in charge of the Naval Reserve Training Center on city property next door to the airport, and this organization is also having a problem with vandalism. It was his opinion that radio stations and other such facilities, when reporting matters concerning the city government which might be considered controversial, could add that Council meetings are open to the public, and the Council is always willing to discuss problems of this nature.

The letter was ordered filed.

LETTER FROM BETHLEHEM STEEL COMPANY, SAN FRANCISCO, EXPRESSING APPRECIATION FOR USE OF CITY PARKING LOT ON 13TH STREET 2-25

A letter of appreciation from Bethlehem Steel Co., San Francisco, was read by the City Clerk. It thanked the City for its permission to use the city parking lot on 13th Street on November 21, 1960, in connection with the construction of an addition to the Telephone Building, specifically mentioning Direction of Parking and Traffic Carmody and Captain Meier of the Police Department.

The letter was ordered filed.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF SANITARY SEWER FACILITIES, CARVER ROAD AREA 2-30

Director of Public Works Ray reported that the bids were tabulated and the tabulation submitted to the Council at the last meeting. Bids were opened on December 5, 1960. The low bid was submitted by George Reed in the amount of \$48,980.50, slightly below the engineer's estimate for this project. Award was held up pending the receipt of funds from the developers of two subdivisions who are under agreement with the City in the construction of the sewer facilities. Checks have been received in the amount of \$4,441.64 and \$2,161.08. A portion of the construction contract (\$26,827.60) will be paid from sewer bond funds because of the trunk sewer construction on Carver Road. The balance will be an advance for subtrunk sewer and lift station located on Scott Avenue to serve properties adjacent to the two subdivisions. He recommended that the bid be accepted, and that an appropriation transfer for \$20,000 be approved covering the cost of the subtrunk sewer portion of the project.

RESOLUTION NO. 60-450

A RESOLUTION ACCEPTING THE BID OF GEORGE REED IN THE SUM OF \$48,980.50 FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN CARVER ROAD AREA

Introduced by Adams Seconded by Knoles

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Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

RESOLUTION NO. 60-451

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,000 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE (321-600) TO SEWER CONSTRUCTION (503) TO COMPLETE SUBTRUNK SEWER AND SEWAGE LIFT STATION TO SERVE PARK MANOR 3A AND SKYLANE PARK SUBDIVISIONS

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

CONSIDER AWARD OF BID FOR WATER LINE MATERIALS 2-58

Director of Public Works Ray stated that the bids were opened at 1:30 P.M., December 12, 1960.

Two bids were received for cast iron pipe, Items 1, 2 and 3 of the bid tabulations, and two bids received for alternate 2a and 3a, asbestos cement pipe. Three bids were received for alternate 3b, steel pipe, lined and coated with cement. The low bid for Item 1 was submitted by United States Pipe and Foundry Company in the amount of \$32,190, excluding sales tax. He recommended that the bid be awarded to that firm for furnishing 17,400 feet of 6" cast iron pipe for the sum of \$32,190.

RESOLUTION NO. 60-452

A RESOLUTION ACCEPTING THE BID OF \$32,190 FROM U.S. PIPE & FOUNDRY COMPANY FOR FURNISHING CAST IRON PIPE (ITEM 1)

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

Director of Public Works Ray stated that the low bid for Item 3, was submitted by Consolidated Western Steel under alternate Item 3b, in the amount of \$6,105, and provides a discount of 1/2 of 1% if payment is made within ten days. He recommended that the bid be awarded to Consolidated Western Steel for furnishing 1,850 feet of 12" steel pipe for the sum of \$6,105.

RESOLUTION NO. 60-453

A RESOLUTION ACCEPTING THE BID OF \$6,105 FROM CONSOLIDATED WESTERN STEEL FOR FURNISHING 12" STEEL PIPE (ITEM 3b)

Moved by Arata Seconded by Adams
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

The Director of Public Works stated that the lowest bid for Item 2 and alternate 2a, asbestos cement pipe, was submitted by Viking Supply Corporation, for pipe manufactured in Italy. Specifications called for materials manufactured domestically.

Since receipt of the bids, the City Attorney has ruled that in spite of the specifications, bids involving foreign materials must be considered under circumstances that qualify them by treaty. In view of this, Mr. Ray recommended that all bids for items 2 and alternate 2a be rejected, and that these items be readvertised. This recommendation was made for the following reasons: Representatives of other foreign pipe suppliers called the office prior to the bid opening and when they learned of the condition excluding consideration of items manufactured abroad, did not submit quotations; Due to the fact that foreign manufactured pipe is shipped to this country after testing at the factory, it is essential for the protection of the City that specifications be rewritten to protect the City's interests, since damages which are difficult to detect by visual inspection do occur during shipment.

The City Manager stated that the City Attorney's opinion was based on international trade agreements between the United States and certain foreign countries.

Mr. Hanaway, representative of the Viking Supply Corporation, stated that his company was aware that the City could purchase pipe due to international trade agreements between the United States and Italy, which supersede the Buy American Act, and other distributors of imported pipe who failed to submit a bid had equal opportunity to keep informed in this matter. He stated that the pipe supplied by his firm has been approved and tested by the Underwriter Laboratories, and has been in use in Italy for over fifty years. He also stated that at the moment, his firm is the only one in California distributing asbestos cement pipe.

Director of Public Works Ray stated that other companies did know of the treaties, but nevertheless honored the city's specifications and did not submit bids. Mr. Ray stated that there was no question regarding the quality of the materials offered by Viking Supply Corporation, but possible damage in shipment should be considered to protect the City's interests.

RESOLUTION NO. 60-454

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR ITEMS 2 AND ALTERNATE 2A OF THE CALL FOR BIDS FOR PIPE, VALVES AND FITTINGS, AND DIRECTING THE SPECIFICATIONS BE REWRITTEN AND READVERTISED

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

The Director of Public Works stated that 15 bids were submitted for furnishing valves, covered under items 4 through 8. The low bid was submitted by Crane Supply Co. in the amount of \$6,098.84, exclusive of sales tax, and includes a 2% discount for payment within 15 days. Mr. Ray recommended that Items 4 to 8, inclusive, covering various sizes of cast iron gate valves, be awarded to Crane Supply Company, for the sum of \$6,098.84.

RESOLUTION NO. 60-455

A RESOLUTION ACCEPTING THE BID OF \$6,098.84 FROM CRANE SUPPLY COMPANY FOR FURNISHING VALVES (ITEMS 4 TO 8 INCL.)

Introduced by Arata Seconded by Adams
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

The Director of Public Works stated that 11 bids were received for fittings covered under Items 9 through 15, inclusive. Two bids were not accompanied by bid bonds, and two others did not meet specifications. Bids not meeting specifications were submitted by Viking Supply Corporation and Slakey Brothers. Mr. Ray recommended that award be made to the lowest bidder meeting specifications, Republic Supply Company, in the amount of \$1,897.90, exclusive of sales tax, with 1% discount for payment made within 30 days.

RESOLUTION NO. 60-456

A RESOLUTION ACCEPTING THE BID OF \$1,897.90 FROM REPUBLIC SUPPLY COMPANY FOR FURNISHING OF FITTINGS (ITEMS 9 TO 15, INCL.)

Introduced by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

HEARING ON PROPOSED ANNEXATION OF THE CORNWELL ADDITION 3-65

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

The City Clerk stated that notice of the hearing was published in the Modesto Bee and the Turlock Daily Journal on November 15 and 22, 1960. Notices were mailed on November 18, 1960 to all owners of property in the area, and to all interested parties legally entitled thereto. No written protests to the proposed annexation have been filed with the City Clerk.

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

The City Manager stated that Planning Commission Resolution No. 642 recommends the annexation of the Cornwell Addition.

ORDINANCE NO. 425-C.S. entitled

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

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

Moved by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

The City Attorney stated that by mutual consent, in accordance with the established policy of the Council and the Modesto Schools District, these proceedings were so drawn that no change of school district boundaries is effected by the annexation, although portions of the area are in different school districts.

HEARING ON PROPOSED ANNEXATION OF THE EL VECINO ADDITION (8:05 P.M.)
3-80

Mayor Hammond declared that the hour of 8:05 P.M. had arrived, the time set for hearing the consideration of the proposed annexation of the El Vecino Addition, and opened the hearing.

The City Clerk stated that notice of the hearing was published in the Modesto Bee and Turlock Daily Journal on November 15 and 22, 1960. Notices were mailed on November 18, 1960, to all property owners in the area, and to all persons legally entitled to receive such information. No written protests to the proposed annexation have been filed with the City Clerk.

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

The City Manager stated that Planning Commission Resolution No. 641 recommends the annexation of the El Vecino Addition.

ORDINANCE NO. 426-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE EL VECINO ADDITION TO THE CITY OF MODESTO"

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

Moved by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

The City Attorney stated that all the territory in this addition is in the Modesto City Schools District and will remain there.

ADOPTION OF ORDINANCE NO. 422-C.S., FIRE PREVENTION CODE 3-92

ORDINANCE NO. 422-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-1.202 THROUGH 3-1.222 INCLUSIVE OF ARTICLE 2 OF CHAPTER I OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 3-1.223 THROUGH 3-1.238 INCLUSIVE, PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES, AND PRESCRIBING A PENALTY FOR VIOLATION THEREOF"

introduced on December 7, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent; Martin, Spaulding

ADOPTION OF ORDINANCE NO. 423-C.S., AMENDING THE MUNICIPAL CODE
RELATING TO BICYCLES ON SIDEWALKS 3-94

ORDINANCE NO. 423-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-3.02 OF CHAPTER 3 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO BICYCLES"

introduced on December 7, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

ADOPTION OF ORDINANCE NO. 424-C.S., ADOPTING PEACE OFFICER STANDARDS AND TRAINING 3-95

ORDINANCE NO. 424-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 6 ENTITLED "PEACE OFFICER STANDARDS AND TRAINING" TO TITLE II OF THE MODESTO MUNICIPAL CODE"

Introduced on December 7, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Adams Seconded by Knoles
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

CONSIDER PROPOSALS FOR TRAFFIC SIGNALS AT NEEDHAM AND VIRGINIA AVENUES 3-100

The City Manager stated that this matter was held over from the previous week for further consideration. \$7,000 is provided in the current budget for the project.

A letter from J. G. Slate stating the need for traffic signals at this location was read by the City Clerk.

Referring to a portion of the letter in which Mr. Slate stated that a report in the Modesto Bee indicated that "some Councilmen do not feel there is a need for a light at this location," Mayor Hammond stated that he did not believe any of the Councilmen felt the need did not exist, but that it was a question of which project should have priority from the standpoint of importance and funds available.

Director of Parking and Traffic Carmody discussed alternate plans A, B and C listed in his memorandum dated November 23, 1960. He recommended that Plan C be approved, at an estimated cost of \$7,000 - \$9,000.

MOTION

That the staff be authorized to proceed with the project by preparing plans and specifications for signalization of Virginia, 12th, Needham & N Streets, on the basis of Plan C as presented by the Director of Parking and Traffic.

Moved by Adams Seconded by Knoles Unanimously carried

REPORT OF COUNCIL COMMITTEE ON COMMUNICATIONS CENTER AND POLICE BUILDING 4-70

Councilman Adams read a memorandum, subject, Communications Center, Modesto, Dated December 14, 1960. Copies of the memorandum submitted by Councilmen Adams and Martin as the Council Committee on Communications, were distributed to the Council, and a copy filed with the City Clerk. The Council Committee recommended the following:

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A. Selection of an architect, under the direction of the Council;

B. Selection of an electrical-hydraulic engineering consulting firm to advise automation of controls on the city water system;

C. Acquisition of any additional land required;

D. Preparation of plans for a Communications Center to be coordinated with both the existing main fire station and the proposed new police building (this would require at least preliminary plans for the police building also).

The City Manager stated that money to follow the recommendations of the Council Committee has been budgeted. The next step is to hire an architect to design the communications center so that it can be used as such and later coordinated with the proposed new police building. It is proposed to build the communications center on property adjacent to the fire department. Both fire and police operations will use the communications center and will be in a position to support each other.

Mr. Miller stated that the City owns property on both sides of the fire station, and it is probable that when the stage of constructing the police building is reached, more land will have to be acquired.

MOTION

That the report of the Council Committee on Communications be accepted, and directing that the staff, working with the Council Committee on Communications, proceed with recommendations A and B of report of the Council Committee on Communications dated December 14, 1960.

Moved by Knoles Seconded by VanderWall Unanimously carried

RESOLUTION EXTENDING AGREEMENT WITH OFFICE EQUIPMENT DEALERS FOR FURNISHINGS, CITY HALL 5-15

The City Manager stated that an agreement has been made with the various dealers furnishing office equipment to the new city hall to extend the time limitations set forth in paragraph 5 (g) of the original agreement to allow the city to purchase certain equipment and furniture from December 31, 1960 to December 31, 1961. This has been approved by the Council Committee.

RESOLUTION NO. 60-457

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEE BROTHERS STATIONERS, INC., THE L. M. MORRIS COMPANY, MODESTO OFFICE EQUIPMENT COMPANY AND RUSH OFFICE EQUIPMENT AMENDING SECTION 5(g) OF AGREEMENT DATED MAY 20, 1959

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin, Spaulding

CONSIDER ARCHITECT SERVICES FOR CONTROL TOWER AT MODESTO CITY-COUNTY AIRPORT 5-30

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

REPORT ON POLICY RESOLUTIONS ADOPTED BY LEAGUE OF CALIFORNIA CITIES AT ITS 1960 ANNUAL CONFERENCE 5-31

The City Manager briefly reviewed resolutions adopted at the closing business session of the Annual League Conference in Los Angeles on October 26, 1960. Resolutions proposed for study and consideration were also discussed by Mr. Miller.

REQUEST BY THE FIRM OF MERRITT PLYMOUTH CENTER FOR WAIVER AND REFUND OF PENALTY AND INTEREST PAID ON BUSINESS LICENSE TAX

Merritt Plymouth Center has requested waiver of penalty and interest on a business license tax payment received by the City and postmarked 10:30 A.M., November 1, 1960, in the amount of \$19. The request states that the payment was placed in a mailbox at 6:45 P.M. October 31, 1960. Ordinance No. 407-C.S., effective September 8, 1960, provides that a payment is delinquent if postmarked later than 12:00 P.M. of the due date, in this case October 31, 1960. The request was generally discussed by the Council.

RESOLUTION NO. 60-458

A RESOLUTION DENYING THE REQUEST OF MERRITT PLYMOUTH CENTER FOR WAIVER OF CERTAIN DELINQUENT PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENT

Introduced by Adams Seconded by Mayor Hammond
 Ayes: Adams, Knoles, Mayor Hammond
 Noes: Arata, VanderWall Absent: Martin, Spaulding

The resolution failed to carry due to lack of affirmative votes of at least four members of the Council, as provided by Section 713 of the Charter.

Mayor Hammond requested that it be placed on next week's agenda.

REPORT ON POSSIBLE USE OF PARKING ENFORCEMENT PERSONNEL FOR FIRE FIGHTING

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

CONSIDER CLOSING OF THE CITY GOLF COURSE ON CHRISTMAS DAY 6-30

Director of Parks and Recreation Cowie stated that Andy Silva, golf professional, has asked that the Council consider closing Dryden Park Municipal Golf Course and Modesto Municipal Golf Course on Christmas day. \$66 was received as revenue on Christmas day, 1959.

Mr. Silva stated that this policy is followed in Stockton. He noted that even though the golf course is closed people who wish to do so may play, but that this is not publicized and few people take advantage of it. He stated that not much use is made of the local golf courses on Christmas day.

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It was the Council's decision that the courses be closed on Christmas day hereafter.

RESOLUTION NO. 60-459

A RESOLUTION AUTHORIZING THE CLOSING OF DRYDEN PARK MUNICIPAL GOLF COURSE AND MODESTO MUNICIPAL GOLF COURSE ON CHRISTMAS DAY

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 1236 LUCERN 6-60

The City Manager stated that a request for sewer service has been received for property owned by V. J. Maino at 1236 Lucern. A sewer line is available and the property is contiguous to the city limits. He recommended that the request be approved subject to the usual conditions for sewer service outside the City, which conditions have been accepted by the owner.

MOTION

That the request of V. J. Maino for sewer service at 1236 Lucern be approved.

Moved by Knoles Seconded by Arata Unanimously carried

RESOLUTION SETTING DATE FOR HEARING ON THE PROPOSED ANNEXATION OF THE NEIGHBORHOOD CHURCH ADDITION 6-64

The City Attorney stated that the Planning Commission has recommended that annexation proceedings be initiated by Resolution No. 663.

RESOLUTION NO. 60-460

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

Introduced by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

January 25, 1961, at 8:00 P.M. in the Council Chambers at 801 11th Street was set as the time and place for consideration of the petition.

The City Attorney stated that this annexation involves property in different school districts and under the policy established, there will be no change in the school district boundaries.

REPORT ON SUBDIVISION RECOMMENDATIONS BY CITY-COUNTY SUBDIVISION SUBCOMMITTEE

Director of Planning Smeath stated that the report contains recommendations and proposals, prepared by a Subdivision Subcommittee

of the City-County Committee, which will ultimately be considered for adoption in a uniform subdivision ordinance. More recommendations will be submitted later. These recommendations are being submitted by the City-County Subdivision Committee to the City Planning Commission, City Council, Board of Supervisors and County Planning Commission for consideration. The Planning Commission has found them to be generally in harmony with city ordinances and has recommended that the Council approve the substance of the proposals. Mr. Smeath and Assistant Director of Public Works Ross Campbell are members of the subcommittee.

Mayor Hammond stated that he and Councilman VanderWall attended the City-County Committee meeting at which time this matter was discussed and recommended that the Council grant favorable action.

RESOLUTION NO. 60-461

A RESOLUTION APPROVING SUBSTANCE OF PROPOSALS FOR SUBDIVISION REGULATIONS AS PROPOSED BY THE CITY-COUNTY SUBDIVISION SUBCOMMITTEE

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin, Spaulding

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION - None

MATTERS FOR THE GOOD OF THE COMMUNITY 6-110

Letter from E. H. Thouren, Department of Health, Education and Welfare, Regional Office

The City Manager read a letter from E. H. Thouren, Regional Construction Program Director, Water Supply & Pollution Control, dated December 13, 1960, which stated that an initial inspection of the City's sewerage facilities has been scheduled for Monday, December 19, 1960, by Mr. Richard C. Bain, Jr. Certain arrangements were requested to facilitate the inspection. The amount of the initial federal grant payment will be determined during the inspection.

REMINDER OF NECESSITY FOR APPOINTMENTS TO BOARDS AND COMMISSIONS

The City Clerk was directed to furnish each Council member a record of attendance of all Board and Commission members.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF NOVEMBER 7-25

The City Manager presented the financial statement for the month of November, 1960. The report was ordered filed.

The City Manager stated that the Charter requires that a monthly financial report be prepared. The financial statement presented the Council each month is a summary of the report, and he asked whether the Council wished the statement presented each month as an agenda item, or whether they wished it discontinued. By unanimous consent, the Council directed that the report continue to be presented as an agenda item.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 9:06 P.M.

ATTEST:


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 St., Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Councilman Adams arrived at 4:10 P.M.

Absent: None

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

Reverend L. B. Lewis gave the invocation.

LETTER FROM C. L. BOOTHE, 1113 COLLEGE AVENUE, RE: HOMES FOR
MENTAL PATIENTS IN SINGLE FAMILY RESIDENTIAL ZONES 1-10

A letter from C. L. Boothe, 1113 College Avenue, protesting a proposed home for mental patients on College Avenue, was read by the City Clerk. Mr. Boothe asked that consideration be given to amending the City ordinance which permits this type of resthome in a single-family residential zone.

By unanimous consent of the Council, the letter was referred to the staff and Planning Commission.

LETTER FROM JARED W. HAWKINS, JR., ATTORNEY, RE: DRAINAGE INTO
BEARD BROOK 1-20

A letter from Jared W. Hawkins, Jr., enclosing copies of an article in the Modesto Bee dated Thursday, December 8, 1960, by LaVerne Potts, was read by the City Clerk. He requested that each member of the Council be furnished a copy of the article. He again asked for a definite commitment from the Council as to whether or not during summer months, drainage from the McHenry Avenue area would be diverted from Dry Creek. Mr. Hawkins' letter stated that he is presently representing Mr. and Mrs. Frank Rossi and Mr. and Mrs. B. R. Fitch in this matter.

At the request of Mr. Hawkins, (presented by the City Clerk) the Council unanimously consented that the matter be held over until after the first of the year.

LETTER FROM THE MODESTO BAND OF STANISLAUS COUNTY, INC., REQUESTING
PAYMENT OF ANNUAL APPROPRIATION 1-48

The City Clerk read a letter from the Modesto Band of Stanislaus County, Inc., requesting payment of the amount of \$1550 included in the current budget, and listing the following expenses: Municipal summer band concerts, \$1,200; representation at the State Fair, \$350.

MOTION

That payment of \$1,550 to Modesto Band of Stanislaus County, Inc., be authorized.

Moved by Arata Seconded by VanderWall Unanimously carried

LETTER FROM FRANK ANDREWS RE: POLICE AND FIRE DEPARTMENT 1-65

A letter from Frank Andrews, subject, Policemen-Firemen, dated December 20, 1960, was read by the City Clerk. The letter opposed the use of "Firemen...as policemen," and city expenditures for special surveys.

Mayor Hammond informed Mr. Andrews, who was in the audience, that his letter would be discussed at the same time as Item 19 of the agenda, Report on possible use of parking enforcement personnel for fire fighting.

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PRINTING OF REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE 1-95

RESOLUTION NO. 60-462

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE PRINTING OF REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

January 10, 1961, 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 SPECIFICATION AND CALL FOR BIDS FOR WATER LINE TO AULSTON MANOR SUBDIVISION 1-100

- (a) Clear agreement with subdivider concerning participation in cost of construction

Director of Public Works Ray stated that on October 27, 1960, the Council approved by motion the extension of water service to Aulston Manor Subdivision on the basis of a non-refundable \$3,000 cash contribution by the subdivider and necessary easements being secured by the subdivider. The \$3,000, necessary utility easements, and a letter agreement signed by Lance Ellis, developer of Aulston Manor Subdivision are in the hands of the City Clerk. Plans and specifications for the extension of the water mains to serve Aulston Manor Subdivision have been prepared, the proposed opening date of the bids to be January 3, 1961 at 2:00 P.M.

MOTION

That the letter agreement by Lance Ellis dated November 1, 1960 be approved, and the sum of \$3,000 be accepted under the terms indicated in the letter agreement.

Moved by Spaulding Seconded by Arata Unanimously carried

RESOLUTION NO. 60-463

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
THE CALLING FOR BIDS FOR EXTENSION OF WATER MAINS TO SERVE AULSTON
MANOR SUBDIVISION**

Introduced by VanderWall Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

January 3, 1961 at 2:00 P.M. was set as the time for the opening of bids.

**RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR FURNISHING
WATER PIPE 1-28**

Director of Public Works Ray stated that the proposed call for bids and specifications applies only to the asbestos cement pipe which was rejected at the last Council meeting. Specifications have been rewritten to: (1) Make no mention of the "Buy American Act" of the State of California; (2) Provide that pipe from overseas may either be hydrostatically tested at the point of manufacture, then crated and shipped to this country in a form to prevent damage to the pipe, or hydrostatically tested after it is received in this country.

The City Attorney stated that specifications were patterned to assure that the pipe is delivered in good condition, and not to eliminate bidders of foreign products.

RESOLUTION NO. 60-464

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE
CALLING FOR BIDS FOR FURNISHING WATER PIPE**

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

January 9, 1961 at 2:00 P.M. was set as the date and time for the bid opening.

**CONSIDER ARCHITECTURAL SERVICES FOR CONTROL TOWER AT CITY-COUNTY
AIRPORT 2-42**

Director of Public Works Ray stated that in accordance with Council direction, applicants for architectural services have been interviewed for the construction of a control tower at the City-County Airport, and he wished to present three for Council consideration: Kaestner & Kaestner; Bomberger and Abst, both of Modesto, and Allen Y. Loo of Fresno. Because of the immediate past experience of Mr. Loo in designing two control towers, one similar in size to the one proposed for the City, Mr. Ray felt that there was a slight edge in favor of the Fresno architect. Fees of both Modesto firms are quoted at 8% of the contract cost. Mr. Loo has offered to work on a cost-plus basis, not to exceed 8 percent of the contract cost. On the basis of these factors, Mr. Ray recommended that the architectural firm of Allen Y. Loo be hired to design the control tower, stating, however, that there was little apparent difference

between the architectural capabilities of the three firms. He further recommended that the total architectural fees be established on a contract basis, with a specified limitation placed upon design costs.

Kenneth Kaestner and John Bomberger, representatives of the architectural firms of Kaestner and Kaestner and Bomberger & Abst, spoke briefly in favor of hiring a local firm for designing the control tower.

MOTION

That a local architectural firm be chosen to design the City-County Airport control tower.

Moved by Mayor Hammond Seconded by Spaulding Motion carried

Ayes: Martin, Spaulding, VanderWall, Mayor Hammond

Noes: Adams, Arata, Knoles

MOTION

That a council committee be authorized to interview the local architectural applicants and make a recommendation to the Council.

Moved by VanderWall Seconded by Martin Unanimously carried

Mayor Hammond appointed Councilmen Adams, Martin and VanderWall to serve on the committee to interview the applicants.

HEARING ON PROPOSED ANNEXATION OF THE TUTTLE ADDITION 4:30 P.M. 2-110

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of hearing of the proposed annexation of the Tuttle Addition, and opened the hearing.

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

No one in the audience presented any protests or made any comments, and Mayor Hammond declared the hearing closed.

ORDINANCE NO. 427-C.S. entitled

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

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

Moved by Spaulding Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Noes: None Absent: None

The City Attorney stated that the Notice of Intention indicated there will be no change in school district boundaries affected by this annexation.

REQUEST BY THE FIRM OF MERRITT PLYMOUTH CENTER FOR WAIVER AND
REFUND OF PENALTY AND INTEREST PAID ON BUSINESS LICENSE TAX 2-125

The City Attorney reviewed the request of Merritt Plymouth Center for waiver of penalty and interest on a business license tax payment received by the City, postmarked 10:30 A.M., November 1, 1960, in the amount of \$19. This is the first application since the adoption of Ordinance No. 407-C.S., effective September 8, 1960, which provides that if the envelope shows a postmark not later than 12:00 P.M. of the due date, no penalty is charged. A letter from Merritt Plymouth Center states that the payment was deposited in an outside mail box at the Hudson Station at 6:45 P.M. on October 31, 1960, the due date, and the next scheduled pickup was 6:55 P.M. A resolution denying the request for waiver of penalty was introduced at the Council meeting of December 14, 1960, but failed to carry due to lack of affirmative votes of at least four members of the Council.

Director of Finance Bird stated that a check he made indicates that an honest effort was made by the firm to mail the payment on time. He recommended that the penalty be waived.

It was the opinion of Councilmen Spaulding and Adams and Mayor Hammond that the business license ordinance was amended to specifically set a deadline for license taxes paid by mail and that the ordinance should be adhered to.

RESOLUTION NO. 60-465

A RESOLUTION DENYING THE REQUEST OF MERRITT PLYMOUTH CENTER FOR WAIVER OF CERTAIN DELINQUENT PENALTIES AND INTEREST ON BUSINESS LICENSE PAYMENT

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Knoles, Martin, Spaulding, Mayor Hammond
Noes: Arata, VanderWall Absent: None

**CONSIDER REQUEST FOR VARIANCE FROM CURB CUT PROVISION OF THE
MUNICIPAL CODE BY JOHN PFLOCK AT 15th AND I STREETS 4-55**

John Pflock, who requested the variance, asked that this item be withdrawn from the agenda. It was so ordered by the Chair.

**RESOLUTION APPROVING FINAL MAP FOR AULSTON MANOR SUBDIVISION NO. 1
3-58**

Assistant Director of Public Works Campbell stated that this subdivision is located off Prescott Road north of M.I.D. Lateral No. 3.

The City Attorney stated that a check has been received from Lance Ellis, the subdivider, which covers the required fees, also a corporate surety bond in the amount of \$23,000 to guarantee the improvements, an agreement, and other necessary documents.

RESOLUTION NO. 60-466

**A RESOLUTION APPROVING THE FINAL MAP OF THE AULSTON MANOR UNIT NO. 1
SUBDIVISION**

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

**RESOLUTION REDUCING PERFORMANCE BOND FOR SHERWOOD MANOR SUBDIVISION
4-72**

The City Manager stated that a report from the City Engineer indicates that the subdivision agreement provided for a bond of \$128,000. Most of the work has been done, with the exception of some that cannot be completed before spring. He recommended that the performance bond be reduced to \$12,800 which is ample to cover the remaining improvements.

RESOLUTION NO. 60-467

A RESOLUTION AUTHORIZING THE REDUCTION OF CENTRAL SURETY AND INSURANCE CORPORATION PERFORMANCE BOND FILED BY ROBERT P. AND MURIEL F. BOMBERGER TO GUARANTEE IMPROVEMENTS IN SHERWOOD MANOR SUBDIVISION TO \$12,800

Introduced by VanderWall Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

REPORT ON PROPOSED CHANGE IN GROUP MEDICAL AND HOSPITAL INSURANCE

The City Manager reported that in order to keep in force the group medical and hospital insurance now covering city employees, a 55% increase in premiums would be necessary. The Council has authorized city payment of employee premiums in an amount not to exceed \$5 per month for each employee, and the actual monthly premium paid by the city for each employee has been \$4.90. A plan has been offered by Intercoast Mutual Life Insurance Company which provides a larger deductible provision at a monthly premium paid by the City of \$4.78 per employee. This plan has been worked out with the employees and the City's broker. The City Manager recommended that the policy with Connecticut General Life Insurance Company be dropped and the offer of Intercoast Mutual Life Insurance Company be accepted.

RESOLUTION NO. 60-468

A RESOLUTION RELATING TO EMPLOYEES GROUP HEALTH INSURANCE

Introduced by Spaulding Seconded by Martin
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

A RESOLUTION APPROVING THE ACCEPTANCE OF \$418.21 AS FULL SETTLEMENT OF THE CLAIM OF THE CITY OF MODESTO AGAINST DICKMAN CONSTRUCTION INC., FOR BUSINESS LICENSE PAYMENT 4-101

The City Attorney stated that after considerable negotiation, a check for \$418.21 has been received from Dickman Construction Co. in proposed settlement of a claim against this company for business license payment due in connection with the construction of the Bank of California. Mr. Grimes recommended that the money be accepted in full settlement of the claim.

RESOLUTION NO. 60-469

A RESOLUTION APPROVING THE ACCEPTANCE OF \$418.21 AS FULL

**SETTLEMENT OF THE CLAIM OF THE CITY OF MODESTO AGAINST DICKMAN
CONSTRUCTION, INC., FOR BUSINESS LICENSE PAYMENT**

Introduced by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

**CONSIDERATION OF REPORT OF COUNTY AND CITY HEALTH OFFICER ON
CONDITION OF WATER IN BEARD BROOK AND TUOLUMNE RIVER 4-110**

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

**CONSIDER REQUEST FOR TERMINATION OF LEASE AT 907 EYE STREET -
JESS LEAGUE (RIGGS BUILDING) 4-111**

A letter from Jess League, requesting termination of lease at 907 Eye Street (Riggs Building) effective December 15, 1960, was read by the City Manager. Approval by the Council would waive the 30-day notice required by the agreement.

Director of Finance Bird stated that the rent was \$30 per month and the premises have been used by Mr. League for storage purposes.

RESOLUTION NO. 60-470

**A RESOLUTION TERMINATING LEASE AGREEMENT BETWEEN THE CITY AND
MANUEL LOPEZ, JESS LEAGUE AND LILLIAN L. LEAGUE FOR LEASE OF
PREMISES AT 907 EYE STREET IN THE CITY OF MODESTO (RIGGS BUILDING)**

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: Martin Absent: None

**CONSIDER RESOLUTION PROPOSING A CHANGE IN RESOLUTION 58-373,
SEWER SERVICE CHARGES TO ARMY ENGINEERS CORPS TRAINING CENTER**

Director of Public Works Ray stated that an amendment to the Municipal Code effective July 1, 1960, has increased the sewer rates for commercial users inside the city limits from 50% to 65% of the bi-monthly metered water bill. The proposed resolution will rescind Resolution No. 58-373 previously adopted by the Council, establishing the sewer rate for the Army Engineers Corps Training Center, Kansas and Emerald Avenues (outside the city limits) at 50% of the bi-monthly metered water bill, and increase it to 65%, to be retroactive to September 1, 1960. The proposed resolution also provides that subsequent rate changes made to conform with changes in rates to city users, may be accomplished without further preparation of documents.

RESOLUTION NO. 60-471

**A RESOLUTION ESTABLISHING THE RATE FOR FURNISHING SEWER SERVICES
TO THE UNITED STATES ARMY ENGINEERS CORPS ON PROPERTY USED FOR A
RESERVE TRAINING CENTER**

Introduced by VanderWall Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

**REPORT ON POSSIBLE USE OF PARKING ENFORCEMENT PERSONNEL FOR
FIRE FIGHTING 5-30**

Consideration was given the letter of Frank Andrews, dated December 20, 1960, Subject, Policemen-Firemen, read by the City Clerk earlier in the meeting.

Mayor Hammond explained the council policy adopted in July, 1960, on the joint training of police and fire department personnel. He stated that this policy applied only to new police officers hired and was inaugurated to provide additional reserve strength for the Fire Department in case of need.

Frank Andrews spoke briefly against the plan.

The City Manager recommended that male parking enforcement officers be hired to fill the vacancy created by the resignation of Doris Womack, and the other parking enforcement officer position. Mr. Miller suggested these men be given fire training and called to fires when needed, under the council policy adopted July 6, 1960, which authorized that a program be set up for a supplemental training program for police and fire department personnel. Mr. Miller stated that it was suggested at a meeting with fire department personnel that some firemen might be interested in applying for the position of parking enforcement officer, since it would be an eight-hours-a-day, five-day-a-week assignment.

Mayor Hammond stated that the only matter under discussion at the present time was employing two police traffic enforcement officers on the basis of joint police and fire training. He stated there has been no change in the council policy adopted in July, 1960---that it was felt to be in the best interest of the community that new policemen hired should have joint police and fire training as a means of strengthening emergency response. Under this policy, such police officers would be under the direction of the police chief while serving as a policeman, and under the direction of the fire chief while serving with the fire department.

The City Manager stated that a meeting had been held with fire department personnel at 7:00 A.M. on Monday, December 19, to discuss the joint training proposal, and it had been made clear at that time that integration was not involved. The firemen were told that if any were interested in applying for the traffic enforcement officer position, their applications would be considered. Mr. Miller stated that any qualified persons, including firemen, can apply for the position of traffic enforcement officer if they are interested.

MOTION

That the report of the City Manager be approved and the staff be directed to proceed on the basis outlined by the City Manager.

Moved by Spaulding Seconded by Knoles Unanimously carried

Councilman Knoles was excused for personal reasons.

**CONSIDER PROPOSAL FROM MODESTO CITY SCHOOLS RE: PLANS FOR POOL AT
MODESTO JUNIOR COLLEGE 6-17**

The City Manager stated that the Council had indicated its

intention to participate with the Modesto Schools in the construction of a third swimming pool at the Junior College, that tentatively a 50-50 cost sharing had been anticipated, and that \$35,000 had been budgeted by the City for this purpose, in advance of the availability of specific plans and cost data. The Schools have now recommended a two-pool design rather than an L-shaped pool, such as the one at Downey High, at an estimated cost of \$82,000, \$7,000 more than the cost of an L-shaped pool. If approved, an appropriation transfer will be necessary to cover the difference. Mr. Miller recommended that the two-pool design be approved and that the City and the Schools share the costs on an equal basis.

Answering a question asked by Mayor Hammond, Mr. Miller stated that it had been estimated originally that the pool would cost about \$70,000.

Councilman Martin stated that \$70,000 had been thought a reasonable amount of money to spend for a swimming pool when funds were budgeted, and it was his opinion still that a good pool could be built for that amount of money.

Mayor Hammond stated that the report received from the Schools listed the advantages of a double pool over an "L-shape" pool and indicated it was worth the additional investment.

City Attorney Grimes suggested that if the two-pool design is approved, consideration be given to setting a maximum figure for the city's contribution---50%, but not to exceed a certain amount; or revising the agreement to provide that no contract shall be let for the construction of the pool without the consent of the City.

Mayor Hammond stated that if a maximum amount is to be set, then more definite cost estimates and comparisons are needed before action can be taken.

MOTION

That the matter be held over for further staff study and report.

Moved by Spaulding Seconded by Adams Unanimously carried

Councilman Knoles returned to his chair.

CONSIDER MAKING ALLEY BEHIND CITY HALL TWO-WAY

A report submitted by Director of Parking and Traffic Carmody indicated that if the alley behind the City Hall was two-way instead of one-way northbound, vehicles would be able to enter the top deck of the parking lot from I Street. Vehicles leaving the top deck could proceed through the alley to H Street. Small cars, going from the top deck to the lower deck, could make a "U" turn from the alley without having to go around the block.

Answering a question by Councilman Adams relating to the alignment of alleys, Director of Traffic Carmody stated that the alleys between 10th and 11th Streets run generally northbound. The proposed two-way alley will not create a problem, since two-way alleys now exist south of this block.

RESOLUTION NO. 60-472

A RESOLUTION AMENDING SECTION 3(b) OF 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 SECTION 2 OF RESOLUTION NO. 60-23

Introduced by Spaulding Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

APPROPRIATION TRANSFERS - NoneREPORTS FROM THE PLANNING COMMISSIONFURTHER REPORT AND RECOMMENDATION OF PLANNING COMMISSION REGARDING REZONING REQUEST OF BECKER DEVELOPMENT COMPANY AND JOSEPH SABATINO 6-100

Director of Planning Smeath stated that on December 7, 1960, the Council denied the application of Becker Development Co. and Joseph Sabatino for rezoning of property on Roseburg Avenue east of Tully Road, from R-1 to R-3, and referred the matter back to the Planning Commission. The Planning Commission considered the matter on December 20, 1960, and adopted a resolution recommending denial of the application and rescinding its earlier resolution recommending approval. Mr. Smeath said that the reason for reporting to the Council now is because one of the applicants wishes to file a new application for R-3 zoning for his parcel only, and will be held up three months if this matter is not cleared before the end of the year.

RESOLUTION NO. 60-473

A RESOLUTION REMOVING THE SUSPENSION OF RESOLUTION NO. 60-441 DENYING THE APPLICATION FOR REZONING OF BECKER DEVELOPMENT COMPANY AND JOSEPH SABATINO TO RECLASSIFY CERTAIN PROPERTY IN SECTION 20 OF THE ZONING MAP (WEST ROSEBURG AVENUE)

Introduced by Spaulding Seconded by VanderWall
 Ayes: Adams, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: Arata Absent: None

REPORT OF PLANNING COMMISSION RE: ELECTRICAL SERVICE TO SUBDIVISIONS WITH PARTICULAR REFERENCE TO SKYLANE PARK AND PARK MANOR NO. 4

A report from the City Planning Commission entitled, "Report - Skylane Park Subdivision," dated December 21, 1960, was distributed to each Council member. Attached to the report were copies of correspondence between the City and M.I.D. relating to the matter.

Mayor Hammond stated that the Planning Commission and the subdividers are requesting a statement from the M.I.D. as to whether or not the M.I.D. will provide electrical service to new subdivisions from overhead lines located in easements. He said that if the Council so authorized, he would write the president of the M.I.D. Board seeking this information.

The City Attorney suggested that in addition to asking that general question the city might wish to further ask that the M.I.D. advise in writing whether or not it will install overhead electrical facilities in Skylane Park Subdivision and in Park Manor No. 4, in accordance with the tentative maps approved by the Planning Commission, and in accordance with the requirements of the City's subdivision regulations.

Mr. Grimes stated that the owners and developers of Skylane Park Subdivision met with representatives of the M.I.D. on December 20, at which time they were told by the M.I.D. that it would serve electricity to that subdivision from the street frontage only. The subdividers asked if there was any possible basis by which an exception could be granted to the subdivision ordinance requirements. He advised that he had examined the subdivision regulations as amended and found that there was some possible basis for granting an exception if certain conditions were found to exist. The subdividers then requested such an exception of the Planning Commission. The Planning Commission did not take any action, but indicated that it wanted guidance from the Council as to whether or not an exception could be considered in this instance if a hardship appeared to exist.

Mr. Jorgensen, representing the subdividers of Skylane Park Subdivision, stated that the M.I.D. did not state it would not serve the area from easements, but rather that it would do so subject to qualifications which the subdividers believed unreasonable and which, in his opinion, defeated the purpose of the subdivision ordinance. Answering a question asked by Mr. Grimes, Mr. Jorgensen stated that the M.I.D. indicated definitely that it would not install overhead utility facilities as required by the tentative map.

Councilman Spaulding stated that what was needed was not an opinion from the M.I.D. staff, but an official statement of its position from the M.I.D. Board of Directors. He suggested that in the event the M.I.D. refuses to serve from easements on a reasonable basis in accordance with City ordinances, the Council give serious consideration to the possibility of city provision of electrical power to subdivisions.

MOTION

That Mayor Hammond be authorized to write a letter to the President of the M.I.D. Board of Directors requesting written advice as to whether the M.I.D. will or will not serve Skylane Park and Park Manor No. 4 Subdivisions from overhead electrical lines installed in easements.

Moved by Spaulding Seconded by Knoles Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews brought to the attention of the Council the debris in front of vacant buildings on 10th Street.

Mayor Hammond stated that after the holidays, the street cleaning program is stepped-up to handle the seasonal increase in litter.

Mr. Andrews spoke briefly in opposition to the Fire Department "sleeper" program.

REPORT ON CITY AUCTION SALE

The City Manager reported on the sale and stated that \$6,019.30 was received. The report was ordered filed.

REPORT ON NEGOTIATIONS WITH UNITED AIRLINES ON FEES, CITY-COUNTY AIRPORT

that
Director of Public Works Ray stated/under the City's lease agreement with United Airlines, renegotiation of activity fees is required every five years, and that the current 5-year period expires Jan. 1, 1961. A representative of United Airlines will meet with the staff on January 13, 1961 to renegotiate these fees, and it is mutually agreed that any agreement reached will be retroactive to January 1, 1961, and will be effective for a 5-year period.

CONSIDER REQUEST OF CITY ATTORNEY FOR TWO-DAY VACATION DECEMBER 29 AND 30, 1960

MOTION

That the request of the City Attorney for a two-day vacation December 29 and 30, 1960, be approved.

Moved by Knoles Seconded by Adams Unanimously carried

PROGRESS REPORT ON CITY FIRE PROTECTION IMPROVEMENT PROGRAM AND RESURVEY BY PACIFIC FIRE RATING BUREAU

The City Manager reported that representatives of the Pacific Fire Rating Bureau have completed their basic review and have pointed out a number of improvements which can be made. When the survey data of the Bureau engineers has been consolidated, it will be reviewed in detail with city officials.

The City Manager commended nine members of the Fire Department who have been promoted within the last year.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 6:55 P.M.

ATTEST: 
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: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Hammond

Absent: Councilmen: Spaulding

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

Reverend A. P. Gregory gave the invocation.

CONSIDER ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO RATES
FOR WATER SERVICES FOR PREMISES EQUIPPED WITH WATER USING HEAT PUMPS
AND REFRIGERATION UNITS 1-20

The City Attorney stated that the proposed ordinance was prepared in accordance with the direction of the Council, as a result of a report submitted by the Director of Public Works, to amend the section of the Code relating to metered water service. It provides that all buildings of any kind, whether industrial, commercial, or residential, heretofore or hereafter equipped with water using heat pumps or refrigeration units, shall be equipped with meters and charged for water on a metered rate.

ORDINANCE NO. 428-C.S.

"AN ORDINANCE AMENDING SECTIONS 11-1.05 AND 11-1.07 OF CHAPTER I OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO WATER RATES AND REGULATIONS"

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

Moved by Knoles Seconded by VanderWall

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Spaulding

CONSIDER VACATION OF ALLEY IN BLOCK 925

The City Attorney reported that the Planning Commission, by Resolution No. 637, amended by Resolution No. 666, recommended to the Council the vacation and abandonment of the north-south alley in Block 925 (north of Del Monte Avenue, west of Del Vale), subject to retaining easements for existing underground and overhead utilities. The parties involved have agreed to construct a fence upon a mutually agreed location between their properties and to integrate the alley with the residential lots by landscaping.

RESOLUTION NO. 973-S.P.
RESOLUTION OF INTENTION NO. 275

A RESOLUTION OF INTENTION TO VACATE AND ABANDON ALLEY IN BLOCK 925 IN THE CITY OF MODESTO

Introduced by Adams Seconded by Knoles
Ayes: Adams, Knoles, Martin, Mayor Hammond
Noes: Arata, VanderWall Absent: Spaulding

January 18, 1961 at 4:30 P.M., in the Council Chambers, 801 11th Street, was set as the time and place of hearing.

RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING FINAL MAP OF THE QUARESMA HOMES SUBDIVISION 1-68

The City Manager stated that the extension of time for filing the final map of the Quaresma Homes Subdivision has been recommended by Planning Commission Resolution No. 672.

RESOLUTION NO. 60-474

A RESOLUTION APPROVING EXTENSION OF TIME TO DECEMBER 23, 1961 FOR FILING FINAL MAP OF QUARESMA HOMES SUBDIVISION

Introduced by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND HARRY T. KULLIJIAN AND GERALDINE D. KULLIJIAN, HUSBAND AND WIFE, RELATING TO THE ACQUISITION OF RIGHT OF WAY AND SIDEWALK EASEMENT ON SANTA BARBARA AVENUE 1-72

The City Attorney stated that this contract provides for the acquisition of a 12 foot right of way for street purposes, and a 5 foot sidewalk easement on Santa Barbara Avenue, the City to pay the Kullijians \$900 as damages to the remaining property, and requires the Kullijians at their own expense to install curb, gutter and curb cuts upon notice from the City. The City is obligated to grade and oil the portion of Santa Barbara Avenue adjacent to the remaining Kullijian property after curb, gutter and sidewalks have been installed, weather conditions permitting. A grant deed conveying the 12 foot right of way and 5 foot sidewalk easement has been executed by the Kullijians.

RESOLUTION NO. 60-475

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY T. AND GERALDINE D. KULLIJIAN RELATING TO THE IMPROVEMENT OF SANTA BARBARA AVENUE

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

CONSIDER RESOLUTION APPROVING AGREEMENTS FOR OBTAINING GENERAL APPRAISAL SERVICES WITH APPRAISERS ROBERT W. FORD AND WILLIAM H. MURRAY 1-85

The City Attorney stated that these are general agreements for appraisal services with Robert W. Ford and with William H. Murray

as requested from time to time by the City. Reports may be either in preliminary oral, written or summary findings, or in the form of written comprehensive appraisal reports as requested by the City. Services are at the rate of \$100 per day, or proportionately if less than one day.

The cost of appraisals was discussed by the Council. The City Manager stated that information regarding appraisal costs is available for review whenever the Council so wishes.

RESOLUTION NO. 60-476

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT W. FORD, APPRAISER, FOR GENERAL APPRAISAL SERVICES

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding
(Councilman Adams was excused at 7:50 P.M.)

RESOLUTION NO. 60-477

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM H. MURRAY, APPRAISER, FOR GENERAL APPRAISAL SERVICES

Introduced by VanderWall Seconded by Knoles
Ayes: Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Spaulding

(Councilman Adams returned to the Council Chambers at 7:55 P.M.)

CONSIDER RESOLUTION APPROVING AGREEMENT WITH ALLEN ODELL, DOING BUSINESS AS WESTERN RIGHT OF WAY SERVICES, FOR SERVICES IN CONNECTION WITH THE ACQUISITION OF RIGHTS OF WAY AND OTHER PROPERTIES 2-20

The City Attorney stated that the proposed agreement provides for general right of way services on a request basis, at a rate of \$50 per day, and 10¢ a mile for all automobile travel expenses in performance of the work. The agreement also provides reimbursement to the contractor for necessary telephone charges, notary fees, and other miscellaneous expense incurred in the performance of services.

RESOLUTION NO. 60-478

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALLEN ODELL FOR SERVICES IN CONNECTION WITH THE ACQUISITION OF RIGHTS OF WAY AND OTHER PROPERTIES

Moved by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION RELEASING IMPROVEMENT BOND FOR NORTHGATE NO. 2 SUBDIVISION 2-40

The City Manager stated that a report from the City Engineer indicates that all improvements have now been completed, inspection fees paid, and it is now in order to accept the work as complete and authorize release of the performance bond.

RESOLUTION NO. 60-479

A RESOLUTION AUTHORIZING THE RELEASE OF GREAT AMERICAN INDEMNITY COMPANY CONTRACT BOND NO. 675801 IN THE SUM OF \$25,500 FILED TO GUARANTEE IMPROVEMENTS IN NORTHGATE SUBDIVISION NO. 2

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY A UTILITIES SERVICE CONTRACT WITH THE ARMY ENGINEER CORPS

Director of Public Works Ray stated that the proposed resolution authorizes the City Manager to execute, on behalf of the City, a utilities service contract with the Army Engineer Corps for sewer service charges to the Reserve Training Center at Kansas and Emerald Avenues. The conditions of the contract were approved by Council resolution on December 21, 1960.

RESOLUTION NO. 60-480

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ARMY ENGINEER CORPS FOR SEWER SERVICE CHARGES

Introduced by Arata Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

(Councilman Knoles was excused for personal reasons.)

CONSIDER PROPOSAL FROM MODESTO CITY SCHOOLS REGARDING PLANS FOR POOL AT THE MODESTO JUNIOR COLLEGE 2-50

The City Manager reported that \$35,000 was budgeted as the cost of the City's share in the construction of the swimming pool at the Junior College. Plans have been submitted by the schools for a two-pool design at an estimated cost of approximately \$7,000 more than the L-shaped pool for which funds were budgeted.

Director of Parks and Recreation Cowie stated that the architect's estimate of the cost of the two-pool design exceeded the \$70,000 by \$6,142, excluding the architect's fees.

Kenneth Kaestner, representative of the architectural firm of Kaestner & Kaestner, designers of the pool, stated that the figure quoted covered the construction of the pool, plus some of the equipment---the heating system, decking, fencing, the physical outlay of the pool planned---and did not include the cost of the plans. He stated that the cost of the plans is 8% of the construction cost of the pool.

Mr. Cowie stated that if the City shared the architectural fees on a 50-50 basis, this cost to the City would be \$3,288, half of 8% of the estimated cost of approximately \$82,000. Answering a question submitted by Councilman Martin, Mr. Kaestner stated that \$3,000 is allowed in the construction costs to provide some of the equipment. The ultimate cost of the equipment will depend on the equipment chosen to be placed in the project.

Councilman Martin stated that when the budget was approved, \$35,000 was budgeted as the City's share for the construction of the pool, not 27% more than this figure, and he would like to know what can be constructed for \$70,000.

Mayor Hammond stated that he would like a report from the staff as to why the double pool is recommended and to whom it would be beneficial, as it was his understanding at the time the \$35,000 was budgeted, this figure was based on a pool similar to the one constructed at Downey High School. If the change is primarily advantageous to student activity and not to the public use during non-school seasons, then perhaps the City should not participate to the same extent in the additional expense.

Henry Meyer, representative of the City Schools, stated that he prepared the memorandum of comparative differences between the L-shape pool and the double pool, copies of which were previously presented to the Council. He stated that representatives of the Schools and the City Recreation Department thoroughly studied what was felt to be the best type of pool construction, assuming that the \$70,000 was an approximate figure based on the cost of the Downey High School pool, which is now out of date. Within a range of \$70,000 and \$85,000, it was considered that the best type of pool from every standpoint was the double pool, which is in accordance with standards recommended by the State Department of Education. He outlined briefly the safety and supervisory advantages of the double pool over the L-shape pool, stating that the double pool would be best for advanced swimming instruction, advanced life saving, synchronized swimming, and water games such as basketball and polo, all of which activities can be utilized by the City Recreation Department.

The staff was directed to prepare a report giving up-to-date cost estimates for L-shape pool construction and listing changes which might be made in proposals for either type construction to bring over-all costs down to \$70,000.

CONSIDER RESOLUTION EXTENDING GARBAGE FRANCHISES

(a) Modesto Garbage Company

The City Manager stated that the proposed resolution extends the garbage franchise to June 30, 1961, with the provision that it may be terminated earlier by mutual agreement, to give the staff more time to clear out this matter before new franchises are granted.

Letter from Arthur J. Wylie, re: Garbage Companies

A letter from Arthur J. Wylie, developer of two subdivisions, was read by the City Clerk. Both of these subdivisions were developed without alleys. The recorded tract restrictions in each subdivision provide for the keeping of "all garbage receptacles in a fully enclosed bin with a self-closing door, behind the front line of the building." In the past the garbage collection company has picked up from these bins but has not replaced the containers, some times throwing the lids aside. The letter requested that the Council grant no future franchises without the express provision that the garbage containers are to be replaced in the proper location.

The City Manager stated that deed restrictions are not a city matter, but it is within the City's jurisdiction to see that due care is taken in replacing containers.

Director of Public Works Ray stated that the garbage company involved will check this problem with its employees. Mr. Ray said that since the letter was received so late, he had not had an opportunity to check the Municipal Code to see if this matter was covered, and if not, thought that it should be considered when the new agreements are prepared. However, it should not be considered in connection with the extension of the existing franchises.

Arthur Friedman, attorney at law, representing the three garbage companies, asked that the matter of the new franchises be handled as expeditiously as possible, as the garbage companies do not know whether or not their equipment will last for six months. He requested a copy of Mr. Wylie's letter.

RESOLUTION NO. 60-481

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 Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

(b) Airport Garbage Company

RESOLUTION NO. 60-482

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 Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

(c) Sanders Salvage Company

RESOLUTION NO. 60-483

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 Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE DEETER ADDITION TO THE PLANNING COMMISSION FOR CONSIDERATION AND REPORT

The City Attorney stated that the petition has been filed, reports have been received from the Boundary Commission, and it is now in order to refer the petition to the Planning Commission for its recommendations.

RESOLUTION NO. 60-484

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

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

RESOLUTION FIXING CERTAIN RATES FOR SUPPLYING WATER AND STAND-BY
 SERVICE TO THE COUNTY OF STANISLAUS 4-20

The City Manager stated that the proposed resolution relating to charges for water service was prepared at the direction of the Council in accordance with a report submitted by the Director of Public Works. The resolution establishes a stand-by service charge rate for the County Hospital in the amount of \$16.50 bi-monthly, plus \$8.00 per day if water is furnished upon request.

RESOLUTION NO. 60-485

A RESOLUTION FIXING CERTAIN RATES FOR SUPPLYING WATER AND STAND-BY
 SERVICE TO THE COUNTY OF STANISLAUS

Introduced by Knoles Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

REQUEST FOR ENCROACHMENT PERMIT ON THE WEST SIDE OF 10TH STREET
 BETWEEN B AND C STREETS BY BEARD LAND AND INVESTMENT COMPANY 4-30

Director of Public Works Ray stated that the request for an encroachment of 11" x 4' into the sidewalk area on the west side of Tenth Street between B and C Streets by Beard Land and Investment Company was contained in a letter dated December 27, 1960. This is the same type of encroachment granted to this company by Resolution No. 59-238. Mr. Ray recommended that the request be granted on the same terms and conditions contained in this resolution.

RESOLUTION NO. 60-486

A RESOLUTION GRANTING ENCROACHMENT PERMIT TO BEARD LAND AND
 INVESTMENT COMPANY ON WEST SIDE OF TENTH STREET BETWEEN B AND
 C STREETS, IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION - None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

REPORT ON PROPOSED RELOCATION OF RAILROAD CROSSINGS - CROWS LANDING
 ROAD INTERCHANGE 4-52

Director of Traffic Carmody displayed on a map and briefly

outlined the proposed relocation of the present railroad crossing and the location of proposed new crossings to be effected in connection with the Crows Landing Road interchange. An order from the Public Utilities Commission will be necessary to create grade crossings at these locations and the Commission will prescribe the type of railroad grade crossing equipment to be installed. Crows Landing Road through this area will be four-lane.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS 4-80

MOTION

That the Council adjourn to executive session to consider appointments to Boards and Commissions.

Moved by Knoles Seconded by VanderWall Unanimously carried

The Council adjourned to executive session at 8:22 P.M. and reconvened to regular session at 9:07 P.M.

Board of Library Trustees 5-2

RESOLUTION NO. 60-487

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF LIBRARY TRUSTEES OF THE CITY OF MODESTO - WILLIAM WARNER

Introduced by Martin Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

Mr. Warner was appointed for a four year term to expire on January 1, 1965. He will replace Charles S. Zimmerman, whose term expired January 1, 1961.

Personnel Commission

RESOLUTION NO. 60-488

A RESOLUTION REAPPOINTING MEMBER OF THE PERSONNEL COMMISSION OF THE CITY OF MODESTO - RALPH E. WATSON

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

Mr. Watson was reappointed for a four year term to expire on January 1, 1965.

Planning Commission

This appointment was held over.

Board of Electrician Examiners

RESOLUTION NO. 60-489

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ELECTRICIAN EXAMINERS OF THE CITY OF MODESTO - ELTON E. PHILLIPS

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

Mr. Phillips was reappointed for a four year term to expire on January 1, 1965.

Board of Plumber Examiners

This appointment was held over.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 9:15 P.M.

ATTEST:


CITY CLERK