

Modesto City Council
January 7, 1959

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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Hammond, Merrill, Spaulding, Mayor Marks

Absent: Councilmen: Adams and Robinson

Councilman Adams arrived at 4:05 P.M. and Councilman Robinson at 5:07 P.M.

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

Rev. Wendell B. Kramer gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of December 10, 17, and 23, 1958, and the same being available for public inspection and there being no objections, the minutes were approved.

REQUEST FILED BY CHET SPEARING TO BLACKTOP AREA AT 111 ROSINA AVENUE

A letter was filed by Chet Spearing requesting permission to install blacktop to connect the concrete parking area in front of his radio repair shop located at 111 Rosina Avenue to the street.

A report on the existing situation was given by Director of Public Works Ray, who made no recommendation but suggested that if it was approved that a bond in the amount of \$250 be required to assure the construction of standard curbs, gutters and sidewalks.

The matter was held over for one week to permit the Council members to inspect the property.

COMMUNICATION FROM RALPH A. SARACINO, CHAIRMAN OF CITY-COUNTY COMMITTEE
RE: SALES TAX 1-120

City Manager Miller noted that copies of the minutes of the City-County Committee meeting held in Turlock on December 17 had previously been distributed to the Council members, with a note on corrections.

APPROVE SPECIFICATIONS, CALL FOR BIDS FOR RENTAL OF EARTH MOVING EQUIPMENT FOR CONSTRUCTION WORK AT DRYDEN PARK MUNICIPAL GOLF COURSE

RESOLUTION NO. 59-1

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING THE RENTAL OF EARTH MOVING EQUIPMENT FOR CONSTRUCTION WORK ON THE DRYDEN PARK MUNICIPAL GOLF COURSE

1-7-59 Page 1

Introduced by Merrill Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

The time set for the opening of bids was 2:00 P.M. on January 19, 1959.

REPORT ON VOLUNTEER LABOR AT DRYDEN PARK MUNICIPAL GOLF COURSE 1-125

Director of Public Works Ray reported that it was anticipated that there would be 4 volunteer crews, each working one-half day, consisting of 30 men each, for next Saturday and Sunday, to lay small water pipe at Dryden Park Municipal Golf Course.

REPORT ON ESCROW FOR PURCHASE OF DRYDEN PROPERTY 2-04

City Attorney Grimes reported the escrow relating to the purchase of certain property from Horace Dryden for the 18 hole golf course was still pending.

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR REPRINTING THE MUNICIPAL CODE PAGES 2-14

RESOLUTION NO. 59-2

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

Moved by Spaulding Seconded by Hammond
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

The time set for opening of bids was 2:00 P.M. January 20.

AWARD BID TO TIDEWATER OIL COMPANY FOR GASOLINE FOR YEAR 1959 2-17

The City Manager reported on the bids received for supplying gasoline for year beginning January 16, which had been opened at 2:00 P.M. January 5. The low bidder as shown on the tabulation sheet, was Tidewater Oil Company but the bid arrived in the City Clerk's office through regular mail pickup, at 9:15 P.M. January 6, the day following the opening of the bids. However, the postmark on the envelope indicated that it had been mailed in Modesto on Friday, January 2 at 11:00 A.M. He pointed out that the irregularity in the bid was brought to the Council for its decision.

John Pipgrass of the Tidewater Oil Company, filed affidavits concerning the circumstances of the bid. The Company maintains, he stated, that all the requirements of the legal bid notice have been complied with but due to human error in the postoffice department the bid failed to arrive in the City Clerk's office prior to the deadline hour. Notice that the bid had not arrived had been received too late for the Company to obtain another certified check to submit with a new bid. He requested that the bid be allowed as a legal bid due to the human error involved, since it had been in the postoffice for so long a time the company had no advantage over any other company bidding on

the gasoline. He pointed out that the federal and state governments allowed a postmark as legal evidence for payment on income taxes, sales tax, etc.

The City Manager pointed out that a postmark prior to the bid opening time could not in all cases logically be used as a means of determining whether or not the bid is valid. There may, however, in this case, be a different situation because of the extended time involved.

After inspection of the affidavits filed by the Company, City Attorney Grimes stated that under the call for bids it must be recognized that the bid does not technically meet the call for bids in that it was not in the city hall at the time specified for the opening of the bids but in view of the circumstances the Council had the discretion if it wishes to exercise it, to waive the irregularity that occurred in this particular proceedings. He stated that either way it goes, it was his opinion, that there would be a legal contract executed.

RESOLUTION NO. 59-3

A RESOLUTION ACCEPTING THE BID OF TIDEWATER OIL COMPANY FOR FURNISHING GASOLINE FOR YEAR ENDING JANUARY 15, 1960 AND WAIVING THE IRREGULARITY OF MEETING THE DATE TIME BASED ON THE AFFIDAVIT ON FILE IN THE OFFICE OF THE CITY CLERK

Introduced by Merrill Seconded by Arata
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

HEARING ON IMPROVEMENT DISTRICT NO. 7 FINAL ASSESSMENT ROLL 3-15

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on work done in Improvement District No. 7 or in the assessment on file in the office of the City Clerk.

The City Clerk certified that the notice of the hearing had been published in the manner required by law, notices mailed to the property owners, notice posted on the Council Chamber Door and one letter of protest against the assessment had been received from E. J. Muscio (6080-16).

The City Manager read the letter of protest and Assistant Director of Public Works Ross Campbell explained the clerical error in transposition of property owner names which had been made in the original estimate of costs on the preliminary assessment roll but corrected on the final assessment roll.

Mayor Marks asked if there were any oral protest. No oral protests were made.

Mayor Marks asked that Mr. Muscio be contacted to explain the circumstances. Mayor Marks closed the hearing at this time.

RESOLUTION NO. 927-S.P.

RESOLUTION OVERRULING PROTESTS

Introduced by Spaulding Seconded by Hammond
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

RESOLUTION NO. 928-S.P.

RESOLUTION CONFIRMING ASSESSMENT

Introduced by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

FINAL ADOPTION OF ORDINANCE No. 278-C.S. AMEND MUNICIPAL CODE
RELATING TO ZONE REGULATIONS 3-64

ORDINANCE NO. 278-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 10-2.271, 10-2.301, 10-2.401,
10-2.801, 10-2.802, 10-2.803, 10-2.804, 10-2.805, 10-2.901, 10-2.902,
10-2.904, 10-2.905, 10-2.1002, 10-2.1004, 10-2.1005, 10-2.1104,
10-2.1105, 10-2.1507, 10-2.1618, AND 10-2.1620 OF CHAPTER 2 OF
TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 10-2.202.1,
10-2.204.1, 10-2.256.1, 10-2.272.2 AND ARTICLES 27 AND 28 THERETO,
RELATING TO ZONING REGULATIONS, AND REPEALING SECTION 10-2.1102
THEREOF"

introduced on December 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 Hammond
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

FINAL ADOPTION OF ORDINANCE NO. 279-C.S. AMEND MUNICIPAL CODE RELATING
TO AGE OF DOGS FOR VACCINATION 3-67

ORDINANCE NO. 279-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 5-4.201, 5-4.207, AND 5-4.210 OF
ARTICLE 2 OF CHAPTER 4 OF TITLE V AND SECTIONS 5-4.401 and 5-4.404
OF ARTICLE 4 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE
RELATING TO DOGS"

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 Merrill Seconded by Hammond
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

FINAL ADOPTION ORDINANCE NO. 280-C.S. PURCHASE OF NICKERSON PROPERTY
3-70

ORDINANCE NO. 280-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ROBERT L. NICKERSON AND MARY L. NICKERSON"

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 Arata Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

DISCUSSION ON AMENDING MUNICIPAL CODE RELATING TO REGULATION OF
ADMISSION TAX 3-72

The City Attorney reported that as directed by the Council the staff had prepared an ordinance which would amend the Municipal Code relating to Admission Tax exemptions as was requested by Lee Hampson on behalf of the Valley Home and Garden Show. The exemption as proposed in the new ordinance would exempt admissions charged by and used exclusively by non-profit corporations incorporated under the California non-profit corporation law. By using this method the city could be assured by the screening of the Secretary of State and the Corporation Commissioners' offices, that the firms would be legitimate non-profit corporations. It could be provided that admissions charged and used for religious, eleemosynary, charitable purposes are exempt but this would raise complex administrative determinations to determine whether the concerns would be exempt. The city staff is not in a position to make an investigation to actually determine whether the funds of an organization are used for non-profit purposes.

The Council discussed the recommendation and no objections were raised that admissions charged by and used exclusively by non-profit corporations incorporated under the California non-profit corporation law be the basis established in the ordinance for exemption.

GRANT REQUEST FILED BY D. MARTINI TO PERMIT INSTALLATION OF GASOLINE
STORAGE FACILITIES 3-107

Further consideration was given to the request filed by D. Martini to permit the installation in the public right of way of gasoline storage facilities at his property located at 1001 8th Street to be leased to the Continental Baking Company.

The City Manager reported that the Standard Oil Company and D. Martini had proposed a plan to resolve the location of the tank and pump facilities which would meet with city staff approval. The tank would be placed in the sidewalk area and the pump placed inside the building and enclosed with a fire wall. This would permit the servicing of the Continental Baking Company/trucks from the alley, the pump would be out of sight and in a location where there would be no blocking of the street or pedestrian traffic.

The City Manager recommended that the request be granted subject to the conditions that 1) Mr. Martini be required to remove the equipment upon request and return the street to its original conditions; 2) permit be on a revocable basis on 30 days notice; 3) permittee indemnify and save the city harmless of and from all damages, costs, charges of any kind arising out of or relating to or in any way connected with the exercise of the rights granted; 4) permittee agree to defend at his own cost any law suit. The permittee should also understand that the permit could be revoked either on the basis of the necessity for removal of the underground storage tank for necessary public improvements or the necessity to prohibit parking on the side of the alley by the vehicles to be serviced, or both.

The City Attorney also recommended that the condition be required that Mr. Martini be required to provide public liability and property damage insurance in the amounts of \$100/200,000.

RESOLUTION NO. 59-4

A RESOLUTION GRANTING ENCROACHMENT PERMIT TO DAVE MARTINI TO INSTALL GASOLINE STORAGE FACILITY AT 1001 EIGHTH STREET, CITY OF MODESTO.

Introduced by Arata Seconded by Hammond
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

APPROVE APPROPRIATION TRANSFER FOR PURCHASE OF EXTRA TRANSMITTER FOR ENGINEERING AND PUBLIC WORKS DEPARTMENT 4-10

The City Manager reported that the City had been successful in obtaining a new radio frequency assignment from the F.C.C. for the engineering and public works services. He recommended that the appropriation transfer of \$1500 be approved to purchase and install a main base unit for general services.

RESOLUTION NO. 59-5

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 FROM GENERAL RESERVE TO CIVIL DEFENSE-CAPITAL OUTLAY FOR ENGINEERING SERVICES RADIO SYSTEM

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

MOTION

That the City Manager be authorized to proceed with the preparation and execution of application for federal participating funds since this is eligible for aid as a Civil Defense program.

Moved by Arata Seconded by Spaulding Unanimously carried

The City Manager considered that it would be wise and economical for the city to purchase two new radios for the two new cars to be purchased for the fire department.

MOTION

That the City Manager be authorized to proceed on this basis.

Moved by Arata Seconded by Spaulding Unanimously carried

APPROVE RENTAL OF HI-RANGER TO THE BOY SCOUTS 4-40

RESOLUTION NO. 59-6

A RESOLUTION AUTHORIZING THE RENTAL OF THE CITY OWNED HI-RANGER TREE TRIMMING EQUIPMENT TO THE YOSEMITE AREA COUNCIL OF THE BOY SCOUTS OF AMERICA

Introduced by Merrill Seconded by Arata
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

REFER REZONING OF SWOPE PROPERTY ON COLDWELL AVENUE BACK TO THE PLANNING COMMISSION 4-55

The City Attorney reported that the Planning Commission had included the Lenora Swope property, portion of Lot 18 in Block 901 in a new rezoning initiation which would also include all of Lots 18, 19, 20 and 21 and recommended that the Council refer the application back to the Planning Commission.

RESOLUTION NO. 59-5

A RESOLUTION REFERRING THE APPLICATION OF LENORA SWOPE TO RECLASSIFY A PORTION OF LOT 18, BLOCK 901 FROM MULTIPLE-FAMILY ZONE R-3 AND NEIGHBORHOOD-COMMERCIAL ZONE, C-1 TO LIGHT INDUSTRIAL ZONE, M-1 BACK TO THE PLANNING COMMISSION

Introduced by Arata Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

ACCEPT RIGHT OF WAY CONTRACTS FOR WIDENING OF MCHENRY AVENUE 4-64

Right of way contracts for widening McHenry Avenue were received from Helen Ayres, Julian M. Ward and Petroleum Products Co. The City Manager reported that the estimated amount of damages for the relocation of the three electroliers at the Petroleum Products Co. service station would be \$270. In addition to this cost the City has agreed at its expense to relocate the station facilities on the company's remaining property if it becomes necessary in order to prevent encroachments upon the right of way by vehicles being services or necessary by reason of any action by the State to prevent such encroachment. He pointed out that one alternative would be to pay the relocation charge now but the Company was willing and the staff considered that it would be wise to let the company continue as presently located. He recommended that the Council proceed on this basis, primarily because the relocation might not ever be necessary. This point was reviewed by the Council.

RESOLUTION NO. 59-8

A RESOLUTION APPROVING RIGHT OF WAY CONTRACTS BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

Introduced by Arata Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

REPORT ON INSTALLATION OF TRAFFIC SIGNALS AT MODESTO HIGH SCHOOL 4-105

The City Manager reported that the city's cost for the installation of traffic signals at Modesto High School would be one half of the total cost of \$4700.

Director of Parking and Traffic Carmody reported that the proposed system would involve the extension of H Street as a one-way street for an additional block between First and Washington Streets. It will make it more difficult to get to the properties located on H Street between these streets now being used for restaurant purposes. The property owner presently approves the proposed change but there is a possibility, after it is effective, that he might be opposed. If this does occur, it might be possible to permit a left turn.

The mid-block cross walk between the High School Ag Building and Gymnasium (Washington and Jefferson Streets) is not proposed to be signalized, and will remain uncontrolled. At some future time when the signal system is changed all three intersections, First Street, Washington and the crosswalk can be signalized.

He reported that the traffic created by a shopping center being constructed at Paradise and Franklin might cause a change in the traffic signal system within a year.

MOTION

That the staff be authorized to proceed on the basis reported by the Director of Parking and Traffic.

Moved by Merrill Seconded by Hammond Unanimously carried

MOTION

That the Mayor on behalf of the Council write a letter of appreciation to the City Schools for the cooperation of the Schools on this project.

Moved by Arata Seconded by Hammond Unanimously carried

HOLD OVER VACATION OF ALLEY AND REZONING OF AREA IN BLOCK 6000 A 5-15

The City Manager reported that this matter was in abeyance due to the fact some of the agreements had to be redrafted and were still not clear. He asked that the matter be held over until the next meeting.

MOTION

That the hearing on the alley vacation be continued to 8:30 P.M. January 14.

Moved by Spaulding Seconded by Merrill Unanimously carried

MOTION

That the hearing on the rezoning be continued to 8:35 P.M., January 14.

Moved by Spaulding Seconded by Merrill Unanimously carried

AUTHORIZE EXTENSION IN HOURS OF METER OPERATION ON 14TH AND J STREET LOT AND ELIMINATE 11TH STREET PARKING NEXT TO CITY HALL FROM REGULATIONS 5-27

RESOLUTION NO. 59-9

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

Introduced by Hammond Seconded by Spaulding

Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Robinson, Mayor Marks
Noes: None Absent: None

REPORTS FROM PLANNING COMMISSION 5-59

The City Manager reported receipt of consulting contracts from the State of California re: agreements with Frank Cox & Associates for the Downtown Study; DeLeuw, Cather for the Railroad Relocation Study and Pacific Planning & Research Company for the Neighborhood Study and also agreement from the State of California relating to urban planning assistance.

RESOLUTION NO. 59-10

A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF MODESTO PURSUANT TO CHAPTER 33, STATUTES OF 1956, FIRST EXTRAORDINARY SESSION

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

MOTION

That the City Manager be authorized to furnish a letter to the State Department of Finance, Local Planning Office certifying that the agreements proposed between the state and consultants are satisfactory.

Moved by Spaulding Seconded by Adams Unanimously carried

ANNEXATIONS OF AREAS TO THE CITY OF MODESTO 5-77

The City Manager asked that the Council bear in mind, when considering the annexation of the Modesto Industrial Park Addition and the Modesto City-County Airport, it will cost the city deficiency points when its fire rating is reanalyzed and make it more difficult to maintain the No. 2 rating. This was generally discussed by the Council.

RESOLUTION NO. 59-11

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE MODESTO INDUSTRIAL PARK ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Hammond Seconded by Arata
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

RESOLUTION NO. 59-12

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE DURAND ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

RESOLUTION NO. 59-13

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE ORANGE-BURG MUNICIPAL ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Merrill Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

RESOLUTION NO. 59-14

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE PHOENIX STATION ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Hammond Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

The City Manager reported receipt of a communication from some of the property owners of the Carverwood Addition that the petition for annexation be withdrawn until John Quaresma, Subdivider, had exercised his option on their property.

The City Attorney ruled that the petition could not legally be withdrawn at this time but the petitioners could file a written protest at the time of the public hearing and if a majority protest of the assessed value, the annexation proceedings would be dropped.

RESOLUTION NO. 59-15

A RESOLUTION GIVING NOTICE OF PROPOSED ANNEXATION OF THE CARVERWOOD ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Hammond Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

RESOLUTION NO. 59-16

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE YORKSHIRE ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Hammond Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

The time set for the hearing was 4:30 P.M. February 18, 1959.

The City Clerk was directed to officially notify the City of Ceres on the proposed annexation of the Durand and Modesto Industrial Park Additions.

CLEAR SPECIFICATIONS FOR PURCHASE OF AUTOMOBILES 6-27

The City Manager cleared plans to replace Fire Department cars with new 4 door station wagons and transfer old cars to other departments.

The matter of requiring automatic transmissions in the specifications for Police Cars was held over for further Council investigation.

REPORT ON ACTION OF THE CITY PERSONNEL COMMISSION ON THE APPEAL OF JACK MORRIS RE: SUSPENSION AND DISMISSAL FROM THE MODESTO CITY POLICE DEPARTMENT 6-80

The City Manager reported that the decision of the City Personnel Commission on the appeal of Jack Morris relating to his suspension and dismissal from the Modesto City Police Department had been 1) not to take the testimony on the blood test, 2) found that there was substantial evidence to sustain the charges that Lt. Morris violated rules 228 and 233 of the Police regulations, and 3) the action of the appointing authority was justified and therefore unanimously recommends that the Orders of Suspension and Dismissal be upheld.

The Commission recommended that in view of Lt. Morris' nine years of city service that he be seriously considered for some other position in the city service for which he may be qualified.

REPORT ON THE FEATHER RIVER PROJECT ASSOCIATION, WATER DEVELOPMENT REPORT 6-87

The City Manager reported receipt of a request from the Association that the city become a member at a cost of \$5.00 per one million dollars of assessed valuation (\$250), annually.

The literature received from the Association was referred to Councilman Robinson for study and report.

MAYOR DISCUSSES TRAFFIC AND TRANSPORTATION SYSTEM 6-100

With the unanimous consent of the Council, Mayor Marks raised a matter not on the agenda-----traffic and transportation system. He considered that the time would come in Modesto like all other cities in this country, when the downtown district would be strangled by automobile traffic due to the increased traffic. Regardless of the fact that Modesto has a dynamic off-street parking program and is ahead of cities of its size, the city should look ahead and recognize this fact. The solution is not just public transportation but rapid transportation.

Director of Parking and Traffic Engineer Carmody reported that he had just spoken to the Board of Directors of the Merchants Association about programs carried out in Trenton N. J. where the Merchants Associations instead of validating the parker's tickets, are validating bus rides. This is to be checked out by the Association.

The refund of gasoline taxes to a private bus operator is questionable, he stated.

It would be necessary to amend the Charter to eliminate the franchise fee of \$1200 charged the Modesto Bus Co.

Mayor Marks suggested that a check be made into the plan instituted by the city of Wheeling, West Virginia, prohibiting parking in the downtown area prior to 9:30 A.M., which would automatically get all of the people who work in stores out in the perimeter parking lots.

Mr. Carmody reported that he had investigated the possibility of restricting early morning parking with the idea of making better use of the downtown streets for loading by having it restricted to prior to 9:00 A.M. It was found not to be applicable or necessary in this city for two reasons, 1) deliveries from both ends of the state are made in the city and they do not all arrive prior to 9:00 A.M. and they would not fit into this pattern and 2) the city has a very small percentage of "meter feeders".

REPORT ON ONE WAY BLOCK ON CALIFORNIA STREET 7-42

Mr. Carmody stated that the one-way street for the first block of California instituted 6 months ago on a trial basis would be an integral part of the traffic signal system on H Street success.. No protests have been filed by the property owners during this period, he pointed out.

FINANCIAL REPORT FOR MONTH OF DECEMBER 1958 FILED 7-55

The City Manager presented the city's financial report for the month of December, and noted that the members had been furnished with copies.

NOTICE OF MEETINGS 7-57

The City Manager reported that the quarterly meeting of the Central Valley Division of the League of California Cities would be held in Modesto on January 22 at Hotel Covell.

He also reported that the Stanislaus Cities-County Advisory Planning Committee was meeting January 8 at 8:00 P.M. at the City Hall in Oakdale.

REPORT ON CITY STREETS 7-70

Photo-copies of articles from the Modesto Bee on street and highway financing and on the lack of equitable representation for cities were distributed to the Council members. The matter was ordered placed on the agenda at a later time for discussion.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Hammond Seconded by Merrill Unanimously carried

The meeting was adjourned at 5:40 P.M.

ATTEST:


CITY CLERK

Council Meeting
January 14, 1959

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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Merrill, Mayor Marks

Absent: Councilmen: Hammond, Robinson and Spaulding

Councilman Hammond arrived at 7:32 P.M.

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

Rev. Darrell Thomas gave the invocation.

LETTER FROM MODESTO MINISTERIAL ASSOCIATION 1-16

A letter was read from the Modesto Ministerial Association expressing appreciation for the selection of this year's Christmas street decorations. The letter was ordered filed.

LETTER FROM JOHN ERRECA, PRESIDENT LEAGUE OF CALIFORNIA CITIES 1-20

This communication regarding City street problems was read, referring to a League bulletin relating to city street problems. The City Manager suggested, since the bulletin had not yet arrived, that the matter be placed on the agenda for the next Council meeting. It was so ordered.

COMMUNICATION FROM STATE DEPARTMENT OF PUBLIC HEALTH, BUREAU OF AIR SANITATION 1-30

Notice of a conference being held in Sacramento on January 30, 1959, on air pollution measurements was noted. The City Clerk was directed to notify the City Health Officer of the conference and ask that he submit a report to the Council if he attends.

REJECT ALL BIDS RECEIVED FOR RUBBER TIRED TRACTOR 1-45

Tabulation of bids received for the purchase of a rubber tired tractor with bucket loader was considered by the Council. Director of Public Works Ray recommended that all bids be rejected and the City Manager be authorized by the Council to purchase equipment conforming to the City's requirements at the best obtainable price.

RESOLUTION NO. 59-17

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE FURNISHING OF RUBBER TIRED TRACTOR WITH BUCKET LOADER AND AUTHORIZING THE CITY MANAGER TO PURCHASE THIS EQUIPMENT AT THE BEST OBTAINABLE PRICE

Introduced by Merrill Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson, Spaulding

1-14-59 Page 1

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR RADIO EQUIPMENT
1-47

RESOLUTION NO. 59-18

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING NEW RADIO EQUIPMENT

Introduced by Merrill Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson, Spaulding

The time set for opening of bids was 2:00 P.M., February 9.

Assistant City Manager Masonheimer stated that the specifications for the equipment had been drawn in a broad manner to permit a large number of companies to bid. Exceptions will have to be taken on the bids, some minor and others more serious.

CITY'S POLICY ON CALLING FOR BIDS

Mayor Marks noted that it had always been the city's policy, on calling for bids, to prepare specifications in as broad a manner as possible in order to permit as many concerns as possible to submit bids and still meet the city's needs.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TRAFFIC SIGNALS
AT WASHINGTON AND H STREETS 2-06

RESOLUTION NO. 59-19

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING ALL MATERIAL, MACHINERY, TOOLS, LABOR AND SERVICES NECESSARY FOR THE CONSTRUCTION OF PEDESTRIAN-ACTUATED TRAFFIC SIGNALS AND STREET LIGHTING AT WASHINGTON AND H STREETS

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson, Spaulding

ORDINANCE AMENDING CODE RELATING TO ADMISSION TAX 2-10

As directed by the Council, the City Attorney presented for Council consideration, an ordinance amending the Code relating to admissions tax. Section 8-2.223 added will exempt nonprofit corporations incorporated under the California nonprofit corporation law.

Jim Coates of the Valley Builders Exchange, Inc., co-sponsor of the Valley Home and Garden Show offered no objections to the ordinance as drafted by the City Attorney. He stated that there were certain legal technicalities which would be worked out with the City Attorney.

ORDINANCE NO. 281-C.S. entitled

"AN ORDINANCE ADDING SECTION 8-2.223 TO ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAX REGULATIONS",

was introduced and ordered printed as provided by the Charter.

Moved by Merrill Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson, Spaulding

GRANT REQUEST OF JOHN QUARESMA FOR SEWER AND WATER SERVICE TO
QUARESMA HOMES SUBDIVISION 2-24

The City Manager reported that John Quaresma had filed a request for city sewer and water service for the Quaresma Homes Sub., consisting of 29.9 acres, lying in the area between Glenwood Drive and MID Lateral No. 3, east of Carver Road, outside the city limits. Mr. Quaresma has asked that the availability of city services be cleared prior to annexation. Terms of a proposed agreement were reviewed by the City Manager.

MOTION

That the staff be instructed to prepare the necessary documents for formal Council approval along the lines reported by the City Manager.

Moved by Merrill Seconded by Hammond Unanimously carried

AUTHORIZE MAYOR MARKS TO WRITE LETTERS OF APPRECIATION TO REPRESENTATIVES OF THE GROUND OBSERVER CORPS 2-82

MOTION

That Mayor Marks be authorized to write letters of appreciation on behalf of the Council to representatives of the Ground Observer Corps.

Moved by Arata Seconded by Hammond Unanimously carried

APPROVE FURNISHING WATER-SEWER SERVICE TO MONTGOMERY VILLAGE NO. 3
(FRANCEK, ET AL) 2-96

The City Manager reported that Frank Francek, et al, had requested sewer and water service to the proposed Montgomery Village No. 3 Subdivision, located east of Sunrise Avenue and south of Floyd, north of Cavil drain.

Director of Public Works reviewed the situation and the estimated costs involved for the extension of sewer and water lines to serve the area. He recommended that the city provide for extension of the sewer service into this section with the cost to be borne by those benefited and also with the understanding that the city would extend its water system to serve the areas.

MOTION

That the City Manager be authorized to proceed with the preparation of an agreement for these services along the lines outlined by the Director of Public Works.

Moved by Merrill Seconded by Adams Unanimously carried

PUBLIC HEARING ON APPEAL OF JOHN QUARESMA 3-10

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the appeal of John Quaresma from the denial of the Modesto City Board of Zoning Adjustment for a conditional use permit to extend C-1 use into R-1 zoned area to the east and into R-3 zoned area to the south of the present C-1 zone on the southeast corner of Tully Avenue and West Roseburg Avenue.

The City Clerk filed a certification that the notice had been published as required by law, notices were posted on the premises and sent to all interested parties. No written protests had been received but one oral statement had been filed by William Stensaas, 1121 College Avenue, to the effect that he would not oppose the proposed use of the property for commercial purposes as proposed by Mr. Quaresma.

Mayor Marks asked Mr. Quaresma if he had anything to add to his statement made to the Board of Zoning Adjustment which might give the Council grounds to overrule the denial.

Mr. Quaresma stated that he would withdraw his appeal if there was considerable opposition. He asked that the Council hear from the persons in the audience first and permit him to reserve his statement until later in the meeting.

Councilman Hammond asked for a clarification of the various plans presented to the Board. Mr. Quaresma stated that if the conditional use permit is denied the existing commercial area will be developed under a different plan which will require the use of a portion of the land which should be used for widening of Roseburg and Tully Avenues. He stated that the plan presented previously to the Council was the same plan which the Board had denied.

The various plans and actions taken by the Board were reviewed by Director of Planning Smeath. He stated that the Board had postponed action and requested Mr. Quaresma to present another plan which would be used if the conditional use permit was granted, but had denied the permit based on the plans presented.

The City Attorney pointed out that the appeal before the Council was from the decision of the Board of Zoning Adjustment on Mr. Quaresma's application for a conditional use permit and not the plan proposed for development of the area.

When questioned by the Council, Mr. Quaresma stated that his proposal for improvement of Tully and Roseburg and dedication of rights of way related only to the property to be developed under the conditional use permit and not to the remainder of his property on these streets. When asked to reconsider and dedicate rights of way for the entire length of his property on both streets, he refused to do so. He pointed out that the improvements of the streets at this time might not fit into the overall plan for the development of the area for future use.

Councilman Hammond stated he could see the point in not improving the right of way at this time but could not see Mr. Quaresma's objection to dedicate them at this time.

Mr. Quaresma stated that he would consider dedicating the rights of way when the area was rezoned and as and when he developed it.

Mr. Smeath estimated that Mr. Quaresma's proposal was to dedicate right of way for 20% of his frontage on Roseburg and 30% on Tully.

The City Manager stated that it should be made clear that people who develop land as a matter of obligation are expected to dedicate right of ways and make street improvements. The city should never be in the position of "trading" zoning or use permits for the dedication of land.

Frank DeCamp, 1110 Notre Dame and Robert Bienvenu, 1214 Cecil Way, spoke in opposition to the conditional use permit.

Mr. Smeath pointed out that Mr. Quaresma's application did not include any statement of distances. He included a plot plan which showed a request for 45 feet on the south and between six or eight feet on the east. The Planning staff had considered that the distance on the east was insufficient to accommodate parking and requested Mr. Quaresma to enlarge this to 35 feet. The staff added the additional distance on the east which was not in Mr. Quaresma's map, as submitted to the Board.

Councilman Hammond asked Mr. Quaresma whether he was prepared to assure the Council, the Board and residents in the area, as to the future plans for the balance of his property in this area at this time.

Mr. Quaresma stated his plans were still the same as were presented to the Council in September, to develop it as commercial and that he had placed deed restrictions on the property so it cannot be used for any other purpose except a neighborhood shopping center.

RESOLUTION NO. 59-23

A RESOLUTION DENYING THE APPEAL OF JOHN QUARESMA FROM THE DECISION OF THE BOARD OF ZONING ADJUSTMENT FOR A CONDITIONAL USE PERMIT TO EXTEND C-1 USE INTO RESIDENTIALLY ZONED PROPERTY, SOUTHEAST CORNER OF ROSEBURG AVENUE AND TULLY ROAD

Introduced by Hammond Seconded by Adams
Ayes: Adams, Arata, Hammond, Mayor Marks
Noes: Merrill Absent: Robinson, Spaulding

Mr. Quaresma stated that he wanted to make it clear that he intended to request a building permit to proceed with the development of his C-1 property in accordance with plans which would require the use of the property proposed for widening of Tully to meet the parking requirements of the zoning regulations.

Councilman Hammond pointed out that the value of commercial property was predicated on the availability of parking and this procedure would depreciate the value of the property as far as a tenant was concerned.

The City Manager reminded the Council that he had suggested the Council could consider other methods to minimize the city's costs in

this matter---possibility of acquiring the necessary rights of way by condemnation proceedings. Councilman Merrill loudly protested this procedure. The City Clerk was directed to place this on the agenda for the next meeting.

Mayor Marks closed the hearing.

CONTINUATION OF HEARING ON REZONING AND ALLEY VACATION IN BLOCK 6000A 7-04

The City Manager reported deed restrictions were being worked out on various parcels involved and additional time will be needed to clear all matters before hearings are held. He recommended that it be continued over to January 28.

MOTION

That the hearing on alley vacation be continued to 8:30 P.M. January 28.

Moved by Adams Seconded by Hammond Unanimously carried

MOTION

That the hearing on rezoning be continued to 8:35 P.M. January 28.

Moved by Adams Seconded by Arata Unanimously carried

CONSIDER APPOINTMENTS TO BOARD OF PLUMBING EXAMINERS 7-22

Councilman Adams reported that he had continued to look for someone to serve on the plumbers and electricians examining boards but had been unsuccessful in view of the conflict of interest provisions of the Charter. The possibility of handling the testing of journeymen administratively, using an advisory board similar to the oral interview boards used by the administration to help select eligibles for city jobs, had been discussed with plumbing and electrical contractors and general agreement was expressed by those interviewed. There would be legal and other problems which could be cleared by the staff, he stated.

Councilman Adams pointed out that revisions of the building, plumbing and electrical codes were now being discussed with the County to try to obtain a better degree of city-county uniformity and to adopt the most recent model codes. This would be an ideal time to provide for administrative control of permit examinations for journeymen electricians and plumbers.

Answering a question raised by Councilman Arata, he stated that such a group would act in an advisory capacity and not as a Board of Examiners.

The City Attorney pointed out that such a proposal would take from the Boards the right to make decisions as administrative bodies and place it in a position only to advise and recommend.

MOTION

That the staff be authorized to proceed along the lines proposed by Councilman Adams.

Moved by Merrill Seconded by Arata Unanimously carried

PROPOSAL FOR SIGNALIZATION AT MCHENRY, NEEDHAM, DOWNEY, J AND 17 STREETS 7-52

The plan was briefly outlined by Mr. Carmody. He pointed out that the present signals were not up to the current standards and this would be accentuated with the widening of McHenry Ave. He estimated the city's cost to be \$1500, one half of the total cost.

MOTION

That an agreement for this work be prepared for Council approval.

Moved by Arata Seconded by Merrill Unanimously carried

DENY REQUEST OF CHET SPEARING TO INSTALL BLACKTOP AREA AT 111 ROSINA 7-71

Councilman Adams reported that the area was primarily residential and more than half of the curbs and gutters installed. It would be detrimental to the area to permit the installation of blacktop as requested by Mr. Spearing.

MOTION

That the request of Chet Spearing to install blacktop between the street and concrete parking area at 111 Rosina be denied.

Moved by Hammond Seconded by Adams Unanimously carried

REQUEST OF MADELINE HIATT FOR DRIVEWAY VARIANCE (McHenry and Grove) 7-82

Madeline Hiatt filed a variance request for permission to construct two 30 foot driveways on her property located at the corner of McHenry and Grove Avenue for a service station. As the McHenry Avenue frontage of this property was only 100 feet, and the driveways would exceed 40% of the frontage, the Director of Public Works stated it would be necessary for the Council to grant a variance. He recommended that it be approved on the condition that it be valid only in connection with the construction of a gasoline service station on the property.

RESOLUTION NO. 59-20

A RESOLUTION GRANTING A VARIANCE TO MADELINE HIATT TO CONSTRUCT TWO THIRTY FOOT DRIVEWAYS ON HER PROPERTY LOCATED AT MCHENRY AND GROVE AVENUES ON THE CONDITION THAT IT BE VALID ONLY IN CONNECTION WITH THE CONSTRUCTION OF A GASOLINE SERVICE STATION.

Introduced by Arata Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
 Noes: None Absent: Robinson, Spaulding

1-14-59 Page 7

REQUEST FOR VARIANCE IN DRIVEWAY AT 321 NORTHWOOD DRIVE 7-92

A request was filed by Jim Price, 321 Northwood Drive, for a variance to permit a 36½ foot driveway already constructed to remain. The Director of Public Works reported that through error the builder had constructed this concrete driveway for a 3 car garage without a permit. Since this is located in a residential area with no parking problems, he recommended that the request be approved by the Council, on the condition that the permit be obtained and the necessary double fee paid.

RESOLUTION NO. 59-21

A RESOLUTION GRANTING A VARIANCE TO JIM PRICE TO PERMIT A DRIVEWAY OF EXCESS WIDTH REMAIN AT 321 NORTHWOOD DRIVE

Introduced by Arata Seconded by Mayor Marks
 Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
 Noes: None Absent: Robinson, Spaulding

REQUEST FROM URICH OIL COMPANY RE: BLACKTOP AND CURB CUTS 7-107

A request was filed by Urich Oil Company for a variance to construct two 36 foot driveways on McHenry Avenue and two 36 foot driveways on Granger Avenue at its service station to be constructed on the southwest corner of Granger and McHenry, and to blacktop the sidewalk area between the two driveways on Granger Avenue.

The Director of Public Works pointed out that the only problem involved in the driveways was that they exceeded the 40% limitation of the frontage. He recommended that the variance be approved to facilitate egress and ingress to the station, as long as the property is used as a filling station. The installation of blacktop on the remaining section of the sidewalk area on Granger Avenue is not recommended.

RESOLUTION NO. 59-22

A RESOLUTION GRANTING A VARIANCE TO URICH OIL COMPANY TO CONSTRUCT FOUR THIRTY SIX FOOT DRIVEWAYS FOR SERVICE STATION TO BE ERECTED ON SOUTHWEST CORNER OF GRANGER AND MCHENRY AVENUES AND DENYING PERMISSION TO INSTALL BLACKTOP MATERIAL IN THE SIDEWALK AREA ON GRANGER AVENUE.

Introduced by Mayor Marks Seconded by Arata
 Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
 Noes: None Absent: Robinson, Spaulding

PROGRESS REPORT ON TRAFFIC SIGNALS 8-42

The City Manager reported that the staff had checked with the State last week on the status of the McHenry Avenue project to be certain that all phases were being cleared.

The Tully Avenue signals, approved by the Council in general terms, are pending clearance of the rights of way although the city has the assurance of the Railroad and others parties concerned. The State is proceeding with the plans on these signals on the basis proposed.

1-14-59 Page 8

LaLoma signals The city has now secured one parcel required for right of way and has the preliminary plans from the State. He reviewed the terms upon which the right of way on the intersection of Covena and LaLoma was to be acquired from Bryan Dow.

MOTION

That the staff be authorized to proceed on the basis outlined to Mr. Dow in the City Manager's letter of January 13.

Moved by Arata Seconded by Adams Unanimously carried

A further report will be made later on the remaining right of way to be acquired at this intersection. He estimated work could be started on the project during March or April after the rainy season was over.

REPORT ON LEAGUE BULLETIN RE: FEDERAL AID FOR AIRPORTS 8-70

The League of California Cities bulletin advising that U. S. Senator Monroney, Chairman, of the Aviation Subcommittee, Committee on Interstate and Foreign Commerce, planned to introduce a bill continuing the Federal Airport Act immediately upon the convening of Congress.

MOTION

That the City is interested in the continuance of the Act and the staff be instructed to so notify Senator Monroney.

Moved by Arata Seconded by Mayor Marks Unanimously carried

REPORT ON PROPOSED ANNEXATION OF THE MODESTO CITY-COUNTY AIRPORT 8-77

The City Manager reported on his meeting with the Board of Supervisors to discuss the possible annexation of the Modesto City-County airport to the City. Some of the questions still remain to be cleared, 1) whether the Board would concur in the annexation of that portion which is owned jointly by the city and county. The City can proceed with the annexation of the 286 acres which it owns, without county permission but would need permission to annex the 174 acres jointly owned. The question of including Legion Park arose and the Board indicated informally that it might be willing to consider favorably the annexation of the entire airport property if the park was included. Technical difficulty involved in the annexation of the park caused by a privately owned strip separating the park property, will be checked out and reviewed with the Board. Policing problems will be involved if the park is annexed.

The City has three alternatives to consider, 1) to wait and see if the Board will approve the balance of the airport property without Legion Park; 2) approve it with Legion Park which would make it necessary to clear the technical difficulty in ownership of land adjacent to the park and airport or 3) the city to proceed with the annexation of its own airport property and take additional time to clear the other matter involved.

MOTION

That the staff be directed to proceed with the annexation of that portion of the Modesto City-County airport property which the city owns individually, and to continue negotiation with the county on the other matters.

Moved by Arata Seconded by Merrill Unanimously carried

The City Manager pointed out that if Legion Park was annexed that it would technically and legally be responsible for policing the park. Councilman Adams recommended that while this negotiation was proceeding that the extra costs involved for policing the park be determined.

REPORT ON CITY HALL CONSTRUCTION 9-5

The City Manager reported the construction was progressing satisfactorily. He displayed a sample cylinder of the concrete being poured into the footings of the city hall and reported on the testing procedure.

Mr. Ray reported that the building was on schedule. Through December, payments totalled \$34,400 to the prime contractor, \$6,900 to the plumbing and heating contractor.

RECEIPT OF CITY HALL PLAQUE AND CONSIDERATION OF ARRANGEMENTS FOR SITE DEDICATION 9-21

The City Hall plaque presented by Architect Milton Pflueger was displayed.

MOTION

That the staff be instructed to prepare plans for the acceptance of the plaque and site dedication.

Moved by Mayor Marks Seconded by Adams Unanimously carried

REPORT ON CORRECTION OF SALES TAX MEETING MINUTES 9-40

The City Manager noted that the Secretary of the City-County Committee had sent corrections to the minutes relating to the sales tax discussion. These were turned over to the City Clerk for filing.

REPORT BY CITY MANAGER ON PAPER VOLUME IN CONNECTION WITH COUNCIL MEETINGS 9-45

The City Manager reported that the volume of work had been reduced for both the Council and staff by the adoption of the traffic ordinance. During the year 1957, 97 resolutions and 10 ordinances had been adoption by the Council relating to traffic regulations. During the year 1958, only 24 resolutions and 3 ordinances were adopted and 16 of these resolutions were adopted prior to April 2, at which time the traffic ordinance had been adopted.

He reported that his file for the Council meeting held on January 7, 1959, had contained 588 pages of material.

1-14-59 Page 10

REPORT ON PUBLIC UTILITIES COMMISSION DECISION OF DEL ESTE WATER COMPANY RATES 9-62

Director of Public Works Ray reported on the decision handed down by the Public Utilities Commission on the application of the Del Este Water Company for increased rates for water both inside and outside the city limits. The increase granted was about 17%. The City of Modesto appeared only briefly and confined itself to a statement of general opposition to water rate increase and to urge that lower rates be established for services rendered within city limits rather than uniform rates proposed by applicant.

The adopted results of the operations for the year 1958 would bring, under the proposed rates, 7.42% rate of return. The applicant clearly demonstrated its need for increased revenues and the Commission found the fact to be so. The water rates proposed were in excess of that which was reasonable and the Commission found that the company should obtain revenues which would yield approximately 6.5% over a reasonable period of time. The rates to be authorized are uniformly applied, inside as well as outside the city. The applicant will be required to file an appropriate rate schedule for the public fire hydrant service it renders. The schedules are to be made effective for water services rendered on or after February 1, 1959. General metered services are provided for which are higher than those used by the City of Modesto, and schedules for general flat rate services, which are also higher; provides for private fire protection service and a schedule for public fire hydrant service (\$2.00 per month per city owned hydrant and for those owned by the company \$2.50 per month).

REPORT ON SUGGESTION FOR CELEBRATION OF CITY DIAMOND JUBILEE 9-101

The City Manager reported that the City of Modesto would celebrate its 75th anniversary of incorporation in August, 1959. Some preliminary discussions have been held with the Chamber of Commerce representatives on the possibility of holding some type of ceremonies, etc. Further study and report will be made by the city staff.

LEAGUE MEETING TO BE HELD IN MODESTO 9-115

Mayor Marks reminded the Council members of the meeting to be held in Modesto, Jan. 22, at Hotel Covell, of the Central Valley Division of the League of California Cities.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Hammond Unanimously carried

The meeting was adjourned at 9:40 P.M.

ATTEST:


City Clerk
1-14-59 Page 11

Council Meeting
January 21, 1959

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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Hammond, Merrill, Mayor Marks

Absent: Councilmen: Adams, Robinson, Spaulding

Councilman Adams arrived at 4:05 P.M., and Councilman Spaulding at 4:43 P.M.

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 7, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM JOHN ERRECA, PRESIDENT LEAGUE OF CALIFORNIA CITIES, RE: CITY STREET PROBLEMS 1-20

City Manager Ross Miller reviewed the statement received from Mayor Chrisman of Visalia and the letter from John Erreca, President of the League of California Cities, suggesting that the City adopt a resolution to indicate to Senator Hugh P. Donnelly and Assemblyman Ralph M. Brown that the City of Modesto endorse the stand of the League of California Cities for the need of additional Highway Gas Tax funds to improve city streets. He stated that a copy of the resolution would be sent to the League for their information along with a letter stating that the City would assist in any way possible with this problem.

RESOLUTION NO. 59-24

A RESOLUTION OF THE CITY OF MODESTO ENDORSING THE STAND OF THE LEAGUE OF CALIFORNIA CITIES ON THE CITY STREET PROBLEMS

Moved by Merrill Seconded by Arata
Ayes: Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Adams, Robinson, Spaulding

LETTER OF COMMENDATION FOR CITY EMPLOYEES FROM UNITED CRUSADE 1-40

Mr. Robert E. Alford, Campaign Chairman of the United Crusade, presented a Certificate of Appreciation to the employees of the City of Modesto for their support to the 1958 United Crusade Campaign. He reported that the city employees exceeded their goal of \$2,000 by contributing \$2,098.82 or 104.9% of the goal.

1-21-59 Page 1

Mayor Marks accepted the Certificate on behalf of the employees and asked for authorization of the Council to write a letter expressing the Council's gratification.

MOTION

That Mayor Marks be authorized to write a letter to the city employees expressing the Council's gratification for their support of the United Crusade.

Moved by Arata Seconded by Hammond Unanimously carried

LETTER FROM SALVATION ARMY EXPRESSING APPRECIATION FOR HELP IN CHRISTMAS EFFORT 1-55

Mayor Marks read a letter from Kenneth Hodder of the Salvation Army expressing appreciation to the City Council for its assistance during the Christmas Season.

Councilman Adams arrived at this time.

COMMUNICATION FROM LEE DAVIES RE: CITY DIAMOND JUBILEE CELEBRATION 1-62

With the unanimous consent of the Council, City Manager Miller introduced Ariel Merrill of the Greater Modesto Chamber of Commerce who reported on the plans for the jubilee celebration. Mr. Merrill asked for Council approval on the following preliminary plans for the celebration:

- 1- Since the exact time of incorporation was August 1, 1884, it would be advisable to combine the 75th anniversary activities with the July 4 celebration.
- 2- Any activities of the Chamber of Commerce for this occasion be with the approval and support of the City Council.
- 3- The Committee suggests that support might be expected from the M.I.D. and other groups.
- 4- The Committee suggests a pageant on the evening of July 3, with an admission charge
- 5- The Committee further suggests an extensive educational and information program through the school systems with brochures, recordings and picture slides.
- 6- The Committee further suggests that the service clubs have a program dedicated to the anniversary at the appropriate time.

Councilman Merrill suggested that Phil Bates of K T R B, and Henry Zimmerman, Sponsors of the July 4th Celebration, be contacted to coincide the two activities.

MOTION

That the Council approve the plan in principle subject to the presentation of a detailed program and negotiations on the costs.

Moved by Arata Seconded by Merrill Unanimously carried

1-21-59 Page 2

NOTICE OF HEARING ON PACIFIC SOUTHWEST LOCAL SERVICE CASE 1-120

City Manager Miller reviewed the action taken by the city in this case. He stated that Harold Pederson of the Chamber of Commerce and Doug Carmody had prepared a summary report for the Council containing the background of the growth of the City, particularly the transportation elements, a copy of which is on file in the City Clerk's office. He requested that the Mayor be authorized to submit a copy of this report, along with a joint resolution from the County, to Chief Examiner Francis W. Brown, of the Civil Aeronautics Board.

MOTION

That the report supplemented by a County resolution and a letter from Mayor Marks be submitted to the Civil Aeronautics Board.

Moved by Hammond Seconded by Arata Unanimously carried

The City Manager read a letter from Perry Taft, Counsel for the City of Fresno, County of Fresno and Fresno County-City Chamber of Commerce, suggesting the City of Modesto urge that a portion of the civic witness field hearing be held at Fresno so the local service to the San Joaquin Valley can be more properly evaluated and civic witnesses from the Valley accommodated. The City Manager pointed out that this plan would be more economical as to time and travel and would separate the general case portions which applied to the valley.

MOTION

That the City Attorney be authorized to request the Board that the portion of the hearing which applies to the Valley be held in Fresno.

Moved by Arata Seconded by Hammond Unanimously carried

AWARD BID TO WILLEY PRINTING COMPANY FOR REPRINTING OF MUNICIPAL CODE PAGES 2-85

The City Manager reported that 2 bids had been received and the low bid had been submitted by the Willey Printing Company in the amount of \$10.82 per page.

RESOLUTION NO. 59-25

A RESOLUTION ACCEPTING THE BID OF WILLEY PRINTING COMPANY IN THE AMOUNT OF \$10.82 PER PAGE FOR THE PRINTING OF REVISED SUPPLEMENTAL PAGES OF THE MUNICIPAL CODE OF THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson, Spaulding

REJECT BID RECEIVED FOR FINE GRADING AT DRYDEN PARK MUNICIPAL GOLF COURSE AND AUTHORIZE WORK WITH CITY FORCES 2-110

Director of Public Works Ray reported that one bid had been received at the bid opening on January 19, for furnishing of equipment and labor for fine grading at Dryden Park Municipal Golf Course. Charles I. Cunningham Company of Oakdale submitted a bid of \$4,377.60 excluding the furnishing of additional laborers. Mr. Ray and the City

1-21-59 Page 3

Manager recommended that due to the nature of the work, the problems in scheduling the work, and the economies involved, the bid be rejected and City forces be authorized to do the work with the rental of such equipment as may be necessary.

RESOLUTION NO. 59-26

A RESOLUTION REJECTING THE BID FOR FURNISHING OF EQUIPMENT AND LABOR FOR FINE GRADING OF GREENS AND TEES AT DRYDEN PARK MUNICIPAL GOLF COURSE AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Moved by Hammond Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson, Spaulding

FINAL ADOPTION OF ORD. 281-C.S. RE: ADMISSION TAX REGULATIONS 3-40

ORDINANCE NO. 281-C.S. entitled

"AN ORDINANCE ADDING SECTION 8-2.223 TO ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAX REGULATIONS"

introduced on January 14, 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 Merrill
Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson, Spaulding

INTRODUCE ORDINANCE NO. 282-C. S. ESTABLISHING TAX RATE FOR YEAR 1958-1959 3-42

ORDINANCE NO. 282-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 258-C.S. ENTITLED 'AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1958-59'"

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

Moved by Hammond Seconded by Mayor Marks
Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson, Spaulding

REPORT ON PAYMENT TO ARCHITECT ON NEW CITY HALL BUILDING 3-50

For the information of the Council the City Manager reported receipt of a statement in the sum of \$58,787.80 from Architect Milton Pflueger, due under his contract for work completed on the City Hall.

Councilman Spaulding arrived at this time.

INSTITUTE CONDEMNATION PROCEEDINGS - QUARESMA PROPERTY ON TULLY AND ROSEBURG AVENUES 3-65

The City Manager presented a report giving the background on this matter, a copy of which is on file with the records of this meeting. Alternatives open to the Council, as listed in the report were:

- 1- Permit Mr. Quaresma to proceed as proposed.
- 2- File condemnation proceedings on the land required for street purposes.
- 3- Time be taken for the staff and Mr. Quaresma to prepare an alternate proposal for consideration by the Board of Zoning Adjustment and the people of the area.

Due to the delay involved in alternate #3, Mr. Quaresma stated, his tenants considered it would jeopardize their businesses. He offered to dedicate all of the necessary rights of way on all of this property on both Roseburg and Tully, instead of a portion, as previously offered, if the Council would reconsider its denial of his appeal.

City Attorney Grimes explained the ramifications of rescinding a decision rendered by the Council at a hearing.

Councilman Hammond pointed out that the delay in this case was due to the failure of Mr. Quaresma to present a clear proposal. It would be unwise, he stated, to rescind any action before a detailed proposal, along with maps, could be presented. This matter should go through the regular legal channels.

Councilman Adams also agreed that this matter should be sent back to the Board of Zoning Adjustment.

RESOLUTION NO. 59-27

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 Hammond Seconded by Mayor Marks
 Ayes: Adams, Hammond, Spaulding, Mayor Marks
 Noes: Arata, Merrill Absent: Robinson

Councilman Merrill stated the reason he voted "no" was because he felt that with more co-operation with Mr. Quaresma a fair solution could be found. He stated that he was not "carrying a torch" for anyone but felt that Mr. Quaresma was trying for an orderly development in the community. Condemnation proceedings even though they are sometimes necessary, are undesirable, he stated.

Councilman Hammond stated the reason he had made the motion to institute condemnation proceedings was to assure that the City would have ample time to prepare the necessary documents. He again pointed out that the delay was on the part of Mr. Quaresma in presenting so many proposals and was not the responsibility of the City.

Mr. Quaresma asked if the institution of condemnation proceedings would prevent the issuance of a building permit to him for the construction of his building in accordance with the Municipal Code, and also if the City would be required to put up a performance bond to assure the City will accept the properties after the court's rulings.

The City Attorney stated that a building permit would not be issued. After the case has been decided by court the City has the opportunity to either accept or reject the judgment of the Court.

Councilman Hammond considered that if Mr. Quaresma worked with the staff an amicable solution could be found. Mayor Marks stated that the city's position in this matter was not only to protect the rights of property owners surrounding this area, but the existing shopping centers and the future public welfare.

CLEAR SPECIFICATIONS FOR POLICE CARS 5-90

City Manager Miller asked for Council direction on the specifications for the new police cars relating to automatic transmissions.

MOTION

That automatic transmissions be included in the specifications for the Police cars.

Moved by Hammond Seconded by Adams Unanimously carried

CONSIDER LEASE AGREEMENT BETWEEN CITY AND ELLA K. WORTHEN - POPLAR AVE. 5-95

The City Attorney explained that the city's residential property located at 110 Poplar Avenue had previously been leased to Mrs. Worthen without a written agreement. He presented a written lease for Council approval.

RESOLUTION NO. 59-28

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ELLA K. WORTHEN FOR LEASE OF PROPERTY AT 110 POPLAR AVENUE

Moved by Arata Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

REPORT ON PROBABLE REGRADING OF CITY BY NATIONAL BOARD OF FIRE UNDERWRITERS 5-115

The City Manager reported receipt of an informal preliminary notice from the Board of Fire Underwriters relating to the probable regrading of the city within a few months. Three major problems in maintaining its high fire rating face the city:

- 1) Extended annexations with greater areas and distances;
- 2) Lack of city standard of water in some of the new areas;
and
- 3) Manpower.

He stated that because of these it might well not be possible for the city to maintain its No. 2 rating. The real problem might be to keep from dropping below No. 3. A program will be presented to the Council in connection with the next fiscal budget which would help to strengthen the city in the weak places which might downgrade the City. Some improvements have already been authorized and are under way.

Councilman Merrill asked for a report on the City Manager's trip to Boston in November to attend the American Municipal Association Fire Insurance Grading and Rating Conference. This matter was ordered placed on the Agenda for Jan. 28.

Councilman Arata asked for a comparative economic report on the cost of providing new fire stations or paying extra insurance rates.

Councilman Hammond considered that a report should be made on the advisability of working out a cooperative arrangement with adjacent fire districts, both the industrial and airport stations, for protection to the new annexations.

After a general Council discussion, it was agreed that a report on the fire rating program would be prepared by the staff for Council information.

SET TIME FOR PRE-MEETING OF COUNCIL FOR SHOWING OF MERCED ANNUAL REPORT 6-65

The Council was invited to attend a showing of the Merced Annual Report in the Council Chambers on January 28 at 7:00 P.M. The City Clerk was asked to remind the Council members.

CLEAR TIME FOR CITY HALL DEDICATION 6-70

Discussion was held regarding the dedication of the City Hall site.

MOTION

That the City Hall site dedication be held on January 28, at 12 noon.

Moved by Arata Seconded by Adams Unanimously carried

The City Clerk was instructed to remind the Council members of the dedication.

NOTICE OF LEAGUE OF CALIFORNIA CITIES MEETING 6-82

The Council was reminded of the League of California Cities meeting to be held on Thursday, January 22, 6:30 P.M. at the Hotel Covell.

CLEAR RIGHT OF WAY ON GRANGER AND MCHENRY - URICH OIL COMPANY 6-88

With the unanimous consent of the Council, the City Manager reported on the proposal involving the construction of curb and gutter by the City on Granger Avenue at McHenry Avenue and the waiving of the curb cut replacement fee for the Urich Oil Company Service Station in consideration of the dedication of a 10' right of way on Granger Avenue. No objections were voiced by the Council.

MOTION

That the Council approve the procedure in connection with the dedication as set forth by the City Manager.

Moved by Merrill Seconded by Arata Unanimously carried

1-21-59 Page 7

CLEAR LEASE AGREEMENT WITH KENNETH DURAND 6-95

With the unanimous consent of the Council, the City Manager presented the terms of a proposed lease agreement with Kenneth Durand for the care and harvesting of the walnuts on the city owned property at the north end of the new golf course.

MOTION

That the staff be authorized to prepare the lease as outlined by the City Manager.

Moved by Arata Seconded by Merrill Unanimously carried

REPORT ON ACQUISITION OF DRYDEN PROPERTY BY CITY ATTORNEY 6-100

With the unanimous consent of the Council, the City Attorney reported that the purchase of the Dryden property was still pending in escrow because the deed was still unsigned by Mr. Dryden. The agreement has been completed on the part of the S.O.S. Club and the City of Modesto. He stated that he would make a full report on the status of the sale at a later date.

SET TIME AND PLACE FOR PUBLIC HEARING ON AIRPORT ANNEXATION 6-120

RESOLUTION NO. 59-29

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE AIRPORT ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Arata Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

The time set for the hearing was 4:30 P.M., March 4, 1959.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was adjourned at 5:35 P.M.

ATTEST: 
Rex E. Gailfus, City Clerk

Modesto City Council
January 28, 1959

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 Pro Tempore Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond

Absent: Councilmen: Robinson, Mayor Marks

City Manager Ross Miller being absent, City Manager Pro Tempore C. W. Masonheimer acted in his place.

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

Rev. Virgil Jackson gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of January 14, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MODESTO CITY EMPLOYEES' ASSOCIATION 1-19

The letter, expressing appreciation for the recent 5% salary increase granted the city employees by the Council, was read and ordered filed.

LETTER FROM CONGRESSMAN JOHN J. McFALL RE: FEDERAL AIRPORT ACT 1-20

This letter, addressed to Mayor Marks, stated that Congressman McFall was again sponsoring legislation in the House for the extension of the Federal Airport Act.

The communication from Congressman McFall's office regarding the Act was briefed by Acting City Manager Masonheimer. Mr. Masonheimer reported that, as previously directed by the Council, a letter had already been sent to Senator Mike Monroney expressing the Council's endorsement of this program in the Senate. He suggested that the Council give the members of the House the same support.

MOTION

That the endorsement of legislation to extend the Federal Airport Act by the City of Modesto be sent to Congressman John McFall.

Moved by Arata Seconded by Spaulding Unanimously carried

COMMUNICATION FROM UNITED STATES CONFERENCE OF MAYORS--THE PRESIDENT'S BUDGET MESSAGE AND THE CITIES 1-30

The communication was briefed by Acting City Manager Masonheimer and ordered filed.

1-28-59 Page 1

LETTER FROM FRANK ANDREWS 1-56

With the unanimous consent of the Council, Mayor Pro Tempore Hammond read a letter from Frank Andrews, which had not been listed on the agenda, regarding the fire rate for the City. The letter was ordered filed.

Councilman Arata noted that the Council had requested, and the staff was preparing, a report on the city's fire rate and the cost and savings resulting from holding the No. 2 grading.

AUTHORIZE CALL FOR BIDS FOR FURNISHING DEEP WELL PUMP 1-84

RESOLUTION NO. 59-31

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING OF DEEP WELL PUMP WITH ELECTRICAL EQUIPMENT AND AUXILIARY GAS ENGINE

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Robinson, Mayor Marks

The time set for opening the bids was February 16 at 2:00 P.M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR DRILLING TWO DEEP WELLS 1-90

RESOLUTION NO. 59-32

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR DRILLING, CASING, TESTING AND DEVELOPMENT OF TWO DEEP WELLS

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Robinson, Mayor Marks

The time set for opening of bids was February 9 at 2:00 P.M.

Councilman Adams reported that one of the private water companies was installing a water main which would parallel the water main approved by the City Council about 3 weeks ago to serve the proposed new subdivision outside the city at the end of Locke Road. He considered that it should be made plain that it is the city's policy when sewer service is supplied, water service would also be supplied. At his request, concurred in by the Council, Mr. Masonheimer stated that a report would be prepared by the staff on this matter which will list various alternatives for Council consideration.

Councilman Arata considered that the city was now at the point where it should demand that private companies install water mains inside the city limits of material and construction to meet the city's standards. If the city ever takes over these private lines, they should meet city standards to avoid a duplication of line and extra costs for taxpayers, he stated.

Mayor Pro Tempore Hammond asked that this suggestion be included in the report being prepared by the staff and that the matter be placed on the agenda for next week.

Councilman Adams considered that the private water companies should be advised of the city's policy so that there would be no questions raised in the future.

ADOPTION OF GENERAL PLAN FOR MODESTO, EMPIRE AND CERES AREA 2-40

Mayor Pro Tempore Hammond declared that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposed General Plan for the Modesto-Ceres-Empire Area.

Mr. Masonheimer reported that the Modesto City Planning Commission, Stanislaus County Planning Commission, Ceres Planning Commission and the City of Ceres had already adopted the plan after holding the necessary public hearings.

The plan is now before the Board of Supervisors for a public hearing. The Modesto City Planning Commission has adopted the plan and certified it to the Council.

Mayor Pro Tempore Hammond asked if there were any comments or portests to be filed. No comments were made or protests filed.

Planning Director George Smeath displayed a sketch map of the proposed plan and reviewed the changes made in the plan as originally proposed. He noted that each Council member had previously received a copy of the text on the proposed plan.

He reported that the plan had been based on the probable number of persons who would live in the area within the next twenty to twenty five years. Population estimates of the state and information from other sources indicate that the probable population in the Modesto-Ceres-Empire urban area would be approximately 200,000 by 1980. This figure was used to determine the land which would be necessary for urban uses. The principal designation of uses in the plan are residential, commercial, industrial, services, schools, parks, streets, parking lots, etc. After the total area which would be needed was determined the area needed and location for each kind of use was determined.

The existing situation, utilities and development patterns were used to a large extent in the plan, to determine the amounts of areas in the location for the kind of use which seemed reasonable as a community development pattern. The plan suggests, as a general plan, that the community should grow within a 20 year period, more or less, north to Staniford Avenue, south to Whitmore Avenue, west to Nebraska Road extension near the State Hospital and on the east to Empire, with some indentations. He emphasized that the plan is not rigid and fixed but is subject to change as conditions change, but he cautioned that the plan must not be modified to the extent that it is meaningless as a substantial guide to development.

Citizen groups and Commissions have shown on the proposed plan what is considered a reasonable pattern of highways, expressways and major streets, not showing any of the collector streets. Transportation as it refers to the street pattern is shown.

General locations for public facilities, such as fire stations, schools, parks, libraries are indicated in the various areas. General standards for park sizes were set up. Mr. Smeath pointed out that the

total amount of area shown on the plan for industry was larger than was normally proposed in a general plan, but it was considered best to show areas which could be used for a longer period than 20 years so that areas could expand and houses could be kept out of these areas and would be available for industrial purposes.

Mr. Smeath stated that the proposed plan was for present and future use but it must not be keyed to zoning at this time. He reported that there was only one major point of difference which developed in the entire plan-----the problem as to the treatment of Highway 132 east through the Yosemite Boulevard airport area. Some of the citizen groups who worked on the plan still feel that the proposed solution is not the best. If the Council adopts the plan it should be on the basis that this area is one for some additional study and possible amendments.

Mr. Smeath expressed appreciation to the staff members of the city department and the Cities-County Advance Planning Department for their work on the plan.

He stated that if the Council feels that the location of the highways is a reasonable general pattern than more precise plans and studies will be made and presented for approval as development is proposed by the State.

Councilman Arata considered that the plan should be flexible to encourage new industries to establish in the area and to protect existing industries.

Mayor Pro Tempore Hammond closed the hearing at this time.

RESOLUTION NO. 59-33

A RESOLUTION ADOPTING A GENERAL PLAN FOR THE CITY OF MODESTO AS PROVIDED BY TITLE 7 OF THE GOVERNMENT CODE

Introduced by Adams Seconded by Spaulding
 Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
 Noes: None Absent: Robinson, Mayor Marks

Mayor Pro Tempore Hammond commended Stanley Ott of the Advance Planning Staff and Planning Director Smeath on their excellent work on the plan. He asked that they convey the Council's appreciation for the work to the staff members.

HEARINGS ON ALLEY VACATION AND REZONING OF BLOCK 6000A 4-98

The Acting City Manager reported that negotiations were not yet complete and asked that the hearing be held over for a week.

MOTION

That the hearing on alley vacation in Block 6000A be held over until 4:30 P.M. February 4.

Moved by Hammond Seconded by Spaulding Unanimously carried

MOTION

That the hearing on rezoning of Block 6000A be held over until 4:35 P.M. February 4.

Moved by Adams Seconded by Spaulding Unanimously carried

1-28-59 Page 4

AMEND MUNICIPAL CODE RELATING TO GASOLINE PUMPS 4-109

ORDINANCE NO. 283-C.S. entitled

"AN ORDINANCE REPEALING CHAPTER 4 OF TITLE VI OF THE MODESTO MUNICIPAL CODE ENTITLED 'GASOLINE PUMPS'"

was introduced and ordered printed as provided by the Charter.

Moved by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Robinson, Mayor Marks

REPORT FROM COUNTY ADMINISTRATOR RE: "THE SALES TAX PROBLEM" 4-120

A report from Ed Hane, County Administrator, regarding the Sales Tax Problem was filed, (copies previously distributed to Council members).

Mayor Pro Tempore Hammond stated that no definite conclusions had been resolved at the last City-County Committee meeting. He stated that he felt the conclusions were rather close as it relates to Stanislaus County and suggested that since the City-County Committee was the established vehicle for discussions the Council should withhold its discussion until after conclusions had been resolved and reports and recommendations received.

APPROVE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR EASEMENT FOR SEWER LINE ACROSS LATERAL #4 (HILLVIEW ACRES SUBDIVISION) 5-13

RESOLUTION NO. 59-34

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR A SEWER LINE CROSSING OF MODESTO IRRIGATION DISTRICT'S LATERAL #4 IN THE MAZE RANCH SUBDIVISION

Introduced by Merrill Seconded by Arata
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Robinson, Mayor Marks

ACCEPT DEEP WELL AT McHENRY VILLAGE, AUTHORIZE PAYMENTS DUE AND RECORDATION OF NOTICE OF COMPLETION 5-25

Acting City Manager Masonheimer reported completion of the deep well at the McHenry Village pump station No. 21 by contractor Osterberg and Carroll and recommended acceptance by the Council, authorization of payments due under the contract and recordation of Notice of Completion with the Stanislaus County Recorder.

RESOLUTION NO. 59-35

A RESOLUTION ACCEPTING THE CONSTRUCTION OF DRILLING, CASING, TESTING, AND DEVELOPMENT OF ONE DEEP WELL FOR THE CITY OF MODESTO AT PUMP STATION NO. 21 AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Robinson, Mayor Marks

APPROVE REQUEST OF SAVEMORE OIL COMPANY FOR SEWER SERVICE TO ITS STATION LOCATED OUTSIDE THE CITY ON PARADISE AND HARRIS ROADS 5-40

Director of Public Works Ray reported on the request of Savemore Oil Company for sewer service to its service station under construction on Paradise and Harris Road. He outlined the conditions upon which he would recommend approval of the request, stating that he was able to recommend favorably in this instance, but might not in others, according to administrative problems involved.

MOTION

That the staff be authorized to prepare an agreement including the recommendations outlined in the report for furnishing the sewer service for Council consideration.

Moved by Arata Seconded by Merrill Unanimously carried

APPROVE APPROPRIATION TRANSFER OF FUNDS FOR CITY HALL CONSTRUCTION 5-66

RESOLUTION NO. 59-36

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$8,500 FROM SPECIAL CAPITAL OUTLAY TO CITY HALL AND PARKING GARAGE CONSTRUCTION FOR BALANCE OF FISCAL YEAR

Introduced by Merrill Seconded by Adams
 Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
 Noes: None Absent: Robinson, Mayor Marks

APPROVE REQUEST OF ELKS CLUB FOR USE OF DEL WEBB FIELD FOR CIRCUS 5-76

A request was filed by the Elks Lodge for the use of Del Webb Field for its annual charity circus to be held on Saturday, May 23, 1959. Permission had been obtained from the Modesto Community Athletic Association, lessees of the field.

Director of Parks and Recreation Lowrey recommended that if approval was given that the Club be required to adequately clean up the field after its use. Discussion was held relative to the repairing and cleaning of the field and the provision of liability insurance.

RESOLUTION NO. 59-37

A RESOLUTION GRANTING A PERMIT TO B.P.O.E. ELKS LODGE NO. 1282 TO HOLD ITS ANNUAL CHARITY CIRCUS AT DEL WEBB FIELD ON MAY 23, 1959

Introduced by Merrill Seconded by Arata
 Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
 Noes: None Absent: Robinson, Mayor Marks

FURTHER REPORT ON ZONING PORTION LOT 18-EVERGREEN ACRES

A further report was made concerning the Planning Commission's recommendation for the rezoning of a portion of lot 18 of the Evergreen Acres Tract, owned by Lenora Swope. It was reported that after further consideration, the Commission had rescinded its previous recommendation to rezone the area concerned. The Council acknowledged receipt of the report.

SET DATE FOR HEARING ON REZONING PROPERTY ON COLDWELL AVENUE
5-99

RESOLUTION NO. 59-38

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19 OF THE ZONING MAP (EVERGREEN ACRES TRACT)

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Robinson, Mayor Marks

The time set for the hearing was 8:00 P.M., February 25, 1959.

SET TIME AND PLACE FOR HEARING ON REZONING LOSHER-DARPIAN PROPERTY
LOCATED ON McHENRY AVENUE 5-115

RESOLUTION NO. 59-39

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 (LOSHER-DARPIAN)

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Robinson, Mayor Marks

The time set for the hearing was 8:15 P.M., February 25, 1959.

APPROVE RECOMMENDATION OF PLANNING COMMISSION FOR CHANGE OF NAME OF
HARRIETT STREET TO "NORTH MORTON BOULEVARD" 6-10

Resolution No. 495 adopted by the Commission on January 20 recommending to the Council that the name of Harriett Street be changed to "North Morton Boulevard" was noted by the Council.

Alternatives available for Council action were outlined by the Acting City Manager. Mr. Smeath reported that there were three property owners facing on the street involved in this change of name of Harriett Street and all had requested that the name be changed, as this street is a logical extension of Morton Boulevard.

RESOLUTION NO. 59-40

A RESOLUTION CHANGING THE NAME OF HARRIETT STREET TO NORTH MORTON BOULEVARD IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Robinson, Mayor Marks

RECOMMENDATION OF THE PLANNING COMMISSION TO ACQUIRE A PARK SITE ADJACENT
TO THE NEW SYLVAN UNION SCHOOL TO BE LOCATED ON SUNRISE AND TOKAY STREETS
6-20

Mr. Smeath reported that the Superintendent of the Sylvan Union School District has requested the Planning Commission review the

proposed site for an elementary school building and grounds on the west side of Sunrise Avenue, north of Tokay Avenue. The City Commission has approved the site. As a part of the discussion with the School representatives, the question of the city acquiring five acres adjacent to the school for a neighborhood park was raised. The District intends to annex its school property to the city to obtain city sewer and water services. The City Commission recommended that the Council consider instructing the staff to investigate possible location of a neighborhood park adjacent to this school.

Mr. Smeath pointed out that additional studies by other city departments would be necessary before a recommendation could be made to the Council.

MOTION

That the staff be directed to study the recommendation and submit a report to the Council.

Moved by Spaulding Seconded by Adams Unanimously carried

CONSIDER PREPARATION OF PAMPHLET FOR DISTRIBUTION TO AUDIENCE AT CITY COUNCIL MEETINGS 6-60

Mr. Masonheimer displayed several informational pamphlets which had been prepared by various cities for distribution to members of the audience attending Council meetings. Mayor Marks, he reported, had suggested that the Council might consider the preparation of a similar pamphlet by the staff which would give the people who attend these meetings an idea of the organization of the city government, functions of the various departments, the Council and the various boards and commissions.

MOTION

That the staff prepare a sample brochure for Council consideration and to submit an estimate on the cost of publication.

Moved by Arata Seconded by Adams Unanimously carried

REPORT ON CLASS ON CITY GOVERNMENT TO BE CONDUCTED AT DOWNEY HIGH SCHOOL 6-90

Councilman Spaulding reported that he had been contacted by a member of the Downey High School staff in regard to a new required course in government for all high school seniors beginning in the year 1960. Part of this course will be instruction in local government. The school staff is now preparing a type of brochure for use by the students and if the city is contemplating any kind of information study of this type, they would like to be appraised so that they can cooperate with the city in the preparation.

Mr. Masonheimer stated that the staff would welcome the opportunity to work with the school in this matter.

PROGRESS REPORT ON MURAL FOR NEW CITY HALL BY CENTRAL CALIFORNIA ART LEAGUE, INC. 6-96

A letter of report from Miss Gertrude A. Skupin, Vice-President of the Central California Art League was read and ordered filed.

REPORT ON MEETING IN BOSTON OF THE AMERICAN MUNICIPAL ASSOCIATION COMMITTEE ON FIRE GRADING AND RATING 6-112

Mr. Masonheimer noted that a copy of the minutes of the meeting held in Boston and a report of the American Municipal Association Committee on Fire Grading and Rating had been previously distributed to Council members. A copy was filed with the City Clerk, as being the City Manager's report of the meeting. He suggested that any further questions on the meeting be cleared directly with the City Manager or that the matters be placed on the agenda at a later date.

PROGRESS REPORT ON LAYING OF IRRIGATION PIPE AT DRYDEN PARK MUNICIPAL GOLF COURSE 6-121

Director of Public Works Ray reported that last weekend the volunteers had completed laying that portion of the irrigation pipe at the Dryden Park Municipal Golf Course that could be placed until the fine grading of the greens is completed. Approximately 4500 lineal feet remains to be installed after grading.

Approximately 57,000 feet will have been laid by volunteers when the job is completed; 15,700 feet of 8 inch pipe; and the balance of galvanized pipe.

There has been at least three major accomplishments in this volunteer program at the course:

- 1- A very substantial sum of money has been saved;
- 2- The fact that the work was actually done by volunteers;
- 3- The city employees who have assisted on the program have demonstrated to the public their cooperativeness and skill in getting the work done. The city has gained "missionaries" in regard to the work being done by the employees.

Mayor Pro Tempore asked Mr. Ray to convey the Council's appreciation to all the people who had participated in the program. Mr. Ray reported that an endeavor had been made to register all the names of the volunteer workers and it might be possible that the Council would wish at some later date to authorize sending a letter of appreciation to those persons.

APPOINTMENTS TO BOARDS AND COMMISSIONS 7-67

With the unanimous consent of the Council, the City Clerk was permitted to bring up a matter not on the agenda-----the expiration of terms of members of the various Boards and Commissions. A report listing those persons whose terms on the various boards had expired on January 1, was distributed to each member for study and recommendation.

Councilman Adams suggested that the vacancies on the Plumbing and Electrical Board be excluded until the staff study of the proposed revision of those Boards has been completed.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was adjourned at 9:15 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Hammond, Merrill, Robinson, Mayor Marks

Absent: Councilmen: Adams, Spaulding

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

Rev. W. E. McGuier gave the invocation.

City Manager Ross Miller being absent, City Manager Pro Tempore C. W. Masonheimer acted in his place.

LETTER FROM SUPERVISOR JOE DOMECC 1-15

A letter of appreciation from Supervisor Joe Domecq for his invitation to the Central Valley Division of the League of California Cities dinner recently held in Modesto, was read and ordered filed.

PROGRESS REPORT ON MODESTO CHILDREN'S PARK 1-22

S. R. Hafely reported that preliminary plans for the Modesto Children's Park, to be located in the Beard Brook Park, had been completed by the sponsoring agency and the city staff. A nonprofit corporation has been formed for the handling of financing and construction. This corporation with the city staff's assistance wishes to finalize the plans in detail in order to start the drive for collection of funds.

William Mitchell, Counsel for the corporation, stated that the Board of Directors and officers had been elected. The Board consisted of 25 members representing local service clubs or citizen groups. A number of the clubs are anxious to proceed at once on a fund raising drive within their organizations to finance the various aspects of the park. Before this is done, the corporation wishes to obtain the Council's approval and authorization for the staff to prepare agreement for execution relating to the area to be used in the park. The agreement would provide for approval of preliminary plans and proposed installation of equipment and provide that upon completion of the park by the corporation the city would accept the improvements for maintenance and operation.

He pointed out that the improvements would be of a durable nature to withstand flooded conditions and require a minimum amount of future maintenance.

Director of Parks and Recreation Lowrey, answering a question raised by Mayor Marks, stated that the department had no way of determining the future maintenance costs to the city because the plans were not finalized. His initial estimate, he reported, was an additional one-half time maintenance-man during the seasonal eight months period

when the park would be used extensively. This might be increased with increased use of the park, he stated.

The Council inspected a model of the proposed facilities and a drawing of the preliminary plans.

MOTION

That the staff be authorized to negotiate an agreement with the nonprofit organization for Council consideration and to present a report to the Council on the future development of Morton Boulevard near the park and of the estimated cost of maintenance of the Children's Park.

Moved by Hammond Seconded by Merrill Unanimously carried

Mayor Marks asked the City Clerk to place this matter on the agenda for the Council meeting of February 25.

LETTER FROM VALLEY TRACTOR COMPANY RE: MILL TAX PAYMENT UNDER THE NEW ORDINANCE 2-03

A letter from E. C. Crandall, President of the Valley Tractor Company, protesting to the mill license payment required by his company under the city's new business license, was read.

Mayor Marks considered that any report which could be prepared by the staff at this time would not be complete because it would be necessary for a complete year to lapse before a comprehensive report on revenue and licenses paid would have any validity. Seasonal variations could not be accurately estimated, but should be determined by actual experience.

Councilman Hammond considered that it would be necessary to consider the whole tax problem, including personal property taxes, when the business license ordinance is discussed. The Council has always adhered to the policy of lower property taxes and higher business license tax to encourage factors which would produce wealth and work for the community.

Director of Finance Bird considered that a more adequate report could be made at the end of the fiscal year.

MOTION

That the staff advise Mr. Crandall that there will be no action taken until the end of the fiscal year but the city is cognizant of his problem and it will be reviewed at that time.

Moved by Hammond Seconded by Merrill Unanimously carried

LETTERS ACKNOWLEDGING RECEIPT OF COUNCIL ACTION RELATING TO STREET PROBLEMS 2-66

Letters received from Senator Mike Monroney, Assemblyman Ralph Brown, League of California Cities and State Senator Hugh Donnelly, acknowledging receipt of the city's resolution on street problems, were noted and ordered filed.

LETTER FROM DEL ESTE WATER COMPANY REGARDING ITS INSTALLATION OF
WATER MAINS ON ROSE AVENUE 2-70

The letter advised that the extension of the company's lines on Rose Avenue had been provided for in its 1958 budget of capital expenditures, but construction was not started until January, 1959. Areas to be served by the 8 inch line being installed were listed.

The Company wished the city to know that it had no thought of interference with the city's program for the furnishing of water to the Jeffers Addition located on Rose and projected extension of Locke Road. The company has been serving this area for many years, and it is not contiguous to the city limits of Modesto. Since any extension of the city water mains from the east city limits to reach the proposed Jeffers Tract would parallel the main of the Del Este Water Company, such installation by the city would be an uneconomic practice, the letter advised.

City Manager Pro Tempore Masonheimer reported that a report was being prepared by the Director of Public Works on the matter and would be presented at the next meeting. Mr. Masonheimer reported on a recent brief discussion which he had held with Kennan Beard, President of the Company, and considered that a little better understanding and cooperation might result from this experience. He pointed out that information concerning Del Este installations outside the City had been denied the Public Works Department in the past, thus making planning for future installations difficult.

Mayor Marks reviewed the actions taken by the Council on the studies to be made on the possible acquisition of private water companies by the City. He considered that for the best interest of all the citizens, if the report showed that the city could acquire these systems economically, that it should be done to assure the city's fire rating, from the standpoint of service, size of mains, fire hydrants, etc. The people of the community should have an opportunity to vote on this question of whether they wished to purchase the private water systems.

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT 3-20

RESOLUTION NO. 59-41

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS ON AUTOMOTIVE EQUIPMENT

Introduced by Merrill Seconded by Hammond
Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Adams, Spaulding

The time set for the bid opening was Feb. 24 at 10:00 A.M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF
WATER MAINS IN WALNUT GROVE SUBDIVISION 3-52

RESOLUTION NO. 59-42

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN WALNUT GROVE SUBDIVISION

Introduced by Arata Seconded by Merrill
Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Adams, Spaulding

The time set for opening the bids was 2:30 P.M. February 16, 1959.

CLOSE HEARINGS ON BLOCK 6000A 3-64

Mayor Marks reopened the hearing on the proposed alley vacation in Block 6000A at 4:30 P.M.

Mr. Masonheimer stated that the Council had heard from the audience and reviewed copies of the Planning Commission material presented by the City Clerk.

The City Clerk reported that no additional written material had been filed, and no additional information was presented orally.

Mayor Marks declared the hearing closed.

Mr. Masonheimer suggested that action on the matter be held over until next Council meeting. Mayor Marks directed that this matter be placed on the agenda for action at the next meeting.

Mayor Marks declared that the hour of 4:30 P.M. had arrived, the time set for the continuation of the hearing on the rezoning of a portion of Block 6000A.

Mr. Masonheimer reviewed the action taken by the Council on the matter and suggested that the hearing be closed and final action be delayed until the next meeting.

There being no additional written or oral presentations, Mayor Marks closed the hearing. He directed that the matter be placed on the agenda for action at the next Council meeting.

FINAL ADOPTION OF ORDINANCE NO. 283-C.S. REGULATION OF GASOLINE PUMPS
3-84

ORDINANCE NO. 283-C.S. entitled

"AN ORDINANCE REPEALING CHAPTER 4 OF TITLE VI OF THE MODESTO MUNICIPAL CODE ENTITLED 'GASOLINE PUMPS'"

introduced on January 28 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 Robinson
Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Adams, Spaulding

ACCEPT RIGHTS OF WAY FOR WIDENING McHENRY AVENUE 3-92

Right of way agreements for the widening of McHenry Avenue received from Losher's and Paul L. and Gussie M. Cleveland were presented for Council approval. No damages were involved.

RESOLUTION NO. 59-43

A RESOLUTION APPROVING RIGHT OF WAY CONTRACTS BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG McHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

Introduced by Merrill Seconded by Hammond
 Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
 Noes: None Absent: Adams, Spaulding

The importance of the time element involved in the widening of McHenry Avenue Project, in order to meet the State's schedule of April 1, 1959 for calling for bids for the work, was generally discussed.

The City Attorney recommended to the Council that there be no further delay in filing condemnation proceedings and that a resolution of condemnation be adopted no later than the next meeting based upon the schedule of the Highway Department in order to preserve the monies allocated for the project.

MOTION

That the staff be authorized to prepare the necessary resolution authorizing condemnation proceedings for adoption at the next Council meeting.

Moved by Arata Seconded by Robinson Unanimously carried

REPORT ON INSTALLATION OF WATER LINE IN GREGORY GARDENS NO. 3 SUBDIVISION BY CITY FORCES 4-12

Mr. Masonheimer reported that the water lines in Gregory Gardens No. 3 Subdivision had been installed by city forces, as authorized by the Council on November 5, 1958, at a cost of \$3,864.79. He stated that one bid had been received for the work of \$13,838.70, and the engineer's estimate had been \$3,862.50.

AUTHORIZE TRANSFER OF FUNDS FOR CONSTRUCTION OF CROSSING SIGNALS ON ORANGEBURG AVENUE AT TIDEWATER SOUTHERN RAILROAD TRACTS 4-30

Mr. Masonheimer reported that the Railroad Company estimates the cost of the installation of crossing signals to be \$6,820 in which the City has agreed to participate on a fifty-fifty basis. The Company advised in its letter of January 22, that the City's acknowledgment of its letter and advice that funds are available will constitute adequate agreement for them to proceed with the installation. He presented for Council consideration an appropriation transfer of \$3,410 from Special Capital Outlay to Miscellaneous Traffic Signals to provide funds for the construction of the signals.

RESOLUTION NO. 59-44

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,410 FOR THE INSTALLATION OF GRADE CROSSING SIGNALS ON THE TIDEWATER SOUTHERN RAILROAD AT THE ORANGEBURG CROSSINGS AND ACKNOWLEDGING RECEIPT OF LETTER FROM THE COMPANY DATED JANUARY 22, 1959, APPROVING THE INSTALLATION

Introduced by Arata Seconded by Robinson
 Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
 Noes: None Absent: Adams, Spaulding

HOLD OVER AGREEMENT FOR RENTAL OF WALNUT GROVE TO DURAND 4-56

This matter was held over for a week to obtain the signature of Mr. Durand.

AUTHORIZE REFUND OF MILL LICENSE TO J. H. JACKSON 4-58

Finance Director Bird reported that a request for refund of mill license of \$125.43 had been filed by J. H. Jackson, Industrial Pipe Contractor. He recommended approval of the refund on the basis that the audit of the records indicated the company had been paying fees based on gross receipts rather than on that portion of business done only within the city as required by the Municipal Code.

RESOLUTION NO. 59-44

A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF MILL LICENSE TO J. H. JACKSON, INDUSTRIAL PIPE CONTRACTOR

Introduced by Hammond Seconded by Robinson
 Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
 Noes: None Absent: Adams, Spaulding

CONSIDER EXTENSION OF SEWER SERVICE TO THE DENISE SUBDIVISION ON COFFEE ROAD 4-70

Director of Planning Smeath displayed a plan proposed for the development of Denise Subdivision located outside the city limits north of Gloria Way, west of Coffee Road, and south of Orangeburg Avenue. The subdivider has requested sewer service for the 11 lots involved in the subdivision.

The Public Works Department has estimated the city's cost for extending the sewer line to the subdivision to be approximately \$6700. On this basis the subdivider decided to proceed on the development under the county regulations, serving the houses with septic tanks.

After further consideration of the area, the City Planning Commission now is recommending that a plan be used which would reduce the size of the lots and include the undeveloped area in back of the houses constructed on Coffee Road. Otherwise the land between the proposed subdivision and Coffee Road could only be developed as double frontage lots. Mr. Smeath listed other vacant areas in the vicinity which could also be served with city sewers if the sewer line were extended.

If the Council approves the general idea, the City Planning Commission could recommend to the County Planning Commission that the subdivision, as presented, be denied and the Subdivider be requested to obtain city sewers and design his subdivision accordingly, which he has agreed to do. If the City Council feels that it is not proper to extend the sewer north at this time, then the Commission will recommend that the County Planning Commission approve the subdivision as presented by the subdivider.

Mayor Marks asked that the matter be held over until the next meeting at which time the staff submit a report giving facts, alternatives and recommendations.

Mr. Smeath stated one of the major reasons this matter was presented to the Council was that the city already has an agreement to furnish sewer service to property on the northwest corner of Orangeburg and Coffee.

DISCUSSION ON FUTURE USE OF FORMER VETERANS' HOUSING AREA AT CALIFORNIA AND FRANKLIN AVENUES 5-55

The possibility was discussed by Mr. Smeath of developing the former Veterans' Housing area located outside the city at California and Franklin Avenues, now owned by the County, as a neighborhood park. He pointed out that the city had some 3½ acres of land adjoining the old Franklin School which is just north of the former Veterans' Housing area. The area being considered has a 3½ acre parcel of privately owned land located in the center which the owner desires to subdivide and develop as soon as possible. He is offering the property and one house already constructed for sale to either the county or city for approximately \$17,000. Mr. Smeath also pointed out that the Marshall School park site was just to the south of the parcel being discussed. If all three were developed as parks it would place 3 in a row along the Franklin Street line.

Since more precise studies have been made of the area, both the Planning and Parks Department, Mr. Smeath reported, considered that this parcel might be better than the area adjoining the School Administration Building and is more desirable because it is a larger area. The smaller area could be used by the City for some other public purpose in the future.

It was also pointed out that this area would be separated from the Marshall site by the major street proposed by the General Plan in the vicinity of Paradise Avenue and by the large commercial development now taking place in the vicinity of Franklin Avenue and Paradise Road.

Questions raised by the Council on the proposal were:

- 1- Whether Mr. Silveira, owner of the contained parcel, would consider a trade for the property adjoining the school?
- 2- The possibility of the county buying the Silveira property and donating the entire area to the city for development as a park.
- 3- The possibility of the Schools building a new administration office which would permit the existing building to be used as a community center.
- 4- The planning staff feels that it would be better to hold onto the small area adjoining the school rather than to sell it off until it is known for sure that a park will be needed.
- 5- There might be some moral obligation on the part of the city, a) locate a park somewhere near the Maze Wren Park which is being used in the construction of the freeway; b) to consult with the Schools before the land adjacent to the administration offices was sold off for subdivision or any other purpose.

Mr. Smeath reported that as provided by the General Plan, the City Planning Commission was recommending that the Council consider a further staff study and discussion on this matter. He reported that Supervisor Brink has indicated his approval of the transfer of the County property to the city for park purposes and that he would recommend this to the Board.

Copies of the following reports were previously distributed to the Council:

Site of former Veterans' Housing project

Preliminary Report to City Planning Commission-Park Acquisition.

Mayor Marks considered that the area of decision was to determine the future use proposed by the Schools for its present administrative offices.

MOTION

That the Council authorize the staff to contact the county and schools and ask Mr. Silveira to wait for one week more until this matter could be cleared.

Moved by Merrill Seconded by Hammond Unanimously carried

REPORT ON LEGISLATIVE MATTERS 6-82

Mr. Masonheimer briefed the League of California Cities bulletin dated January 22, 1959, on "Digest of 1959 Legislation Affecting Cities". He pointed out that Assembly Bill 27 closely expressed the policy approved by the City Council last year, recommending that changes be made in the Motor Vehicle Code relating to speeds, safety, punishment for violators, etc.

REPORT ON LEAGUE OF CALIFORNIA CITIES COMMITTEE APPOINTMENTS 6-110

League bulletin on the appointments of committees was briefed. It was pointed out that City Manager Ross Miller had been named to the Advisory Committee on Aviation Problems and as Chairman of the Fire Rating Schedule Committee.

MOTION

That the City Manager be authorized to serve on these committees.

Moved by Hammond Seconded by Robinson Unanimously carried

CONSIDER APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS 6-117

City Engineer Ross Campbell reported that the Public Works Department had held one general meeting with the Builders Association on the adoption of the 1958 Uniform Building Code and 1958 Uniform Plumbing Code. At this meeting the conflict of interest problems relating to the appointment of members of the Board of Electrician Examiners and Board of Plumbing Examiners were discussed. It is hoped that these will be resolved shortly and a report will be presented to the Council for consideration.

Further consideration was given to a report from the City Clerk indicating that the terms of the following members of Boards and Commissions had expired on January 1, 1959: Herbert G. Florcken and Mary Johnson, Board of Library Trustees; Ray E. Starn, Personnel Commission; John D. Garrett, Planning Commission and Trevor J. Griffith, Board of Zoning Adjustment.

RESOLUTION NO. 59-46

A RESOLUTION REAPPOINTING MEMBER OF THE PERSONNEL COMMISSION RAY E. STARN FOR TERM EXPIRING JANUARY 1, 1963

Introduced by Hammond Seconded by Arata
Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Adams, Spaulding

RESOLUTION NO. 59-47

A RESOLUTION REAPPOINTING MEMBER OF THE PLANNING COMMISSION JOHN D. GARRETT FOR TERM EXPIRING JANUARY 1, 1963

Introduced by Hammond Seconded by Robinson
Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Adams, Spaulding

RESOLUTION NO. 59-48

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT TREVOR J. GRIFFITH FOR TERM EXPIRING JANUARY 1, 1963

Introduced by Arata Seconded by Merrill
Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Adams, Spaulding

RESOLUTION NO. 59-49

A RESOLUTION REAPPOINTING MEMBERS OF THE BOARD OF LIBRARY TRUSTEES HERBERT G. FLORCKEN AND MARY L. JOHNSON FOR TERMS EXPIRING JANUARY 1, 1963

Introduced by Arata Seconded by Robinson
Ayes: Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Adams, Spaulding

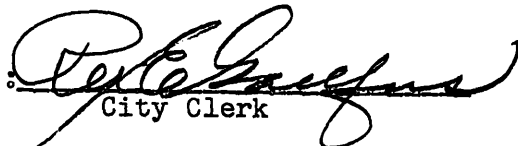
ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill 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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Hammond, Merrill, Robinson,
Mayor Marks
Absent: Councilmen: Spaulding

Councilman Spaulding arrived at 7:41 P.M.

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 January 21 and 28 and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MODESTO SQUADRON OF CIVIL AIR PATROL RE: HEADQUARTERS SITE 1-14

The letter requesting cooperation in the matter of providing a headquarters site was read.

MOTION

That the letter be turned over to the staff for further discussions to determine if this would fit within the framework established by the Council by past action.

Moved by Arata Seconded by Merrill Unanimously carried

LETTER AND PROCLAMATION FROM THE FUTURE FARMERS OF AMERICA 1-39

The Future Farmers of America asked permission to place a banner across the city streets in order to advertise the National FFA week of February 21-28.

RESOLUTION NO. 59-50

A RESOLUTION ESTABLISHING POLICY ON GRANTING OF PERMITS TO DISPLAY BANNERS AND DECORATIONS OVER AND ACROSS STREETS IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 58-84

Introduced by Merrill Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Spaulding

Dwight Lee, President of the Modesto Chapter, was asked to work out detailed arrangements for the display of the banner with City Manager Miller.

LETTER FROM FRANK ANDREWS 1-99

With the unanimous consent of the Council, Mayor Marks briefed two letters received from Frank Andrews, which were ordered filed.

ACCEPT BID OF OSTERBERG & CARROLL FOR TWO DEEP WELLS 1-110

Copies of the tabulation on the two bids received for the drilling and developing of two deep wells which had been opened on Feb. 9 were distributed to the Council for consideration. (Pump station #22 located north of Teresa Street and east of Carver Road and #15A located on Dryden Park Municipal Golf Course)

Director of Public Works Ray recommended that the low offer filed by Osterberg & Carroll be accepted.

RESOLUTION NO. 59-51

A RESOLUTION ACCEPTING THE BID OF OSTERBERG & CARROLL FOR DRILLING AND DEVELOPMENT OF TWO DEEP WELLS

Introduced by Adams Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

CONSIDERATION OF BIDS RECEIVED FOR RADIO EQUIPMENT 1-110

The City Manager reported that bids had been received from General Electric Company and Motorola Co. for radio equipment on February 9 and opened in the Clerk's office at 2 P.M. The bid submitted by the General Electric Company was invalid because it was not signed. The Council could, he stated, 1) refuse all bids and authorize the staff to negotiate for price; 2) direct that there be a new call for bids, or 3) accept the bid of Motorola, Inc. the lowest and only qualified bidder.

The City Manager recommended alternate No. 3 as the bid from the Motorola Company was in line and the city's present equipment, purchased over the past four years, is Motorola equipment, which would standardize the equipment and minimize maintenance costs.

The City Attorney answered a question raised by Bill Nye, representative of the General Electric Company, that although the bidding bond of the Motorola Co. was not 10% of the total bid, it was legal because it was 10% of the actual bid price, excluding sales tax.

MOTION

That award of bid be held over until next week.

Moved by Merrill Seconded by Spaulding Unanimously carried

HOLD OVER ORDINANCE APPROVING MODIFICATION AND EXTENSION OF LEASE AGREEMENT ON MID BUILDING WITH COUNTY 2-47

Terms of the revised lease agreement ending Feb. 15, 1960 and ordinance were outlined by the City Attorney.

Councilman Arata recommended that a clause be added to the agreement which would provide that the County move out of the building as soon as its Court building was completed if this date was prior to termination date.

The matter was held over until this change could be made in the agreement and approved by the County.

REPORT ON MCHENRY AVENUE PROJECT 2-65

The City Manager reported that over 90% of the parcels involved in the McHenry Avenue widening project were cleared. Two groups are involved in the uncleared parcels, 1) those which the staff has been unable to arrive at any satisfactory basis upon which the owners will dedicate the land, and 2) where satisfactory solution has been reached but there are supplementary interests of deeds of trust, etc. which have not yet been cleared, but which will be cleared as promptly as possible.

All of these people have been advised that the city must proceed with the institution of condemnation proceedings at this time to clear the balance of the parcels. They have been notified that this would be no reflection on them and they could be relieved from the proceedings as soon as their parcels were cleared.

One of the major factors in clearing this project, he stated, has been the utility companies involved. Major relocation is required of every utility involved, Pacific Gas & Electric Company, Pacific Telephone & Telegraph Company, Modesto Irrigation District and City of Modesto.

Letters from the companies and district were read, copies of which are on file with the records of this meeting, offering to relocate their facilities without cost as their part in making this project possible. These offers have been cleared by the staff with the State, the City Manager reported.

Letters drafted by the staff to the utility companies and the district for Council approval accepting these offers, were read by Mr. Ray.

MOTION

That the letter drafted by the staff, accepting the offer of the Pacific Telephone and Telegraph Company for the relocation of its facilities on that portion of McHenry Avenue included in the widening project be approved for transmittal to the Company.

Moved by Arata Seconded by Robinson Unanimously carried

MOTION

That the letter drafted by the staff, accepting the offer of the Pacific Gas & Electric Company for the relocation of its facilities on that portion of McHenry Avenue included in the widening project be approved for transmittal to the Company.

Moved by Adams Seconded by Merrill Unanimously carried

Mr. Ray reported that one item remained to be cleared with the Modesto Irrigation District-----location of pole at the southwest corner of Orangeburg & McHenry Avenue. The staff is working with the property owners at this location to clear an easement at least so that the pole can be placed in the proper location.

Mr. Ray pointed out that the letter to the District would follow basically the other letters once the one pole location is cleared. A statement would be included in the letter to the effect that if there were any additional relocations as a result of operations on this project it would be at the expense of others than the District.

MOTION

That this be approved in principle.

Moved by Robinson Seconded by Spaulding Unanimously carried

Mr. Ray reported that the city will have to relocate some of its water lines but most of them are new and of high quality materials so that even though they will be in an undesirable location within the travel way, the State has agreed that they can remain. Only older or inadequate lines are to be replaced. This means that almost all of the lines north of M.I.D. lateral No. 4 will not be shifted at this time. The city's estimated cost for relocation of its facility or installation of new ones is as follows:

Water lines-----	\$12,200.00
Sanitary sewers-----	16,000.00
Relocation of Street lights-----	3,700.00
Relocation of fire alarm boxes---	<u>600.00</u>
Total	\$32,500.00

Mr. Ray pointed out that the cost for sanitary sewers would be recovered as the area to the east of McHenry is annexed and developed. He reported that all plans had been prepared for these various items, ready for submission to the state, which they have also approved ahead of time. A letter is needed for transmittal to the state, similar to the letters from the other utility companies.

MOTION

That a letter similar to the other letters be prepared by the staff for transmittal to the State outlining the city's approval for the improvements outlined by the Director of Public Works.

Moved by Hammond Seconded by Merrill Unanimously carried

The City Manager reported that all parties involved in the vacation of the alley in Block 6000A and rezoning of this area had not yet signed agreements. As provided in the agreements, it is necessary that all interested parties sign before the city proceeds on vacation of the alley and rezoning. It will be necessary to

include these properties in the resolution instituting condemnation proceedings but it is hoped that the city will be able to clear it out before the suits are actually filed.

At the suggestion of City Attorney Grimes, these matters were dropped from the agenda until such time as all matters had been cleared.

RESOLUTION NO. 59-52

A RESOLUTION AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR STATE HIGHWAY PURPOSES

Introduced by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

City Manager Miller expressed appreciation to the staff and the people who had worked on this project.

Howard Wilbourne, 225 McHenry, spoke on behalf of the McHenry Avenue Improvement Association and expressed appreciation for the city's cooperation.

DISCUSSION ON CONTROL TOWER AT AIRPORT 4-72

With the unanimous consent of the Council, Harry Sham, Airport Manager, was permitted to raise a matter not on the agenda----a possible control tower for the Modesto City-County Airport.

E. J. Victorino, representing airplane owners of the County, stated that the Modesto airport qualified for a control tower. He pointed out that air traffic over the port and surrounding area had now reached a point where some thought should be given to the safety of the pilots and the residents. He stated that there were federal funds available for a tower.

He pointed out that there was a definite need for an administration building and new rest rooms at the port.

Carl Estep, Chief Airport Traffic Controller of Stockton Field, spoke on surveys which had been conducted at the Modesto airport which indicated that the traffic qualified for a control tower as set up by the criteria of the Washington D.C. office.

He briefly spoke on the functions and purpose of a control tower and the estimated increase in air traffic at the port during the next few years.

Answering a question raised by Councilman Arata, Mr. Estep estimated it would take the federal government at least two years to approve and place a tower in operation. He pointed out that the FAA would have to budget funds for one half of the construction costs (one-half to be paid by city) and personnel to operate the tower. He estimated that at least six families would be brought to the community by the federal government to staff and operate the tower. He estimated the annual operation budget for the government to be \$30,000 for controller personnel. He estimated the cost to construct the tower to be \$75,000 to \$100,000.

MOTION

That the matter be referred to the staff for a report.

Moved by Arata Seconded by Merrill Unanimously carried

Mayor Marks pointed out that a long range report should also be prepared for the Council with regards to the other matters raised by Mr. Victorino. He suggested that the Council consider the improvement of the rest rooms in its next budget.

ACCEPT RIGHT OF WAY CONTRACTS FOR WIDENING OF MCHENRY AVENUE 6-35

Right of Way Contracts for widening of McHenry Avenue from Michael D. & Rose E. Ursini, Carmela Pantaleo and Urich Oil Company were presented for Council consideration.

RESOLUTION NO. 59-53

A RESOLUTION APPROVING RIGHT OF WAY CONTRACTS BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

Introduced by Merrill Seconded by Hammond
 Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, Spaulding,
 Mayor Marks
 Noes: None Absent: None

CONSIDER MATTER OF SEWER SERVICE TO DENISE SUBDIVISION OFF COFFEE ROAD 6-45

As directed by the Council at its meeting of February 4, the City Manager presented and read a report on "Sewer Service to Denise Subdivision", a copy of which is on file with the records of this meeting.

A map of the area was shown by the Director of Planning indicating the proposed development of the subdivision and the Planning Department's recommendation. The Planning Department recommended that the sewer be extended to serve Denise Subdivision and adjacent properties, provided the developer of Denise Subdivision and the owners of the lots facing on Coffee Road agree to subdivide as recommended by city staff, connect to city sewers and annex when legally possible.

The City Manager stated that this area would be served water by the Del Este Water Co. because the company already has provided the facilities to serve this area.

Report on water line installation in Rose Avenue area 7-11

The City Manager stated that the question before the Council was-----what is the limit, how far can the city afford to reach in order to help promote sound development and alleviate the problems which result from septic tanks, etc. The City has objected to scattered types of development outside the city and is placed in the position as to how far it can go to help and encourage development within the sewer limits already provided with main trunk sewers.

He pointed out that the city's sewsr system had been designed to serve the area east of Modesto but the question was funds to extend the system to these areas.

Mr. Smeath displayed a map of the area showing the recent development of subdivisions without sewers.

Councilman Hammond considered that it was important to encourage development throughout the area to discourage strip development.

Councilman Spaulding and Councilman Adams considered the city should encourage development within the general plan area.

The City Manager pointed out that the city had never refused sewer service to any area because the city could not serve the water-----if it made more sense for a private water company to serve the area. In some other cases the Del Este Co. has served the water in the more isolated areas while the city served the sewers because the city did not have the facility in the area.

Mr. Ray pointed out that there had not been any new subdivisions on Coffee Road, except those which are connected to the sewer since sewer facilities have been available.

The City Manager read the report dated February 11, 1959, on "Water Service to Rose Avenue Area", a copy of which is on file with the records of this meeting.

Comments on the report were

Mayor Marks-----"We have already gone on record publicly that we are going to serve the entire area between the Old Oakdale Road and the Coffee Road with both water and sewers, even if this necessitates purchasing the line Del Este Co. has installed."

Mayor Marks pointed out unless this was done the area would develop with septic tanks or the city would be furnishing sewers without water service which would not be economically feasible. He pointed out that this area would not develop so rapidly that the city would not be able to finance the water and sewer service jointly.

Councilman Adams---"As far as timing is concerned we have had the well at Downey High School for two years which was sized with the thought that the city would serve the entire east area. The city should serve this area as it has been its policy."

Councilman Hammond-"When the city voted the bonds for the sewer plant the community and the people were well informed as to the limits and we have had the policy of providing the sewers along with the water. I can see no reason for changing it. We have been on record far enough in advance so that all the developers in that area know that the city intended to provide the utility for this area."

Mayor Marks suggested that the city offer to buy the line already constructed on Rose Avenue by the Del Este Water Company, and if the company was unwilling, to construct a city line paralleling it.

The City Manager suggested negotiating with the company for the purchase of the line and for some possible readjustments of some other way to serve the area to minimize the cost to everybody.

Mayor Marks stated the city should know and the company should know each others plans so that there would not be duplication of lines.

Councilman Hammond pointed out that the city had already explained to everyone concerned that it intended to serve this area far enough in advance and if private companies installed lines they did so at their own risk.

The City Manager answered a question raised by the Council whether the line on Rose Avenue was up to city standard----normally, the city would not put in steel pipe but cast iron pipe, but the city could negotiate with the company for the purchase of this line and utilize it, it would have to be on a price which is below cast iron pipe and then the city could rearrange its system so that this line could properly fit in and be a part of a water system with sufficient capacity to meet city standards.

John Quaresma considered that some policy should be set on this area, whether the city was definitely going out into the area with water and sewer or just sewer. He pointed out that the developer of Green Acres Subdivision located off Coffee Road had been required to put in dry sewers in 1955 when the area was developed, which indicated that it had been the city's intention to extend the sewer to the area. It would be a good policy to extend the sewer up to that area so that these facilities could be useable. If the service cannot be provided when needed, it would be an "upsetting policy", and would jeopardize the developer.

Mayor Marks suggested that the Council reaffirm its position on furnishing sewer and water services and that copies of this policy be sent to any interested parties-----"Our sewer system is designed to serve ultimately all of the undeveloped areas within the present sewer service area. The city has proceeded on the basis that in newly developed areas where we are going to furnish sewer service it would be on the basis that the areas would be annexed and we would furnish all city services, including water unless there are unusual circumstances which makes provision of city water in a specific area uneconomic or impractical. So far the only exceptions to this policy have been where the water companies have already installed the basic facilities to serve an area and where to provide city water service would mean unnecessary and costly duplication of services."

RESOLUTION NO. 59-54

A RESOLUTION REAFFIRMING THE POLICY OF THE CITY OF MODESTO FOR SERVING SEWER AND WATER SERVICES

Introduced by Mayor Marks Seconded by Adams
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

2-11-59 Page 8

Mayor Marks stated that copies of this should be sent not only to real estate developers, but to the Chamber of Commerce, all private water companies and other interested parties advising that this is a reaffirmation of the policy that the Council had pursued since the bond issue.

Howard Wilbourn pointed out that when the city was going to serve subdivisions with sewers it was possible to subdivide the lots so that a few more lots would be available.

Councilman Hammond pointed out that the subdividers must realize that the city was not going to be at the capricious actions of the subdividers but subdivisions must be developed in such a manner that utilities could be provided on an orderly basis at the lowest cost to the taxpayers of the city. If subdividers do not elect to expand in an orderly manner then the city should not be penalized for not being able to reach them at the right moment.

Mr. Ray pointed out that no subdivider had been required to put in dry sewers in any of the subdivisions on Rose Avenue area but they have done so on their own volition, principally because by doing so the F.H.A. would allow them to put in smaller lots. They have all known that it would be some time, possible years, before the trunk sewer would be out in this area.

GRANT SEWER SERVICE TO SHERWOOD MANOR 9-82

Mr. Ray reported receipt of a request from Robert Bomberger to consider the provision of sewer and water service by the city to Sherwood Manor, a 34 acre subdivision located north of Floyd Avenue and south of Sherwood Forest. Thirty three acres can be served by sewers. It would require sewers of greater depth through the Montgomery Village No. 3 Subdivision which the Council recently approved for sewer service, and small enlargement on the sewage lift station. The city could also serve this additional 33 acres, which would mean that the city would be about 3 acres over the ultimate for this line. It would cost the subdivider more money for sewers than the others on the basis of the city's estimates. It appears that he would have to pay \$1000 additional for the additional depth of line and his share of sewer lines and lift station, which would mean it would cost him \$135 an acre to get the line to the nearest point of the subdivision and additional costs for lines beyond this point.

There would be no problems involved in serving the subdivision with water as the adjoining subdivision are being served with city water. This area will annex and is contiguous to the city. The staff's only question about the request is that it would make an area north of Floyd Avenue sticking out by itself and it would not be possible to extend sewer service much farther. He recommended favorable Council consideration of the request. He reported on the costs which would be advanced by the city which totalled \$11,500. (\$1900 by Montgomery Village No. 3; \$4,500 by Sherwood Manor and the balance would be returned to the city by the development of the additional 60 acres north of the Cavel Drain and the entire acreage where Revard Manor is located.)

MOTION

That the staff be instructed to prepare an agreement for serving the Sherwood Manor Subdivision with water and sewer service upon agreement to annex to the city.

Moved by Hammond Seconded by Spaulding Unanimously carried
2-11-59 Page 9

ACTION ON SEWER SERVICE FOR DENISE SUBDIVISION 10-12

MOTION

That if the subdivision of this land be in accordance with the approval of the City Planning Commission sewers will be furnished.

Moved by Hammond Seconded by Merrill Unanimously carried

APPROVE LEASE OF LAND WITH KENNETH DURAND ET UX 10-66

The City Attorney presented for Council approval an agreement between the city and Kenneth Durand, et ux for the rental of walnut grove on the Dryden Park Municipal Golf Course.

RESOLUTION NO. 59-55

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH & GLADYS DURAND FOR THE RENTAL OF WALNUT GROVE LOCATED ON A PORTION OF THE DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Arata Seconded by Hammond
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

AUTHORIZE RELEASE OF PERFORMANCE BOND ON GREGORY GARDENS #2 SUBDIVISION 10-68

Ross Campbell, Assistant Director of Public Works, reported that all of the work in connection with the improvements of Gregory Gardens Subdivision No. 2 has been completed in accordance with the agreement and recommended the release of the subdivision bond posted to guarantee these improvements.

RESOLUTION NO. 59-56

A RESOLUTION APPROVING THE RELEASE OF THE PERFORMANCE BOND FILED BY LANCE E. ELLIS AND CAROL L. ELLIS TO GUARANTEE THE DEVELOPMENT OF GREGORY GARDENS SUBDIVISION NO. 2

Introduced by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Robinson, Mayor Marks
Noes: None Absent: None

MEMBERSHIP PROPOSAL OF FEATHER RIVER PROJECT ASSOCIATION 10-70

Councilman Robinson reported on his study of the request of the Feather River Project Association for the City of Modesto to join the association. He stated that the matter is being handled and it does not require the city to join at this time.

MOTION

That the City of Modesto shall not join the Feather River Project Association at this time.

Moved by Hammond Seconded by Spaulding Unanimously carried

APPROVE AGREEMENT LEASE OF 20 ACRES OF AIRPORT LAND TO PHILIP MORAN
10-76

RESOLUTION NO. 59-57

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PHILIP MORAN FOR LEASE OF 20 ACRES OF PROPERTY AT CITY-COUNTY AIRPORT

Introduced by Hammond Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF ALLEY IN
BLOCK 6802

Resolution No. 472 adopted by the Planning Commission on November 6, 1958 recommending to the Council the holding of a public hearing to consider the abandonment and vacation of a portion of the alley in Block 6802 was considered by the Council.

RESOLUTION NO. 929-S.P.
RESOLUTION OF INTENTION NO. 265

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF ALLEY IN BLOCK 6802 IN THE CITY OF MODESTO

Introduced by Arata Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

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

REQUEST FROM GANT PROPERTIES CO. INC. FOR SEWER SERVICE FOR COMMERCIAL
BUILDING CONSTRUCTED ON FRANKLIN AND PARADISE ROAD 10-93

With the unanimous consent of the Council a letter filed by Gant Properties Co. Inc. for sewer service for its new commercial building located on Franklin and Paradise Avenues was considered. Mr. Denver Gant asked that the company be permitted to hook up the building to the present sewer line which furnished sewer service to the former residence at this location and which had been approved by the Council in 1923. He stated that he anticipated annexing the property to the city.

The City Manager reported that the staff had been working with Mr. Gant and had informed him specifically that if this sewer connection was to be used for commercial purposes that he should make new arrangements with the Council for such use.

The City Manager recommended that the property be granted this service on the same basis as other properties-----the property be annexed as soon as possible and developed in accordance with city standards, and the regular city rates for sewer rates be charged.

Councilman Hammond considered that this could not be handled on any other basis than the city's present policy.

MOTION

That the staff be instructed to proceed along the necessary lines to annex the area and prepare agreement for execution.

Moved by Arata Seconded by Hammond Unanimously carried

The City Manager pointed out that it would take some time before all procedures for annexation would be completed.

REPORT FROM PLANNING COMMISSION ON REQUEST FOR EXCEPTION TO SUBDIVISION REGULATIONS 11-60

Planning Director Smeath reported that the City Planning staff had recommended that Multnomah Drive in Yorkshire Subdivision be a 60 foot street, curbs and gutters be 40 feet apart to meet standards for a collector street. The subdivision does not have enough space to give the 10 feet without losing 2 lots and creating some other problems. With redesign of the subdivision, the staff feels that it is possible, and the subdivider has filed a petition asking for exception to the subdivision ordinance to permit this street to be 50 feet wide with 40 feet between curbs and to have a 20 foot setback for houses and a planting easement for trees will be given by the subdivider. The City Attorney has recommended that the Council approve the recommendation for an exception made by the Planning Commission.

RESOLUTION NO. 59-58

A RESOLUTION GRANTING EXCEPTION TO THE PROVISION OF THE SUBDIVISION REGULATION AS THEY RELATE TO THE STREET WIDTH IN THE YORKSHIRE MANOR SUBDIVISION

Introduced by Robinson Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REPORT FROM PLANNING COMMISSION IN INTERIM ZONING RECOMMENDATION MODESTO INDUSTRIAL PARK 11-86

The City Manager reported that the public hearing on the proposed annexation of the Modesto Industrial Park was scheduled for Feb. 18 and unless other provisions were made the entire area would be zoned single-family upon annexation. The Commission recommends that the portion lying east of Crows Landing Road be placed in the Industrial Park, M-P Zone as an interim zoning measure, except for lot 6 of South Modesto Acres, which is recommended for Neighborhood Commercial C-1 zoning. No public hearing or other action by the Council is necessary at this time. The interim emergency ordinance, if approved, should be adopted after action by the Council on annexation at the meeting of Feb. 18.

The City Attorney advised that the change in zoning could not be made the same date as the annexation action by the Council as the annexation must first be approved by the Secretary of State.

REPORT FROM PLANNING COMMISSION ON INTERIM ZONING RECOMMENDATION QUARESMA HOMES SUBDIVISION (CARVERWOOD ADDITION) 11-100

The City Manager reported that unless otherwise provided upon annexation the Carverwood Addition would be annexed as Single-Family

Residential. In the approval of the tentative map the block between Goldenwood and Glenwood was planned for double frontage lots. One condition of approval was that unless this block is granted R-2 zoning the map be redesigned to eliminate the double frontage lots. Mr. Quaresma is ready to proceed with the final map and must have an answer. The Commission recommends that the Council adopt an interim emergency ordinance classifying this block as R-2.

MOTION

That the Council indicate to Mr. Quaresma that the R-2 zoning which the Planning Commission has already approved in principle is sound in principle.

Moved by Arata Seconded by Robinson Unanimously carried

CONSIDER PROPOSAL FROM SUBDIVIDER OF GREGORY GARDENS #4 AND SCHOOL DISTRICT TO OPERATE AND MAINTAIN A SEWAGE LIFT STATION ON TULLY ROAD NEAR HIGH SCHOOL SITE 12-0

The Council considered a request from Lance E. Ellis for permission to maintain a sanitary sewer lift station which he proposed to install in conjunction with the Modesto City Schools to serve the new high school on Tully and his subdivision land.

MOTION

That this matter be referred to the staff for study.

Moved by Adams Seconded by Mayor Marks Unanimously carried

REPORT ON REVISION OF METHOD FOR ALLOCATING FEDERAL FUNDS BY STATE WATER POLLUTION CONTROL BOARD 12-10

The City Manager reported that Director of Public Works Ray had recently attended a conference of the Board in Los Angeles to discuss our proposal for giving more credit to cities which "helped themselves". The City of Modesto opposed the features of the program which had encouraged inaction by cities. The new regulations are now in force and Modesto will get some credit, not only for bonded indebtedness, but cash outlays for capital improvements on sewage disposal. This possibly will not place the city in a position for funds immediately but it will establish a more valid basis and might in the future assist the city in obtaining a higher priority. Assistance to the city's program was given by the City of Stockton and the League of California Cities.

PRESENTATION AND EXHIBIT OF CITY OF MODESTO, COUNTY OF STANISLAUS AND GREATER MODESTO CHAMBER OF COMMERCE--PACIFIC SOUTHWEST LOCAL SERVICE CASE 12-25

The City Manager displayed a copy of the presentation and exhibit for Council information.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF JANUARY

The financial report for the month of January, 1959 was filed by the City Manager and copies distributed to the members.

ANNOUNCEMENT OF MEETINGS

The City Manager noted that the third annual state-wide Industrial Congress was being held in San Mateo on February 18 and that Mayor Marks would be speaking on the subject "How the Community Meets the Competitive Challenge", with Mayor Marks as a principal speaker.

The California City Managers' annual meeting was being held at San Mateo on February 18-20.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was adjourned at 10:20 P.M.

ATTEST: 
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

PRESENT: Councilmen: Arata, Merrill, Spaulding, Mayor Marks

ABSENT: Councilmen: Adams, Hammond, Robinson

Councilman Adams arrived at 4:05 P.M. and Councilman Hammond at 4:25 P.M.

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

Rev. Nick Vander Veur gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of February 4, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MODESTO CITY SCHOOLS RE: SANITARY SEWER AND LIFT STATION AT TULLY ROAD AND VICINITY OF THIRD HIGH SCHOOL SITE 1-9

The letter was read requesting that the City maintain a sanitary sewer and lift station to be built by the Schools and Lance Ellis to serve the new high school to be built near Tully Road and a portion of Gregory Gardens No. 4 Subdivision.

MOTION

That the letter be referred to the staff for study and report.

Moved by Arata Seconded by Adams Unanimously carried

LETTER FROM DELWYN WALLIS, YELL LEADER OF THOMAS DOWNEY HIGH SCHOOL

The letter was read requesting that traffic safety measures be taken to protect the students while walking from and to schools and crossing Coffee Road.

City Manager Miller pointed out that the City has worked with the schools and already made improvements in the vicinity of the school.

Mayor Marks ordered the letter referred to the staff for study and report.

LETTER FROM MODESTO CITY EMPLOYEES' ASSOCIATION 1-45

A letter was read from the Modesto City Employees' Association requesting the Council to start proceedings for the integration of State Employees' Retirement System and Social Security (OASDI).

Copies of the report summarizing the basic benefits, which is to be sent to the city employees and the Personnel Commission, were distributed to the Council members.

The City Manager stated that no Council action was necessary until receipt of a report from the Personnel Board.

LETTER FROM CALIFORNIA SOCIETY OF PROFESSIONAL ENGINEERS 1-70

A letter from the California Society of Professional Engineers was read advising that National Engineers' Week would be observed during the week of Feb. 22-28.

LETTER FROM FRANK ANDREWS 1-80

The letter was briefed by Mayor Marks.

MOTION

That the letter be ordered filed.

Moved by Merrill Seconded by Arata Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT STATION NO. 21 1-87

RESOLUTION NO. 59-59

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE CONSTRUCTION OF NEW PUMP HOUSE AT STATION NO. 21

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Hammond, Robinson

AWARD OF BID FOR RADIO EQUIPMENT 1-92

Further consideration was given to the bid which had been received from Motorola Company for radio equipment.

The City Attorney reviewed the previous consideration of the bids; 1) General Electric Co. bid of \$5,329.58 was not a legal bid because it was not signed; 2) the bond for \$600 submitted by the Motorola Company did not equal 10% of the total bid of \$6,101.72, including sales tax, but it would be 10% of the base bid and was a legal bid. He considered this a minor irregularity which could legally be waived by the Council and the bid accepted.

Assistant City Manager Masonheimer reviewed the reasons for the staff's recommendation that the bid from Motorola Company be accepted.

- 1- Motorola equipment would standardize the city's equipment reducing maintenance and replacement costs.
- 2- The exceptions listed in the General Electric Company bid provided a lower power base station.

3- Acceptance of the valid bid would assist in invoicing for federal participating funds.

A general Council discussion was held on whether to reject all bids and call for new bids. Mr. Masonheimer explained the addendum which had been added to the original specifications at the direction of the Office of Civil & Defense Mobilization. He pointed out the city would ordinarily not be required to call for bids but where there was federal participating funds involved, federal regulations must be complied with. If this valid bid was rejected and a new call for bids was made and the city received 3 or 4 bids and elected to select other than the low bid, the federal government would only participate to the extent of one-half of the cost of the lowest bid.

The City Manager pointed out that a basic issue was whether or not the Council as a matter of policy would adhere to its practice of not giving another chance to bidders who filed invalid bids.

RESOLUTION NO. 59-60

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR RADIO EQUIPMENT AND AUTHORIZE CALL FOR NEW BIDS

Introduced by Merrill Seconded by Arata
 Ayes: Arata, Merrill, Spaulding
 Noes: Mayor Marks, Councilmen Adams and Hammond
 Absent: Robinson

Mayor Marks declared that the resolution did not carry.

RESOLUTION NO. 59-61

A RESOLUTION ACCEPTING THE BID OF MOTOROLA, INC. FOR FURNISHING OF RADIO EQUIPMENT

Introduced by Mayor Marks Seconded by Adams
 Ayes: Adams, Hammond, Spaulding, Mayor Marks
 Noes: Arata, Merrill Absent: Robinson

REJECT BIDS RECEIVED FOR WATER LINES IN WALNUT GROVE SUBDIVISION AND
 AUTHORIZE WORK DONE WITH CITY FORCES 3-100

Director of Public Works Ray reported that one bid had been received for the installation of water lines in Walnut Grove Subdivision in the sum of \$5,368.00 from George Reed. The estimate for doing the work with city forces was \$2,361.00. It was pointed out that this was far above the 10% differential set by the Council.

The City Manager stated that the staff would recommend on this basis that the bid be rejected and the city do the work with its own forces.

RESOLUTION NO. 59-62

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN WALNUT GROVE SUBDIVISION

Introduced by Merrill Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

ACCEPT BID OF JACUZZI BROTHERS FOR DEEP WELL EQUIPMENT 3-111

Director of Public Works Ray reported on the four bids received and opened on February 16 at 2:00 P.M. for the furnishing of deep well pump with electrical equipment and auxiliary gas engine. He pointed out that the lowest offer of \$13,442.50 submitted by Jacuzzi Brothers Co. contained an exception to the city's specifications relating to wet type cylinder sleeves on the auxiliary gas engine. The second offer of \$13,744.46 submitted by Byron-Jackson Pumps Inc. also contained exceptions to the city's specification. The Company advised that they could not accept any penalties for any delays imposed by various manufacturers other than their own equipment as such would be beyond their control. He reported that the penalty clause in the specifications provided for a payment of \$25.00 per day if the company fails to meet the completion time shown on the bid. The company also stated that its prices are firm only for its equipment and other prices will be adjusted to the vendor's price in effect at the time of shipment, which is in effect an escalator clause.

Mr. Ray recommended since there were variances from the specifications in both bids, and an exception must be made or all bids be rejected and a new bid call be made or that the low bid be accepted, even though it would have an engine which would not have the wet sleeves as provided in the specifications. The importance of this exception does not appear too great since the equipment would only be operated intermittently.

The Council discussed the bids received, the recommendation of the Director of Public Works, and delay incurred if bids were rejected, since the need for the equipment was urgent.

The City Attorney stated a minor irregularity could be waived but a substantial variance in the specifications cannot be waived. He stated from a legal point of view he had some questions in his mind about both of the bids complying and he recommended that the Council either accept the third bid or reject all bids and readvertise.

RESOLUTION NO. 59-63

A RESOLUTION ACCEPTING THE BID OF JACUZZI BROTHERS CO. FOR FURNISHING DEEP WELL PUMP WITH ELECTRICAL EQUIPMENT AND AUXILIARY GAS ENGINE.

Introduced by Merrill Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

HEARINGS ON ANNEXATION OF UNINHABITED TERRITORIES TO THE CITY 4-97

Modesto Industrial Park

Mayor Marks declared the hearing open at 4:30 P.M. for consideration of the annexation of Modesto Industrial Park to the City of Modesto.

The City Clerk certified that the notice of the hearing had been published in the manner prescribed by law and that no written protests had been filed. Notices had been sent to property owners in the area.

Mayor Marks asked if there were any oral protests or if anyone wished to make any comments. No protests were filed or comments made.

Mayor Marks declared the hearing closed.

ORDINANCE NO. 284-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE MODESTO INDUSTRIAL PARK ADDITION TO THE CITY OF MODESTO"

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

Introduced by Arata Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

Durand Addition

Mayor Marks declared the hearing open at 4:30 P.M. for consideration of the annexation of Durand 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, notices sent to property owners in the area, and that no written protests had been filed.

Mayor Marks asked if there were any oral protests or if anyone wished to made any comments. No protests were filed or comments made.

Mayor Marks declared the hearing closed.

ORDINANCE NO. 285-C.S. entitled

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

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

Introduced by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

Orangeburg Municipal Addition

Mayor Marks declared the hearing open at 4:30 P.M. for consideration of the annexation of the Orangeburg Municipal 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 notices had been sent to property owners in the area, and that no written protests had been filed.

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

ORDINANCE NO. 286-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE ORANGEBURG MUNICIPAL ADDITION TO THE CITY OF MODESTO"

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

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

Phoenix Station Addition

Mayor Marks declared the hearing open at 4:30 P.M. for consideration of the annexation of the Phoenix Station 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 notices had been sent to property owners in the area, and that no written protests had been filed.

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

ORDINANCE NO. 287-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE PHOENIX STATION ADDITION TO THE CITY OF MODESTO"

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

Introduced by Merrill Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

Carverwood Addition

Mayor Marks declared the hearing open at 4:30 P.M. for consideration of the annexation of the Carverwood 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 notices had been sent to property owners in the area, and that no written protests had been filed.

Mayor Marks asked if there were any oral protests or if anyone wished to make any comments. No protests were filed or comments made.

Mayor Marks declared the hearing closed.

ORDINANCE NO. 288-C.S. entitled

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

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

Introduced by Arata Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

Yorkshire Addition

Mayor Marks declared the hearing open at 4:30 P.M. for consideration of the annexation of the Yorkshire 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 notices had been sent to property owners in the area, and that no written protests had been filed.

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

ORDINANCE NO. 289-C.S. entitled

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

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

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

ACCEPT BID OF INDUSTRIAL ELECTRICAL COMPANY FOR TRAFFIC SIGNALS ON H STREET AT WASHINGTON (MODESTO HIGH SCHOOL) 5-01

The City Manager reported receipt of two bids for the installation of traffic signals on H Street at Washington near the Modesto High School. He recommended acceptance of the bid submitted by the Industrial Electrical Company, the low bidder. He stated that the matter of the direction of traffic on H Street from Washington to First Street would be checked further with both Traffic and Fire Departments and a report submitted. If this block is not "one-wayed", it would cost the city an additional \$150.

RESOLUTION NO. 59-64

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL COMPANY FOR FURNISHING ALL MATERIAL, MACHINERY, TOOLS, LABOR AND SERVICES NECESSARY FOR THE CONSTRUCTION OF PEDESTRIAN-ACTUATED TRAFFIC SIGNALS AND STREET LIGHTING AT WASHINGTON AND H STREETS

Introduced by Arata Seconded by Adams
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

REFER REQUEST FOR ANNEXATION OF GREGORY GARDENS NO. 4 ADDITION TO
 PLANNING COMMISSION 5-15

RESOLUTION NO. 59-65

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A
 REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX CERTAIN UN-
 INHABITED TERRITORY TO THE CITY OF MODESTO DESIGNATED AS GREGORY
 GARDENS NO. 4 ADDITION

Introduced by Merrill Seconded by Adams
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

RESOLUTION CALLING GENERAL MUNICIPAL ELECTION 5-19

RESOLUTION NO. 59-66

A RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO FOR A
 GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 14, 1959, AND
 DESIGNATING PRECINCTS AND POLLING PLACES AND APPOINTING MEMBERS OF
 PRECINCT BOARDS FOR SAID GENERAL MUNICIPAL ELECTION

Introduced by Adams Seconded by Arata
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

ACCEPT INSTALLATION OF STREET LIGHTING SYSTEM IN WESTLAND MANOR NO. 2

The City Manager reported completion of the street lighting
 system in Westland Manor No. 2 by the contractor, Industrial Electrical
 Company. He recommended acceptance, recordation of Notice of Comple-
 tion with the County Recorder and authorizing payment of amounts due
 under the contract.

RESOLUTION NO. 59-67

A RESOLUTION ACCEPTING THE CONSTRUCTION OF STREET LIGHTING SYSTEM
 IN WESTLAND MANOR NO. 2 SUBDIVISION BY INDUSTRIAL ELECTRICAL COMPANY:
 AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF
 COMPLETION WITH THE COUNTY RECORDER

Introduced by Spaulding Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

REPORTS FROM PLANNING COMMISSION 5-45

Set date hearing Paradise Center No. 2 Annexation

RESOLUTION NO. 59-68

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE PARADISE
 CENTER NO. 2 ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND
 PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Arata Seconded by Hammond
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

2-18-59 Page 8

REPORT ON McHENRY AVENUE PROJECT 5-52

The City Manager reported that some progress was being made on the project but several parcels still remained to be cleared.

The City Attorney reported that the preparation of the necessary legal documents for the institution of condemnation proceedings was progressing in a satisfactory manner.

The City Manager pointed out that it should be made clear to all persons involved that there is still an opportunity, for a short period of time, to deed rights of way without suit being filed against them individually.

CONSIDER REQUEST FOR WATER AND SEWER SERVICE TO DOWNEY PARK SUBDIVISION ON ROSE AVENUE 5-62

Marvin Ray reported receipt of a request from Wolverine Building Service for Council consideration for sewer and water service for its new division, Downey Manor Subdivision on the west side of Rose Avenue. The company is anxious to start developing the 10 acres site which would have 30 lots. Mr. Ray reported that an estimate for extending the sewer line which was proposed for construction to the Jeffers Subdivision, estimated at \$65,000, to this new subdivision would be an additional sum of \$31,000. There is also another subdivision actually being constructed in this general area of 30 lots between the Downey Manor and Jeffers Subdivision. Mr. Ray asked that the matter be held over until the next Council meeting until a fuller report could be prepared by the staff.

Mayor Marks stated that a method of financing should be included in the report.

Mr. Arthur Wylie, Subdivider, and Mr. A. R. Potochnik, representing Wolverine Building Service, both indicated approval of the one week's delay to permit the staff to make a further report.

Councilman Hammond asked that the report also include information on whether the development was progressing in an orderly or "leap frog" manner.

CONSIDER CHANGES IN TRAFFIC ORDINANCE 6-16

The City Manager stated that the traffic ordinance permitted the staff to establish the time limits in areas which are not metered and the staff now asks whether or not the Council wishes to extend this authority in the metered areas. The Council would still establish the areas but the time could be changed administratively to conform with changing conditions.

At present most of the loading zones are established on one side of the alleys downtown. This could also be handled administratively if the Council so desired.

In the general Council discussion these points were made

- 1- That the time factor was not important and the Council should continue to regulate it, Councilman Merrill considered.
- 2- The descriptions to be included in resolutions establishing time limits becomes unwieldy, Traffic Engineer Carmody stated.

- 3- More 24 minute zones are needed throughout the city in the business district, the Traffic Engineer advised, and before the descriptions are prepared for inclusion in the various resolutions, the Council's reaction to delegating this power to the staff to avoid additional "paper work" is desirable.
- 4- The Council would still have the opportunity to answer any questions raised by the general public and any unsatisfactory time limit established by the staff would be subject to Council review.

MOTION

That the staff be directed to prepare the necessary legal documents, making clear in the documents that the public has the right of redress to the Council to authorize the Director of Parking and Traffic to determine time element of meter zones in conformance with the need.

Moved by Mayor Marks Seconded by Adams

Councilman Merrill voted no.

Mayor Marks declared that the motion carried.

MOTION

That the staff be instructed to draw up the necessary documents to permit the establishment of loading zones in alleys administratively.

Moved by Adams Seconded by Spaulding Unanimously carried

APPROVE AGREEMENT WITH COUNTY FOR CONSTRUCTION OF SEWER LINE ALONG SCENIC DRIVE TO FURNISH SEWER SERVICE TO COUNTY HOSPITAL 6-119

Mr. Ray reported on terms of an agreement with the County providing for the construction of a new sewer line on Scenic Drive to serve the County Hospital. The city's share of the costs would be \$3,452.

RESOLUTION NO. 59-69

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR THE CONSTRUCTION AND MAINTENANCE OF A SEWER LINE IN SCENIC AVENUE TO SERVE THE STANISLAUS COUNTY HOSPITAL

Introduced by Arata Seconded by Hammond
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

The City Manager pointed out that there had been a great deal of variation in the amounts charged public agencies for the disposal of sewage and for water service. The Municipal Code provides that the City can establish rates for public agencies. Presently the county is paying the city \$13.50 per month for this service. Many of the fiscal relations with the county have been established many years ago and

continued up to the present date. A report will be submitted to the Council shortly requesting a substantial transfer to cover the increased jail costs.

RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF WALKWAY
IN BLOCK 6716 7-37

The City Manager reported that the Planning Commission has recommended to the Council that the north four feet of the 10 foot dedicated walkway in Block 6716 between Wildwood Drive and College Avenue be abandoned.

Problems involved and alternatives available were briefly reviewed by Planning Director Smeath. The Commission's recommendation is based upon the city paying to install a full length concrete walkway at an estimated cost of \$380.

Maps were displayed by Mr. Smeath. Points raised by the Council were:

- 1- Whether the property owners who would be dedicated the abandoned four feet would be willing to pay a portion of the paving costs, and
- 2- Whether the entire walkway should be abandoned.

RESOLUTION NO. 930-S.P.
RESOLUTION OF INTENTION NO. 266

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE NORTH FOUR FEET OF THE TEN FOOT DEDICATED WALKWAY IN BLOCK 6716 BETWEEN WILDWOOD DRIVE AND COLLEGE AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Hammond
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

The time set for the hearing was 8:00 P.M. March 11, 1959.

DISCUSSION ON FREEWAY 8-84

Mayor Marks was given the unanimous approval of the Council to raise a matter not on the agenda-----execution of freeway agreement by the city.

He stated that he was very perturbed because he felt there were human elements at work possibly within the Highway Department and until the city gets itself into a position where it can sign the freeway agreement, that the city's money is going to be coming in "dribbles and drabbles". It seems impossible that this matter should have laid fallow for so long. The entire west side of this community is suffering.

Mayor Marks stated that there was some question of "getting the same as the City of Fresno". The conditions might not be the same here. Whenever you reach an impasse in something, as reasonable human beings, you should find another way around it. He offered the suggestion that the sooner the freeway agreement was signed the better off the whole community would be. Otherwise the things could drag on for years. El Monte's dragged on for 11 years. These are human being up in Sacramento. He pointed out that if it was necessary for the city to yield a

little in Sacramento, the city has some very fine representation at the capitol. The city's Assemblyman and Senator would probably be instrumental in working something out. The delay in executing the agreement is not doing the community any good.

Councilman Arata suggested that the city hold a meeting with its legislative representatives in Sacramento and have them explain the situation.

Mayor Marks stated that he felt that the city was not getting all the allocations it should be getting, and 99 Highway was getting more and more crowded and is actually a barrier.

Councilman Hammond considered that the primary difficulty could be that the West Side Freeway was being pushed full steam ahead.

Councilman Adams suggested that since the McHenry Avenue project was nearing completion the staff would have more time to spend on the freeway project.

Councilman Spaulding stated that the city should get going on the freeway project. The state has lots of other places to spend its money but the city only has one place to build the freeway.

Mayor Marks stated that he was aware the staff had been working on the freeway but it was the Council's final responsibility to see that when action is not proceeding as rapidly as it should, that something is done, and that this community's interest are not jeopardized. The city might need a new approach to the problem.

The City Manager stated that the staff with the approval of the Council had been concentrating on the McHenry Avenue exclusively to the exclusion of many other things which should be done. This matter has not been forgotten either at the staff level or with the Division of Highways. The staff has recently met to discuss the matter and is arranging to confer with the Division of Highways on the Fresno situation and make a report to the Council.

Mayor Marks suggested that at the time of this report Assemblyman Brown should be here so that he too would be brought up to date.

The City Manager pointed out that the thing the Division had asked the city to do was to state its preference on the railroad grade separation location. The staff had a meeting on this this week, reviewing the city's position, and the action taken and this will again be presented to the Council if the Council can tell the staff the location for the grade separation there is a very good chance that it can be worked out and resolved.

Mayor Marks suggested that this be done.

The City Manager said the report could be ready within two weeks and would review the alternate locations of the grade separation.

Councilman Merrill stated the location of the grade separation should be left up to the State.

Mayor Marks considered the Council should not leave it up to the state but should signify its willingness to sign the freeway agreement when the right time comes if the city's conditions are met.

Carmody

Director of Parking and Traffic/reported that he had met with the Division of Highway, District Engineer this date about the interchange problem because there were some design matters on the ramps that would be influenced by the location of a railroad overpass. Essentially the state still feels that if the city is willing to sign the freeway agreement without any definite commitment of a roadroad overpass the project could proceed immediately.

Councilman Hammond considered that the Council's position was that the State Highway Department should give some indication of its program for an overpass.

Mr. Carmody reviewed the Council's action-----as long as there can be some assurance that there will be a railroad overpass the city will sign the freeway agreement.

The City Manager suggested that the city had one big point to determine-----and if this is decided, the city will be in a stronger position to take this "on up the line". If this Council wishes to do it, to determine where it wants an overpass. In view of the general situation which this Council has taken, that the city wants some part in determining where the grade separation is to be. The city has now the opportunity to state the location it wishes the grade separation to be built. If the city can determine this location, it can go to work on it and get some action and at least get turned down at the highest level, which has not yet been done. Within two weeks on this schedule, the staff can have some pretty solid reports for the Council, pointing out the advantages and disadvantages of the location and the Council can tell the staff which one it wants, there is a good chance it can be worked out by going to the proper points and proper people.

Councilman Hammond considered that the Council should have a review with its state representatives.

Councilman Arata pointed out that when the grade separation was actually constructed the traffic might have changed and a new location should be chosen.

Mr. Carmody stated that he had asked the Division of Highway representative today if the Council should change its mind and agree that it did not want any definite commitment as to the grade separation and the representative had said the funds could be allocated in the 1960 budget. The completion date would be two years from the allocation.

The City Manager stated that he would bring a report to the Council on all the discussions and the alternate locations and if the Council tells the staff where it wishes to locate the grade separation, then we can go at the business of getting it.

Councilman Hammond considered the staff should present a review of the Council's thinking when it passed its resolution-----that the grade separation did not need to be built at the time of the freeway but the city was concerned that it wanted the assurance from the State Highway Commission that the state would provide adequate facilities for getting the traffic off the freeway over the railroad tracks. The City did not want to be stuck with the problem of herding this traffic into the freeway.

The City Manager stated he would bring back such a review next week.

REPORT ON PROPOSED STANISLAUS COUNTY WEED CONTROL POLICY

Mr. Ray briefed a report prepared by the Stanislaus County Advisory Committee which is now proposing a weed policy for the County. He outlined the policy briefly and agreed to send the members a copy of the policy which had been set up in chart form before any action was taken by the Council.

REPORT ON STORM DRAINAGE 10-10

Mr. Ray reported that in approximately thirty to sixty days the staff would have the plans prepared for the North Central drainage district and in approximately 30 days the plans for the area north of M.I.D. Lateral No. 3, east of Tidewater tracks. Improvement District proceedings will have to be started so it will be approximately 30 days in each case before the Council could act.

He reported on a problem which had again been brought to the City's attention-----overloading of sanitary sewers in the vicinity of the Enslin School by connection for storm drainage. Citizens in other areas are asking that this be permitted in their particular cases. The staff recently had a call from the Enslin Avenue area during the past storm requesting that the drainage connection be removed from the sanitary sewers to permit them to flush their sanitary facilities during a rain storm. The city must now proceed to rectify this condition as soon as possible. This same factor is true in the northern section of the city in the big trunk lines where it is possible at the present time to pump storm water but this excess capacity is getting less and less each day as more buildings are built and more sewage goes down the lines. The situation is going to become more critical and more urgent each winter. Some time all of these connections will have to be discontinued.

He reported that the arrangements in the Northgate Subdivision for ponding of storm waters had helped considerably during this winter.

The City Manager reported the staff was working on the appointment of citizen groups for the storm drainage districts and would report at a later date.

Mr. Ray reported that emergency pumping was being used by the city crews at difficult spots.

REPORT ON STATE LEGISLATIVE MATTERS 10-59

The City Manager reported on AB72 providing that federal aid money be made available for the extension of secondary highways within cities. This bill states that the Department may enter into agreements for the adoption of city streets, etc. which would permit cities to receive assistance. He asked if the Council wished to reaffirm its position on this matter so that it could be made available to the city's legislative representatives.

MOTION

That the Council does reaffirm its support of this legislation.

Moved by Arata Seconded by Hammond Unanimously carried

2-18-59 Page 14

The City Manager reported that the League's highway program is being worked on in Sacramento and there may be some specific proposals shortly, and a report will be submitted later.

The 65 mile per hour speed limit passed the assembly. The City Manager asked if the Council wished to take some position on this bill, vs. the 70 mile per hour speed limit. There may be an effort on the Senate side to increase it to 70 as the maximum top speed limit.

MOTION

That the Council does support AB72 providing for the 65 mile per hour speed limit

Moved by Merrill Seconded by Hammond

Mayor Marks declared the motion carried

With the unanimous consent of the Council, the City Manager reported that Mayor Marks had been a principal speaker at the state wide Industrial Conference today, and the City Manager reported that he planned to attend the City Managers' Conference being held in San Mateo Feb. 19-20.

ADJOURNMENT

MOTION

That this Council meeting now in session be adjourned.

Moved by Arata Seconded by Hammond Unanimously carried

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

ATTEST: 
Rex E. Gailfus, City Clerk

Council Meeting
February 25, 1959

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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Hammond, Merrill, Spaulding,
Mayor Marks

Absent: Councilmen: Robinson

Councilman Robinson arrived at 7:36 P.M.

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

Joe Dell, Director of the Church World Service Center, gave the invocation.

LETTER FROM FRANK ANDREWS 1-21

A letter from Frank Andrews regarding the freeway was briefed by Mayor Marks and ordered filed.

AWARD BIDS ON AUTOMOTIVE EQUIPMENT 1-26

Copies of the tabulation of the bids received on February 24 at 10:00 A.M. for 16 pieces of automotive equipment were distributed to the Council members for consideration.

Director of Public Works Ray recommended as follows:

Items 1 through 6 be awarded to Griswold & Wight for the net price for each item of \$1,583. including trade-in.

Item 7 to Griswold & Wight for the net price of \$1,888, including trade-in.

Item 8 to Griswold & Wight for the price of \$2,288.

Item 9 to Helm Chevrolet Company for the price of \$2,269.36 and accept the cash offer of Bill Jackson of \$81 for the used vehicle.

Item 10 to Helm Chevrolet Company for the price of \$2,269.36.

Item 11 to United Motor City for the net price of \$2,160.15 including trade in.

Item 12 to United Motor City for the price of \$2,435.15 and accept the cash offer of Acme Auto & Truck Parts Co. for \$211. for the used vehicle.

Item 13 to Griswold & Wight for \$1,705.60.

Item 14 to United Motor City for \$4,148.81 including trade-in.

2-25-59 Page 1

Item 15 to United Motor City for \$4,148.81 including trade-in.

Item 16 to Griswold & Wight for \$4,509.85.

RESOLUTION NO. 59-70

A RESOLUTION ACCEPTING THE BIDS FOR AUTOMOTIVE EQUIPMENT FOR THE CITY OF MODESTO

Introduced by Robinson Seconded by Spaulding

Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks

Noes: None Absent: None

RESOLUTION NO. 59-71

A RESOLUTION APPROVING APPROPRIATION TRANSFERS OF \$2,416. FOR PURCHASE OF AUTOMOTIVE EQUIPMENT

Introduced by Arata Seconded by Robinson

Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks

Noes: None Absent: None

ORDINANCE APPROVING INTERIM ZONING OF PORTION OF CARVERWOOD ADDITION 1-87

The City Clerk reported that the Secretary of State had officially approved the annexation of Carverwood Addition to the city as of this date, Feb. 25.

A recommendation of the Planning Commission for the emergency interim zoning as provided by Section 10-2.1505 of the Municipal Code, of a portion of this addition was considered by the Council.

ORDINANCE NO. 290-C.S. entitled

"AN ORDINANCE AMENDING SECTION 19 OF THE ZONING MAP OF THE CITY OF MODESTO, TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY (PORTION OF CARVERWOOD)"

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

Introduced by Spaulding Seconded by Adams

Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks

Noes: None Absent: None

The City Attorney pointed out that the interim zoning would apply until formal proceedings are instituted and completed to give the area permanent zoning.

HOLD OVER ORDINANCE ESTABLISHING EMERGENCY INTERIM ZONING FOR MODESTO INDUSTRIAL PARK 1-120

The City Manager reported that the Secretary of State had approved the annexation of this area, Feb. 25.

Robert Moore, property owner of the 300 ft. wide strip of land located on Crows Landing Road connecting the Tidewater Southern Railroad property to Amador Avenue which made it possible to annex the area to the city, protested the emergency interim rezoning of this

portion of his property as M-P on the basis that he had not been notified of either the annexation or rezoning of his property.

The City Attorney explained the emergency interim zoning procedure and assured Mr. Moore that he would have an opportunity to be heard at the time of the hearings on the permanent zoning. He pointed out that if the area is not zoned on an interim basis by virtue of the provisions of the Municipal Code on zoning, the area would automatically become R-1.

Director of Planning Smeath reported on property owned by Mr. Moore in the general area and on conferences held with him relative to annexation. He pointed out that the balance of his property not annexed to the city has been zoned industrial by the county. The staff, after extensive studies, recommended to the Planning Commission that all of this general area located east of Crows Landing Road, except the Marshall Shoe Store property, first lot on the north end of the property, now in commercial use, should be zoned as M-P, Industrial-Park zone. He pointed out that Mr. Moore's property could be used for commercial purposes under the proposed zoning as well as industrial. There would be some restrictions such as side and front yards and lawn, which are provided in M-P zoning.

Mayor Marks pointed out that the proposed zoning was for Mr. Moore's protection to keep the property from reverting to residential zoning.

Mr. Moore asked that the zoning proceedings be held over until further information could be obtained and a further report made to the Council, or the property be zoned commercial at this time. Mr. Moore stated that a business concern was interested in developing some of this property along Crows Landing Road as commercial and that the property could not be developed for industrial uses for the same monetary consideration. Zoning the land as industrial either interim or permanent would cause him a financial loss, because this concern will lose interest in developing the property.

The City Manager pointed out that the method used for annexing the Tidewater Southern Railway Company property to the city was the only legal way it could be done without getting a lot of people involved and making it much more difficult and requiring much more time. He suggested that Mr. Moore meet with Mr. Smeath during the next week and determine the different kind of uses which could be placed on his property.

Mr. Smeath answered a question raised by Mayor Marks that the Commission could hold hearings on map changes on the third Tuesday in the month of April. The staff will have met with property owners, completed its study of the areas and made recommendations to the Commission before April 1, and ask the city to initiate the changes in zoning or confirm the interim zoning.

MOTION

That the matter be postponed until 5:00 P.M. March 4, and that during this period Mr. Smeath confer with Mr. Moore.

Moved by Arata Seconded by Hammond Unanimously carried

HEARING ON REZONING OF PORTION OF EVERGREEN ACRES 3-83

Mayor Marks opened the hearing scheduled for 8:00 P.M. on the proposed rezoning of Lots 17, 18 and 19 of Evergreen Acres Addition from Light Industrial Zone (M-1) Neighborhood-Commercial Zone (C-1), and Multiple-Family Zone (R-3) to Commercial-Industrial Zone (C-M).

The City Clerk certified that the hearing had been published in the manner prescribed by law, notices sent to property owners required by law, the property was posted and no written protests had been received.

Mayor Marks asked if there were any oral protests or if anyone wished to make any comments.

The City Attorney reported that the adoption of the ordinance should be delayed due to complications on Section 19 of the zoning map as the ordinance adopted previously had also amended the same section map.

Mayor Marks declared the hearing closed.

MOTION

That the matter be held over until 4:55 P.M. March 4.

Moved by Arata Seconded by Adams Unanimously carried

Ted Gervais, Leonard Avenue, stated he did not receive a notice on the hearing. He stated he was not against the proposed rezoning and would appear next week. He asked that the R-3 zoning remain on Leonard Avenue. Clarence Greenwell approved the proposed rezoning.

CONSIDER MATTER OF SANITARY SEWER LIFT AT TULLY ROAD AND THIRD HIGH SCHOOL SITE 3-120

The City Manager reported that the city's engineering studies showed that it would cost approximately \$600 annually to operate the lift station for the sanitary sewer to serve a portion of Gregory Gardens and the Third High School to be constructed on Tully Road. The installation would permit service to 109 lots in Gregory Gardens No. 4 Subdivision and without the lift only 39 lots could be served. The staff recommends the maintenance of the station on the basis of income and availability of service for the high school and the subdivision, and that the construction be done in accordance with plans approved by the Public Works Department without cost to the city and situated on land to be deeded to the city. All sewer lines are to be constructed by the parties involved.

MOTION

That the staff be authorized to prepare the necessary documents for Council consideration, including the conditions outlined.

Moved by Arata Seconded by Spaulding Unanimously carried

HEARING ON REZONING OF LOSHER-DARPIAN PROPERTY ON MCHENRY AVENUE
4-07

Mayor Marks declared the hearing open at 8:15 P.M. on the proposed rezoning of a portion of the property belonging to S. E. Losher and K. Darpinian located on McHenry Avenue from Single-Family Residential Zone (R-1) to General Commercial Zone (C-2).

The City Clerk certified that the notice of the hearing had been published in the manner prescribed by law, the property had been posted, notices mailed to property owners in the area and that no written protests to the proposed zone change had been received.

The recommendation of the Planning Commission that the area be rezoned was considered by the Council.

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

ORDINANCE NO. 291-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (LOSER-DARPIAN)

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

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

REPORT ON ROSE AVENUE SEWER AND WATER SERVICE EXTENSION 4-19

Ross Campbell, Assistant Director of Public Works, reported that the estimated cost for extending the trunk sewer north from the Jeffers Subdivision to serve the Downey Park Subdivision would be \$31,000. Extension of water service to Jeffers Subdivision from Pump Station #18 located on the southeast corner of Downey High School over to Rose Avenue would cost \$6,000. North from this location to the Downey Park Subdivision would cost an additional \$11,000 for a water main which would parallel the new 8" Del Este main. The estimated cost previously reported to the Council, for the extension of the trunk sewer from Scenic and Coffee Road would be approximately \$65,000, not including perimeter sewers which would cost approximately \$5,000.

Additional Report on Sewer Extensions - Financing and Costs

The City Manager reviewed the city's commitments for sewer extensions:

McHenry Avenue sewer \$16,000 (\$13,000 already budgeted)-----	\$3000.
To be financed either from Special Capital Outlay Projects or general reserve	
Walnut Grove-----	1000.
County Hospital (Scenic Drive) city's portion of cost-----	3400.

Hillview Acres (Maze Road)-----\$11,000.

This would require an additional amount of \$15,000 over the amount allocated for the McHenry Avenue project.

The Council was informally committed to

Strathmore (Jeffers) on Rose Avenue-----\$65,000.

Montgomery Village #3 and Sherwood Manor----- 11,000.

Denise----- 4,000.

Yorkshire----- 8,300.

He stated there were other items which would be reviewed with the Council later. He stated that he could not recommend, at this time, an additional expenditure of \$31,000 for serving the Downey Park until it has been decided on what should be done on other projects. This information will be available shortly.

He pointed out that some prior subdivision agreements had contained a provision that the subdividers guarantee to build the houses within a certain period of time.

Councilman Arata considered that the city should give a priority to those subdivisions which were contiguous to the city and could be annexed as the city services are furnished.

The City Manager considered that the city should check with each person who applies for city services as to whether they will give the city an agreement agreeing to build the houses within a certain period of time. It does not appear wise for the city to stretch itself to furnish city services to a non-contiguous subdivision and then find out that it will take two or three years before the homes are constructed. Some reasonable period should be specified.

Mayor Marks considered that it would be uneconomically sound to proceed in any other manner.

Councilman Spaulding pointed out that the subdividers had difficulty in buying property in orderly sequence. This is a risk the city should take into account, much as the city would like to do it differently.

Mayor Marks pointed out that the city should recognize that the community was "busting out all over with subdivisions now because of the 'holiday' for the past few years when financing was tough".

Mr. Smeath stated the staff was trying to encourage the subdividers to build in as close to the city as they could and they have been working on that basis.

Rudy Potochnik of the Wolverine Building Service asked that the Council take into consideration the problems of the developers in obtaining land to develop. They do try to get land near the city limits but it is not always possible. He considered that all the area east of the city limits in the Rose Avenue area would be developed within the next five years and it would be well for the city to plan

its financial program in these years to serve all of the area. Developers are willing to build homes if it is economically feasible but they cannot absolutely guarantee to do so because they are not financially "Big enough to do this". They do make every effort to build just as rapidly as the market will absorb it. Most 10 acre plots are developed within two to three years and not one year.

Mr. Smeath pointed out the possibility of the subdividers and adjoining land owners, who are willing, to actually borrow the money and pay the interest on it until such time as the abutting land is developed and pays off.

The City Manager stated he would check with some of the developers to determine if a time schedule could be worked out for the development of the area and the furnishing of city services.

REVIEW OF THE PRELIMINARY PLANS FOR FIRE STATION-ORANGEBURG AVENUE 5-72

Preliminary plans prepared by the Public Works Department for the construction of the new fire station to be located on Orangeburg Avenue were reviewed by the Council.

The City Manager stated the plans would be cleared with the National Board of Fire Underwriters and more precise information and cost estimate would be presented later to the Council.

REPORT ON MCHENRY AVENUE PROJECT 6-09

The City Manager reported two contracts for Council approval from McHenry Village Inc. and Mary Brame. The contract with Mrs. Brame involves the relocation of the Texaco Service Station located at Achor Court and involves a cost of \$9,000.

RESOLUTION NO. 59-72

A RESOLUTION APPROVING RIGHT OF WAY CONTRACTS BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

Introduced by Spaulding Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

A number of agreements provided for various types of work to be done upon notice by the city and payment of costs by the city, the City Manager stated. The staff would now like to have the Council's authority to send these notices to the owners.

MOTION

That the staff be authorized to send the necessary notices to the property owners involved that the work agreed to in the right of way contracts be done.

Moved by Merrill Seconded by Spaulding Unanimously carried

APPROVE APPROPRIATION TRANSFER OF FUNDS FOR ADDITIONAL JAIL COSTS 6-30

The City Manager reported that the Court decision which compelled the city to arrest drunks under the city ordinance, rather

than the state law on common drunks which had been used for many years, increased the city's jail cost materially. The Appellate Department of the Supreme Court has reversed this decision but the increased costs during the time the decision was in effect and a different procedure used by the County for charging the city had increased the jail costs which will require an appropriation transfer of \$7,000 from the General Reserve.

RESOLUTION NO. 59-73

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$7,000 FOR INCREASED CHARGES FOR PRISONER MAINTENANCE FOR BALANCE OF FISCAL YEAR 1958-59

Introduced by Robinson Seconded by Adams
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

DESIGNATE H STREET FROM WASHINGTON TO FIRST AS ONE WAY STREET 6-42

The City Manager recommended that one-way traffic be established on this block with the possibility of reversing it later after further study of the results.

RESOLUTION NO. 59-74

A RESOLUTION DESIGNATING H STREET FROM WASHINGTON STREET TO FIRST STREET AS A ONE-WAY STREET IN THE CITY OF MODESTO

Introduced by Spaulding Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REVIEW OF CITIES POSITION ON FREEWAY AGREEMENT 6-89

The City Manager distributed copies of a report on previous discussions and actions of the Council on the freeway agreement.

Mayor Marks reported that he had contacted Assemblyman Brown and he would be pleased to have a meeting with either the Commission or the staff of the Highway Department and city officials on the freeway matter. Mayor Marks recommended that the meeting date be set by the Council at this time.

The City Manager stated an additional summary of the freeway discussions would be sent to the members prior to this meeting. Mayor Marks asked the City Manager to furnish Mr. Brown with a copy of this data. He asked the City Manager to arrange a meeting with Mr. Brown in Sacramento for about 2:00 P.M. Wednesday, March 11.

APPROVE AGREEMENTS ON HILLVIEW ACRES SUBDIVISION 7-10

Terms of the subdivision agreements between the city and Louis E. Grep and Lucille Grep for the development of Hillview Acres Subdivision were reviewed by Ross Campbell, Assistant Director of Public Works.

RESOLUTION NO. 59-75

A RESOLUTION APPROVING THE FINAL MAP OF THE HILLVIEW ACRES SUBDIVISION OF THE CITY OF MODESTO

2-25-59 Page 8

Introduced by Arata Seconded by Robinson
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

RESOLUTION NO. 59-76

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEWIS E. AND LUCILLE GREMP FOR INSTALLATION OF SANITARY SEWER TO SERVE THE HILLVIEW ACRES SUBDIVISION

Introduced by Merrill Seconded by Robinson
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REPORT ON STATE LEGISLATION 7-56

AB72--authorize federal aid to cities for construction of secondary roads. A meeting is being held in Sacramento on this bill, Monday March 2, the City Manager reported, which he plans to attend.

The City Manager reported copies of pictures of the Fresno freeway would be sent to the Council members. Mayor Marks asked the City Manager to obtain extra copies to present to the Highway Commission at the time of the meeting on the freeway.

SB68 and SB75 both relate to regulation of billboards. Mayor Marks stated the Council has taken the position that billboards should be controlled within some reasonable limits. He stated that if the Council wished to reaffirm this general position it could be passed on to the proper officials.

MOTION

That the Council go on record in support of the general principles of SB68 and SB75.

Moved by Merrill Seconded by Adams
 Councilman Robinson voted no.
 Mayor Marks declared the motion carried.

MATTERS RAISED BY THE CITY MANAGER WITH THE UNANIMOUS CONSENT OF THE COUNCIL 7-100Extension of time for janitor at Police Department

The City Manager requested Council approval for the extension of the provisional appointment of Albert Setliff, Police Department Janitor from February 3 through April 3, pending examination which will be held during this period.

MOTION

That the provisional appointment of Albert Setliff be extended to April 3, 1959.

Moved by Merrill Seconded by Adams Unanimously carried

Estimate of city's population by the state 7-105

The City Manager reported that the state is now permitted to make estimates of population in lieu of the federal census for gas

tax allocation, etc. The staff has been working closely with this Division of the State Department of Finance which determined today that its preliminary review indicates that it would be to the city's advantage to obtain this estimate. It will cost the city approximately \$400 maximum for this service. It is estimated the city would gain at least 1000 in population.

If this work is done by the state the figure arrived at will officially be the city's population even if it is less. The City Manager recommended that arrangements be made for the survey by the state.

MOTION

That the staff be authorized to make the necessary arrangements for the census survey by the State as outlined by the City Manager.

Moved by Arata Seconded by Adams Unanimously carried

MATTER RAISED BY THE CITY ATTORNEY WITH THE UNANIMOUS CONSENT OF THE COUNCIL 8-03

Appeal to United States Supreme Court in the matter dealing with the Public Utilities Commission and rate application

The City Attorney reported receipt of a letter from the League of California Cities circulated in conjunction with the City of Los Angeles asking for presentation to the Council to see if it would approve the association of the City of Modesto in a brief to the United States Supreme Court in a matter involving telephone rate cases that arose in the Los Angeles area. This is a brief as a "friend of the court" (Amicus Curiae). It has been indicated that a number of cities would participate and it has already been prepared. There would be no cost involved to the city, he stated, and is merely a matter of whether the city wants to associate. The principle involved is that these cities feel that a final rate increase should not be granted by the P.U.C. without a full due process hearing as required by law. In this one particular proceeding which is up on appeal, after a rate increase application was filed, three other utilities came in without filing an application and asked for rate increases and they were granted by P.U.C. The major cities involved, Los Angeles and Long Beach, contended that they did not have a full hearing whereby they could present evidence, cross examine witnesses and have their day in court before the rates were finally determined by the P.U.C.

The City Attorney recommended that the city support the amicus curiae brief as it presents a matter of law to be decided by the United States Supreme Court. He reported that he had discussed the matter with Lee Davies, local manager of the telephone company.

Councilman Adams brought up the point that the cities have been operating under the assumption that the P.U.C. was protecting the cities interest.

MOTION

That the association of the City of Modesto in the amicus curiae brief be approved.

Moved by Merrill Seconded by Spaulding Unanimously carried

2-25-59 Page 10

REPORT ON FIRE GRADING PRELIMINARY REVIEW WITH REPRESENTATIVES OF THE NATIONAL BOARD OF FIRE UNDERWRITERS 8-55

The City Manager reported that the staff had met with representatives of the National Board of Fire Underwriters Feb. 24 and the Board would give the city a considerable period of months to work on the fire grading. Reports will be submitted to the Council on things which must be done at an early date. These will be considered in the financial report to be given to the City. The main item of cost will be the fire station, alarm system and water lines. The things which will have to be done this year can be done within the budget.

REPORT ON INDUSTRIAL CONFERENCE IN SAN MATEO 8-63

Mayor Marks reported on some of the speeches made at the conference, one of which he had made on the subject of "How the Community Meets the Competitive Challenge".

Councilman Spaulding, who had attended the conference, reported that he had heard favorable comments from members of the audience, that the talk contained the finest analysis of the question of city subsidy to industry. He commended the Mayor on his presentation.

Mayor Marks reported on Governor Brown's proposal voiced in his speech at the meeting that the state should have a committee for economic development.

REPORT ON CITY MANAGERS' MEETING IN SAN MATEO 8-104

The City Manager reported on the meeting. He pointed out that the City Managers are now becoming to realize that their main problems are "people", getting, training and retaining the right kind of employees. More talks were given on personnel, training, etc. than formerly.

REPORT ON MEETING OF LEAGUE COMMITTEE ON FIRE GRADING IN SAN MATEO 8-115

The City Manager reported on the meeting held in San Mateo on Saturday, Feb. 21. There will be in the March issue of the Western City Magazine the first report of the study which has been made state side with the League staff on this matter which will show in detail the fire rating of about 250 cities. This will enable other cities to compare their rates.

REPORT ON SALES TAX MEETING 9-06

A letter received from the Stanislaus City County Committee relating to sales tax problem was read and ordered filed.

Suggestions made at the City-County Committee meeting held on Feb. 24 were as follows:

- 1- By the City Section, City-County Committee: That the sales tax "split" between the cities and the county remain as is at 7½¢.

- 2- By E. H. Hane, Chief Administrator, Stanislaus County: That the split be increased from $7\frac{1}{2}\%$ to 10% with the additional $2\frac{1}{2}\%$ being placed in a special fund for mutual interest, city-county projects within each city, where there is mutual interest and which are legally proper, such projects to be financed on a fifty-fifty sharing basis.
- 3- By Don Hammond, Modesto City Councilman: That the City of Modesto only, increase their share to 10% with one half of the 10% being placed in a special fund for mutual Modesto-County interest projects, and that the other cities' share remain at $7\frac{1}{2}\%$, or in the case of low income cities as Riverbank and Ceres, a lesser amount.

Councilman Hammond pointed out that no formal action had been taken on these three proposals but they had been merely offered as compromises so that each Council in the County could by majority vote approve any particular one. He stated that both the cities and county recognize that there can be little change from the present position.

In future discussion since the presentation of the staff studies, the cities and county would like to arrive at some measure which would "get everybody off the hook". The three proposals are to get the matter off "dead center" and settled.

On proposal No. 1, the cities were in agreement, except the City of Ceres.

Mr. Hammond reported that Councilman Arata, who also served as the city's representative on the committee, and he considered there could be no justification whatever in the changing of the present basis of $7\frac{1}{2}\%$. Both of them had proposed proposal No. 3 in an effort to close the matter. In discussions with the Board of Supervisors, he reported, this proposal does not seem to meet with approval.

Another proposal (No. 4) has been discussed since the city-county meeting: "the City of Modesto go to 10% with $7\frac{1}{2}\%$ paid to the county and $2\frac{1}{2}\%$ retained in a special fund by the City of Modesto to be used on projects of mutual interest with the City controlling the expenditures". Modesto, because of its heavy fringe population and the rural areas, provides many facilities of more than just "city interest".

MOTION

That the City of Modesto present to the County Board of Supervisors that at their option the City would be agreeable to proposal No. 1, Proposal No. 3 or Proposal No. 4, and report back to the Council.

Moved by Hammond Seconded by Mayor Marks

Councilman Arata pointed out that this arrangement would not be binding as to the future-----that it could be changed at any time the city sees fit.

Councilman Hammond stated that in the discussions with the Board of Supervisors, the term "capital project" was not used, but it was generally agreed that the funds should not be used for operating expenses for recreation, library or any other similar joint operation.

The Council and Board would mutually agree on projects to be financed with the funds.

Councilman Hammond introduced an amendment to his motion, and Mayor Marks seconded the amendment that the words "capital improvement" be inserted in both No. 3 and No. 4 proposals. They later withdrew their motion and amendment and introduced a new motion.

MOTION

That the City Manager and City Attorney be instructed to prepare the necessary documents to signify to the Stanislaus County Board of Supervisors that the City Council of Modesto is willing to accept alternate No. 1, alternate No. 3 or alternate No. 4 with the insertion of the words "capital improvement" before the word "project" in both alternate 3 and 4.

Moved by Hammond Seconded by Mayor Marks Unanimously carried

A brief summary was given by the City Manager of the report on the "Analysis of the fiscal relationships of the public agencies in Stanislaus County by the Pacific Planning & Research", prepared by members of the staff of the cities of Turlock, Oakdale, Riverbank and Modesto, with the cities of Patterson, Ceres and Newman assisting with certain kinds of information.

The research firm agreed that based upon the information furnished in this report there should be a change in its report in favor of the cities of \$455,348 for welfare; on roads and bridges (with payment of gas tax based on a population basis), there should be a change in favor of the cities of \$140,000; an analysis of the Irrigation Districts (Turlock, Oakdale and Modesto) indicates in the case of Modesto last year \$736,000 was transferred from electricity to water, (with city users paying possibly 1/4 to 1/3 or more) users in the city of Turlock subsidized the Turlock Irrigation District to the amount of \$185,000, Oakdale and Riverbank/citizens paid taxes to their irrigation district in the amount of \$60,000. These three items amount to over \$1,000,000. credit due the cities which were not taken into account in the original report. On this basis, instead of the present arrangement for the cities to pay 7½%, the county would be paying the cities essentially all they collect in the unincorporated areas to make the accounts balance.

Councilman Arata stated he wanted it understood that the city has no quarrel with the irrigation districts, the figures were only used to prove what was wrong with the original report.

The City Manager read a portion of the report which made it clear----"no one doubts the value of these irrigation districts to the economy of the area but such a fundamental fiscal fact cannot be overlooked in the consideration of local financial relationships".

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill 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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Merrill, Spaulding, Mayor Marks

Absent: Councilmen: Adams, Hammond, Robinson

Councilman Adams arrived at 4:08 P.M. and Councilman Hammond at 4:01 P.M.

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

Rev. James Boss gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of February 11 and 18 and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM ATTORNEY A. M. FRAD 1-20

Attorney A. M. Frad, representing George Merino, requested that the Council consider amending Section 4-1.513 of the Municipal Code providing for a \$500 license fee for fortune telling.

MOTION

That the matter be referred to the staff for study and report.

Moved by Arata Seconded by Spaulding Unanimously carried

LETTER FROM WILLIAM STENSAAS 1-40

A letter from William Stensaas, 1121 College Avenue, regarding the widening of College Avenue, was briefed by City Manager Miller, who recommended that it be referred to the staff for study and report.

MOTION

That this matter be referred to the staff for study and report.

Moved by Arata Seconded by Hammond Unanimously carried

LETTER FROM FRANK ANDREWS 1-49

The letter was briefed by Mayor Marks and ordered filed.

AWARD BID ON CONSTRUCTION OF PUMP HOUSE AT STATION NO. 21 1-60

A tabulation of the bids received on March 2 for the construction of the pump house at Station No. 21 was considered by the Council.

RESOLUTION NO. 59-77

A RESOLUTION ACCEPTING THE BID OF EDWARD A TOMLINSON IN THE SUM OF \$2,380 FOR THE CONSTRUCTION OF PUMP HOUSE - STATION NO. 21

Introduced by Merrill Seconded by Hammond
 Ayes: Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Adams, Robinson

ORDINANCES AMENDING MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS 1-69

As directed by the Council, the City Attorney presented for approval an ordinance which would permit the Director of Parking and Traffic to designate loading zones in alleys and establish parking limitation in meter zones.

ORDINANCE NO. 292-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-2.503, 3-2.1010, 3-2.1501 and 3-2.1502 OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS"

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

Moved by Spaulding Seconded by Hammond
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

The City Attorney presented for Council consideration an amendment to the Municipal Code relating to approval of State Department of Public Works on traffic regulations on state highways within the city limits.

ORDINANCE NO. 293-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.815 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE ENTITLED 'APPROVAL OF STATE DEPARTMENT OF PUBLIC WORKS' RELATING TO TRAFFIC REGULATIONS"

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

Moved by Merrill Seconded by Hammond
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Robinson

REPORTS ON MCHENRY AVENUE PROJECT 1-120

The City Manager reported that the State had established March 10, as the date for clearing with the City all right of way matters. This would permit the Stockton office of the Division of Highways to clear with the Sacramento office and go to bid at the earliest possible date.

Points remaining to be cleared as of this date:

- 1- Filing of condemnation suit;
- 2- Clearing of technical point in the PT&T agreement;
- 3- Clearing of technical point in the MID agreement and pole location; and
- 4- Report to the state giving a precise location list of all obstructions and whether or not it would interfere with the beginning of the contract.

Notices have been sent to all owners requesting the removal of the obstructions as provided in the agreement.

The MID pole location is not on McHenry Avenue, so the state is not concerned and it can be cleared on a different basis.

Director of Public Works Ray read a revised letter received from the M.I.D. asking that the line for the location of the new poles be established by the city or state so the poles would be in the proper location as regards curbs and curb returns at intersections. Mr. Ray read a draft of a letter accepting the M.I.D. offer for Council approval.

Mr. Ray reported that it would be necessary for the City of Modesto to assume the obligation for any second change in location of MID poles.

The City Manager stated that the state could not assume the responsibility for the location of utilities and with the control proposed in the letters to the state there would be no change unless it was approved by the city. He pointed out that these conditions would be in force only during the McHenry Avenue project.

Mr. Ray pointed out that the city was asking the state to agree to stake the MID utility relocation line, but if they refused it would be necessary for the city to do the work.

MOTION

That the transmittal of the letters to the State and District as outlined by the Director of Public Works be approved.

Moved by Merrill Seconded by Spaulding Unanimously carried

The State has referred the Pacific Telephone & Telegraph Company's letter back to the city and a similar letter must be sent by the city to the state assuming the obligation for any second change in location of facilities. The draft of the proposed letter to the Division of Highways prepared by the Director of Public Works was read.

MOTION

That the transmittal of the letter to the state as outlined by the Director of Public Works be approved.

Moved by Adams Seconded by Hammond Unanimously carried

3-4-59 Page 3

RESOLUTION NO. 59-78

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT AUTHORIZING COMMON USE OF RIGHT OF WAY ON MCHENRY AVENUE AT LATERAL NO. 4

Introduced by Spaulding Seconded by Merrill

Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks

Noes: None Absent: Robinson

RESOLUTION NO. 59-79

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY (Angelo & Felicia Ciardo)

Introduced by Arata Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks

Noes: None Absent: Robinson

The City Attorney reported that copies of his report dated March 3, entitled "The present status of the acquisition of right of way for the McHenry Avenue project" had been distributed to the Council. The complaints are near completion and will be filed Friday, March 6.

HEARING ON ANNEXATION OF AIRPORT PROPERTY 3-15

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the hearing on the proposed annexation of the Airport Addition to the City of Modesto.

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

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

ORDINANCE NO. 295-C.S. entitled

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

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

Moved by Arata Seconded by Merrill

Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks

Noes: None Absent: Robinson

HEARING ON PROPOSED VACATION OF PORTION OF ALLEY IN BLOCK 6802 3-22

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the hearing on the proposed vacation and abandonment of a portion of the alley in Block 6802.

The City Clerk certified that the notice of the hearing had been published as required by law, that notices were posted on the property and that no written protests were received.

Planning Director Smeath summarized the proposal for abandoning a portion of the "T" alley.

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

RESOLUTION NO. 931-S.P.

A RESOLUTION VACATING AND ABANDONING A PORTION OF ALLEY IN BLOCK 6802 IN THE CITY OF MODESTO

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

FURTHER CONSIDERATION OF SEWER AND WATER SERVICE TO NORTHEAST AREA 3-46

This matter was held over for further study by the staff with the subdividers in the area.

APPROVE REDUCTION OF PERFORMANCE BOND FILED BY FRANK J. FRANCEK WITH THE COUNTY OF STANISLAUS FOR GUARANTEEING IMPROVEMENTS IN MONTGOMERY VILLAGE NO. 2 SUBDIVISION

The City Engineer reported that certain improvements in Montgomery Village No. 2 Subdivision had been completed by the subdivider Frank J. Francek and it would be in order to reduce the subdivision bond of \$52,000 filed with the county, to \$22,000 to cover the remaining improvements.

RESOLUTION NO. 59-80

A RESOLUTION OF THE CITY OF MODESTO APPROVING REDUCTION OF THE PERFORMANCE BOND FILED BY FRANK J. FRANCEK FOR MONTGOMERY VILLAGE NO. 2 SUBDIVISION

Introduced by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

CLEAR LETTER TO COUNTY ON SALES TAX 3-56

A draft of a letter to be sent to the County relating to sales tax division was read by the City Manager, a copy of which is on file in the records of this meeting.

MOTION

That Mayor Marks be authorized to sign the letter for transmittal to the County.

Moved by Hammond Seconded by Arata Unanimously carried

CLEAR LETTER TO BE SENT WITH CITY ANNUAL REPORT 3-105

The City Manager read a draft of a letter for the City Council to be included in the City's annual report, now ready to go to press.
3-4-59 Page 5

The City Manager stated the report would include a summary of 8 years of Council-Manager government.

MOTION

That the letter as read be approved.

Moved by Hammond Seconded by Spaulding Unanimously carried

FURTHER CONSIDERATION OF TRAFFIC AT DOWNEY HIGH SCHOOL 4-04

The City Manager read a summary report prepared by Mr. Carmody on the investigation of the traffic conditions at the Downey High School. Since this report was prepared Mr. Carmody had met with Mr. Wallis, Yell Leader who had written to the Council about this matter, Dean of Boys, Bob Reeder, and the County Road Commissioner Delbon. This report sets forth possibilities for solution of the problems:

- 1- The School and County might participate on one or more traffic signals similar to Modesto High School (Downey may try to raise the money through some student project).
- 2- The matter of sidewalks has been temporarily shelved. The Downey School people may talk to their central office regarding the need for sidewalks along the Downey and John Muir Schools' Coffee Road frontage. Then, at some future time after the signals are installed, a student project may be tried to help Downey High School neighbors to install sidewalks.
- 3- The accident report by Mr. Wallis in his letter did not occur at or near the school. It occurred at Coffee and Scenic and was probably reported to the Highway Patrol.

The staff will continue to work with the schools and persons involved to see if some type of program can be resolved. Mayor Marks asked that a resume of the investigation be sent to Mr. Wallis who had registered the complaint.

FURTHER CONSIDERATION OF CIVIL AERONAUTICS BOARD HEARING AT LONG BEACH MARCH 10. 4-25

The Council generally discussed the possibility of authorizing the Director of Parking & Traffic and the City Attorney to be present at the public hearing before the Civil Aeronautics Board being held in Long Beach, March 10 on the Pacific Southwest Local Service Case, Docket No. 5645, et al.

Mr. Carmody asked if there was any further Council policy statement, other than was included in the report.

The City Attorney pointed out that in order to introduce the city's exhibit in the records and place its witnesses on the stand the city may need to have its legal representative present at the hearing.

The City Manager stated that it would be possible to send Mr. Carmody only, at first, and, he can contact the City Attorney and advise him if and when it is necessary for him to be present.

MOTION

That Director of Parking and Traffic Carmody be authorized to represent the City of Modesto at the hearing of the CAB in Long Beach and if the presence of the legal officer of the city is essential that Mr. Carmody is to notify him as soon as possible and the City Attorney is authorized to attend and represent the city at the hearing.

Moved by Arata Seconded by Merrill Unanimously carried

The City Attorney stated that if it was necessary for him to be absent from the next Council meeting that the Acting City Attorney would be present.

ORDINANCE REZONING PORTION OF EVERGREEN ADDITION 4-120

Further consideration was given to the proposed rezoning of lots 17, 18, and 19 of Evergreen Addition.

ORDINANCE NO. 294-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON, (EVERGREEN ACRES TRACT)"

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

Moved by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

Zoning of property on Tully and Coldwell 5-10

William Witt, owner of lot 19 of Block 901, located at the northwest corner of Tully and Coldwell Avenue, asked for permission to construct a commercial building on this property with the building located on the northern property line instead of 10 feet away from the line as is required in an area where part of the block is zoned commercial and part residential.

Herman Wadler considered that this requirement would make the property 20% ineffective.

The City Attorney suggested that the proper procedure would be for Mr. Witt to file an application for a variance before the Board of Zoning Adjustment.

FURTHER CONSIDERATION OF INTERIM ZONING FOR MODESTO INDUSTRIAL PARK 5-80

A letter was read from the City Planning Commission advising that the interim zoning of the Modesto Industrial Park Addition had been reconsidered at its meeting of March 3. It was moved, seconded and carried that the original recommendation be reaffirmed-----that lot 6 in South Modesto Acres be zoned Neighborhood Commercial C-1, and the remainder of the addition east of Crows Landing Road be zoned Industrial Park M-P on an interim basis.

Mr. Moore reiterated his objections to the proposed interim zoning for his property, it would decrease the value of his property and cause him a financial loss if the strip bordering Crows Landing Road could not be developed for commercial use.

Mayor Marks asked Mr. Moore to present these facts at the public hearing which will be held later when permanent zoning is established for the area.

Planning Director Smeath outlined the reasons for the Planning Commission's decision to zone the area M-P.

ORDINANCE NO. 296-C.S.

"AN ORDINANCE ADDING SECTION 9 TO THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY (MODESTO INDUSTRIAL PARK)"

Moved by Spaulding Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

CLEAR APPOINTMENT OF CITY MANAGER MILLER BY LEAGUE OF CALIFORNIA CITIES ON HIGHWAY COMMITTEE 7-01

MOTION

That City Manager Miller be permitted to serve on the League of California Cities Highway Committee.

Moved by Spaulding Seconded by Adams Unanimously carried

APPROVE AGREEMENT AND FINAL MAP FOR NORTH PARK SUBDIVISION 7-10

Ross Campbell, City Engineer, presented for Council approval a final map of the North Park Subdivision being developed by Arthur J. Wylie, et ux, located north of MID later No. 3, west of Tully Road, off of Ronald Street. Terms of the agreement covering development of the subdivision were outlined briefly.

RESOLUTION NO. 59-81

A RESOLUTION APPROVING THE FINAL MAP OF THE NORTH PARK SUBDIVISION

Introduced by Merrill Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

LEGISLATIVE MATTERS 7-30

The City Manager reported on the League's bulletin of February 24 regarding important legislative hearings affecting cities.

AB602-Provides collective bargaining shall be applicable for non-uniformed public employees:

MOTION

That the Council expresses its opposition to AB602 on the grounds that the working conditions of public employees are defined by charter or ordinance under established

personnel systems subject to regulations by the people or their elected governing bodies and directing the City Manager to so advise the League and the Committee.

Moved by Merrill Seconded by Spaulding Unanimously carried

AB618-provides that no city shall prohibit, deny or obstruct the right of fire fighters to join any bona fide labor union of their choice

MOTION

That the Council register opposition to AB618 on the same grounds.

Moved by Spaulding Seconded by Hammond Unanimously carried

AB631-would prevent any city from denying to any employee (including policemen) the right to become or remain a member of a labor union

MOTION

That the Council register opposition to AB631 on the same grounds

Moved by Mayor Marks Seconded by Arata Unanimously carried

AB72 Federal Aid for Highways in Urban areas (8-05)

The City Manager pointed out that this bill would authorize the state to use federal aid money on extension of County secondary highways into cities. The Council's position has already been expressed to the Assembly Committee on Transportation and Commerce at its public hearing on March 2.

The City Manager reported that he had advised the committee that "freeways are important but they are not everything, Modesto would like to see some of the federal aid money expended on streets which are used day in and day out".

The City Manager outlined a proposed bill to be sponsored by the League's Highway Committee under which there would be an additional one cent of the gas tax allocated entirely to cities and counties for local roads, with 60% going to cities and 40% to counties which is the basis of the proportion of their deficiencies in a recent report. This would be on a matching basis.

The City Manager reviewed the city's position that 1) freeways are not everything and 2) there should be a more appropriate allocation of gas tax funds for other roads and streets. No difference of opinion was voiced by the members.

AB882-Would require the Department of Public Works to pay to cities and counties 25% of the rents received for use of property acquired for future highway needs and leased by the department

The City Manager reported the city was supporting this bill on the basis of the Council's previous advice.

The City Manager reported that hearings would be held in Sacramento on Monday March 9 and Tuesday, March 10 on the proposal for

clearing out the constitutional and tax question which arised because utilities are assessed at a higher rate than other property. No action was taken by the Council.

CITY MANAGER ALLOWED TO BRING UP MATTER NOT ON AGENDA---CALL FOR BIDS FOR WATER LINE IN NORTH PARK ADDITION 8-65

The City Manager was granted unanimous consent to bring up a matter not on the agenda-----the call for bids for water line in North Park Addition.

RESOLUTION NO. 59-82

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN NORTH PARK SUBDIVISION

Introduced by Hammond Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Robinson

The time set for the opening of bids was 2:00 P.M. March 16, 1959.

REPORT ON MEETING WITH ASSEMBLYMAN RALPH M. BROWN RE: MEETING ON FREEWAY 8-75

The City Manager reported on a meeting with Assemblyman Ralph M. Brown which Councilman Hammond and he had attended on Monday, March 2. A meeting has been arranged for March 11 at 2:00 in the office of Assemblyman Brown at which representatives from the Division of Highways office in Sacramento and the Division Office in Stockton will meet with members of the City Council and the City Manager to discuss the city's freeway problems.

REPORT ON DIAMOND JUBILEE PROPOSAL 8-94

The City Manager reported that the staff had met with the Diamond Jubilee committee and it has been agreed that a large scale celebration will not be held but the Fourth of July Cecebration will be used as a base with special events possibly throughout the week. The staff will continue to work with the committee.

APPOINTMENTS IN THE FIRE DEPARTMENT 8-110

The City Manager distributed copies of a report (3-3-59) entitled "Promotional Opportunities" relating to temporary appointments made in the Fire Department, effective March 1, 1959, pending completion of additional training and a series of fire department examination. Regular appointments from eligible lists will be made later.

Answering a question raised by Councilman Arata, the City Manager stated that all of the temporary appointments had been on the promotional basis within the department itself. This is in line with the city's general policy that the local people be given every opportunity to advance in their departments, he stated.

REPORT ON PERSONNEL COMMISSION MEETING 9-24

The City Manager reported that the Personnel Commission had reviewed the matter referred by the Council on the possible integration of the SERS (State Retirement) and OASDI (Social Security).

3-4-59 Page 10

The Commission recommended that the Council adopt the necessary legislation to permit the city employees to vote on the possible division of the retirement system.

MOTION

That the staff be authorized to take the necessary steps to set up an election for the city employees to vote on the integration of the OASDI and SERS.

Moved by Merrill Seconded by Adams Unanimously carried

CITY MANAGER DISPLAY DRAWING ON OVERPASS 9-52

Drawings showing how an overpass would work out on a downtown street were displayed by the City Manager. He invited the Council members to check with Director of Parking and Traffic Carmody to clear any questions.

INVITATION TO BUDGET HEARINGS 9-55

The City Manager reported that budget preparation was well underway. He distributed copies of the budget calendar, schedule of preliminary hearings on the departments and invited the members to attend any of the hearings.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Hammond Unanimously carried

ATTEST:


CITY CLERK

Modesto City Council
March 10, 1959

The Council of the City of Modesto met in special session this date at 11:45 A.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, Mayor Marks presiding, to clear additional matters on McHenry Avenue project.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Hammond, Robinson, Mayor Marks

Absent: Councilmen: Arata, Merrill, Spaulding

Councilman Merrill arrived at 11:50 A.M.

CLEAR ADDITIONAL MATTERS ON MCHENRY AVENUE PROJECT 1-05

The City Manager stated that it would be necessary for the Council to adopt a resolution authorizing the execution of a right of way certificate for the McHenry Avenue project. The City Attorney read the form of the proposed certificate for the Council's information, which had been cleared by the Division of Highways office at Stockton and the City Public Works Department.

RESOLUTION NO. 59-85

A RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT OF WAY CERTIFICATE RELATING TO THE RECONSTRUCTION OF MCHENRY AVENUE, PROJECT XSTA-109-MOD, A.

Introduced by Robinson Seconded by Hammond
Ayes: Adams, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Arata, Spaulding

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Hammond Seconded by Merrill 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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Hammond, Merrill, Spaulding, Mayor Marks

Absent: Councilmen: Adams and Robinson

Both Councilmen Adams and Robinson arrived at 7:33 P.M.

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES 1-05

Council members having received copies of the minutes of the Council meeting of February 25, 1959 and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM SPORTSMEN OF STANISLAUS RE: ANNEXATION AND REQUEST FOR CITY SERVICES 1-15

A letter from the SOS requesting annexation of 4.55 acres of land purchased from Horace Dryden & Dorothy Dryden, for the construction of a clubhouse and the furnishing of city services, was read.

The City Manager reported that this matter had been reviewed with the Club and there were no special problems involved.

MOTION

That the staff be authorized to prepare the necessary documents to accomplish annexation and furnishing of city services.

Moved by Merrill Seconded by Robinson Unanimously carried

The City Manager noted that the staff had been authorized to work out arrangements with the Club for the purchase of a portion of city property for the clubhouse but due to the change in plans the Club was no longer interested. He suggested that the annexation of the Club's property be combined with the annexation of the adjoining city property recently purchased from Mr. Dryden. The City Attorney reported receipt of the deed for the property.

MOTION

That the staff be authorized to prepare the necessary documents to annex the city property purchased from Horace Dryden, et ux jointly with the SOS property.

Moved by Robinson Seconded by Spaulding Unanimously carried

3-11-59 Page 1

LETTER FROM FRANK ANDREWS 1-36

A letter from Frank Andrews regarding the construction of Dennett Dam was briefed by Mayor Marks and ordered filed.

LETTER FROM CECIL JONES 1-45

With the unanimous approval of the Council, the Mayor was permitted to read a letter from Cecil Jones which had not been included on the agenda.

Mr. Jones reported that the City of Salinas had a used airport tower for sale which the City of Modesto might consider purchasing to be used at the City-County Airport.

Mayor Marks asked the City Manager to investigate the matter and include in his report to the Council.

FINAL ADOPTION OF ORDINANCES 1-70

ORDINANCE NO. 291-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (LOSER-DARPINIAN)"

introduced on February 25, 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 Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

ORDINANCE NO. 292-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-2.503, 3-2.1010, 3-2.1501 AND 3-2.1502 OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS"

introduced on March 4, 1959 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 Merrill
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

ORDINANCE NO. 293-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.815 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE ENTITLED 'APPROVAL OF STATE DEPARTMENT OF PUBLIC WORKS' RELATING TO TRAFFIC REGULATIONS"

introduced on March 4, 1959, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

3-11-59 Page 2

REPORT ON LETTER FROM WILLIAN McK STENSAAS RE: IMPROVEMENT OF
COLLEGE AVENUE 1-82

Pursuant to referring the letter from William McK Stensaas, 1121 College Avenue, relating to improvement of College Avenue to the staff for investigation and report, the Director of Public Works filed a report dated March 10, on this matter, a copy of which is on file with the records of this meeting.

He recommended that, 1) the fence either be removed or re-located at city expense; 2) if the fence is reconstructed that it be done on the new right of way line and not at the back of the proposed sidewalk area, or as proposed by Mr. Stensaas, four feet from the face of the curb or the curb line; 3) that curb and gutter in front of that property occupied by the house (100' frontage) be constructed by the city but not in front of the vacant lot adjacent, owned by him; 4) Chinese Pistache trees be planted in the area between the walk and property line so that there would not be voids in the street tree plant plans and 5) sidewalks be placed next to the curb and gutter to conform to the pattern in this area.

Mr. Stensaas verbally accepted the recommendations of Mr. Ray.

MOTION

That the staff be authorized to proceed on the improvement as recommended by the Director of Public Works.

Moved by Arata Seconded by Spaulding Unanimously carried

LETTER FROM PERSONNEL COMMISSION RE: PROPOSED INTEGRATION OF SERS AND
OASDI 2-31

The letter was read from the Commission recommending that an integration referendum be held and that if a majority of the employees indicate a desire to split the Retirement plan, the city's contract with the State Employees' Retirement System be amended to permit those who wish to have an integrated plan.

RESOLUTION APPROVING AGREEMENT WITH CONSULTING ACTUARIES RE:
INTEGRATION OF OASDI AND SERS 1-40

RESOLUTION NO. 59-86

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COATES, HERFURTH AND ENGLAND, CONSULTING ACTUARIES, TO DETERMINE A REVISED AGENCY CONTRIBUTION RATE FOR COORDINATION WITH THE FEDERAL SOCIAL SECURITY PROGRAM

Introduced by Adams Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

RESOLUTION NO. 59-87

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF MODESTO

Introduced by Spaulding Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

3-11-59 Page 3

FURTHER REPORT ON SEWER SERVICE TO ROSE AVENUE AREA 2-57

As directed by the Council, the City Manager reported on the economical feasibility of serving the Rose Avenue area with sewer and water services.

He pointed out that two factors must be considered; 1) whether the city is able to do this at this time or 2) whether it would be desirable in the "longer run". In view of the city's commitments on other projects, it seems undesirable to obligate the city to do it this fiscal year. The city is committed on the golf course, fire station and other projects, in addition to McHenry Avenue where the expenditures have been substantial to get the project under way. He recommended that no commitment be made to serve the Downey Manor area this fiscal year. Since the entire sewer program was set up with the idea of serving this area, because it is the largest remaining undeveloped single area in the sewer service area not yet served, and particularly because the major portion of getting into it has informally been approved for this year (Jeffers Strathmore Subdivision) the Council could consider giving the interested developers an indication that it will be placed in the next year's fiscal budget and the work will be done early in the next fiscal year.

Mr. Ray reviewed the expenditures which would be necessary to place in the next year's budget to serve the Rose Avenue area

\$31,000 for extending trunk sewer to serve Downey Park Subdivision

\$17,000 for water line to serve this subdivision (\$11,000 would be for the main on Rose Avenue paralleling the new Del Este main). This would also serve the Jeffers-Strathmore Subdivision.

He pointed out that there would be additional costs which would have to be budgeted to construct water lines within the subdivision. Since layouts on these subdivisions are not yet available it is impossible to determine these costs. The city normally budgets \$100,000 each year for water line materials for the various subdivisions. He pointed out that in years of rapid growth of subdivisions it had been necessary for the Council to increase this sum.

Mayor Marks considered that the developers and people buying lots in this area had a right to know the city's position on availability of city services.

Mayor Marks raised the question of possible participation in the costs for furnishing city services by the developers and property owners on the basis of a change of policy by the Council-----that the service charges be based on the outside rates from the first and not one year afterwards as has been done in other areas in the past. This was generally discussed by the Council.

The City Manager pointed out that there was no reason why the city should have to give the users the regular city rates for the first year (pending annexation) and unless some arrangements were made in the agreement it would not be done.

Mayor Marks considered that the arrangement for such rates should be discontinued.

Mr. Ray reported on a suggestion the Public Works Department was presenting to the City Manager which might be more equitable----- when the city estimates the incomes for the subdivisions for city services it is on the basis that all lots will be occupied. Actually it is usually a year and possibly two to three years before a subdivision is completed. It is suggested that the city provide for a sewer and water fee for all lots after a certain date whether they are improved or not which would give the city a guarantee of income to amortize the investment. The fee for undeveloped lots could be lower.

The City Manager reported that plans for an additional subdivision north of Jeffers-Sherwood Subdivision were also under discussion.

MOTION

That the Council indicate its intention to budget the sum of \$31,000 in the next year's budget for expenditure for the sewer trunk extension to serve the Downey Manor Subdivision.

Moved by Mayor Marks Seconded by Robinson Unanimously carried

MOTION

That the Council go on record that it shall be its policy to charge "outside" water and sewer rates, when services are made available to subdivisions not contiguous to the city until such time as the subdivisions are annexed to the city.

Moved by Hammond Seconded by Arata Unanimously carried

HEARING ON PROPOSED VACATION OF PORTION OF WALKWAY IN BLOCK 6716 3-115

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the hearing on the proposed vacation and abandonment of a portion of walkway in Block 6716.

The City Clerk reported that the notice of the hearing had been published as required by law, the area had been posted and no written protests had been filed up to this time.

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

The City Manager reviewed the proposal for abandonment of 4 feet of the 10 foot dedicated walkway and improvement at the city's expense. He estimated the cost to be about \$600. The four feet which would be abandoned would revert to the property owners on the north.

Russell Fey, Associate Planner, reported on the survey made last week among the property owners who would be using the walkway to determine if a cooperative arrangement could be worked out to share the improvement cost. He stated they were not willing to share in the improvement costs.

RESOLUTION NO. 932-SP

A RESOLUTION VACATING AND ABANDONING THE NORTH FOUR FEET OF TEN FOOT DEDICATED WALKWAY IN BLOCK 6716 BETWEEN WILDWOOD DRIVE AND COLLEGE AVENUE IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Spaulding
 Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: Hammond Absent: None

MOTION

That the staff be instructed to proceed with the improvements.

Moved by Spaulding Seconded by Adams Unanimously carried

CLEAR PROPOSED COUNTY WEED CONTROL POLICY 4-75

MOTION

That the weed control policy proposed by Stanislaus County for 1958-59 be approved.

Moved by Spaulding Seconded by Adams Unanimously carried

CONSIDER PARKING PROPOSAL FROM BANK OF CALIFORNIA FOR ITS NEW BUILDING TO BE CONSTRUCTED ON SOUTHEAST CORNER OF 12th & I STREETS 4-82

The letter from the Bank of California was read requesting it be allowed to provide in lieu payment of \$3,000.00, as provided by the Municipal Code, for four parking spaces which could not be provided on its site located at southeast corner of 12th and I Streets, with the understanding that if the 4 spaces were provided within 5 years, it would be refunded.

The City Manager reported the city staff had worked with Bank officials and Architect, John Bomberger, and while the precise number of parking spaces needed under the plan still should be cleared out, it seems logical that such a proposal would conform with the spirit of the Code provisions. This policy might be considered by the Council as a regular procedure and the code amended accordingly.

The City Attorney reported that while this procedure was not expressly authorized by the in lieu payment provisions of the Municipal Code, but it seemed to be a reasonable interpretation. Eventually if this is going to be the policy of the Council, the Code should be amended to expressly provide for such arrangement, he stated.

MOTION

That the Council approve the proposal in principle and the staff directed to bring back a detailed report at a later date.

Moved by Merrill Seconded by Arata Unanimously carried

SET DATE HEARING APPEAL FROM DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO JOHN QUARESMA 5-01

A letter appealing the decision of the Modesto Board of Zoning Adjustment granting a conditional use permit to John Quaresma to increase the commercial use of his property located at Tully and Roseburg Avenue, filed by Roland & Kathryn Loeffler was considered by the Council.

RESOLUTION NO. 59-88

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL OF THE DECISION OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO JOHN QUARESMA TO EXTEND A COMMERCIAL USE INTO RESIDENTIALLY ZONED AREA ON THE SOUTHEAST CORNER OF TULLY AND ROSEBURG AVENUES

Introduced by Mayor Marks Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

The time set for the hearing was April 15 at 5:00 P.M.

DECLARE INTENTION TO INITIATE PROCEEDINGS FOR ANNEXATION OF CITY PROPERTY (ROBERTSON FIRST, SECOND, THIRD AND FOURTH ADDITIONS) 5-20

RESOLUTION NO. 59-89

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, HERENAFTER DESCRIBED AND DESIGNATED AS ROBERTSON-FIRST 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 REQUESTED BY LAW

Introduced by Arata Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

RESOLUTION NO. 59-90

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, HERENAFTER DESCRIBED AND DESIGNATED AS ROBERTSON-SECOND 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 REQUESTED BY LAW

Introduced by Merrill Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

RESOLUTION NO. 59-91

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, HERENAFTER DESCRIBED AND DESIGNATED AS ROBERTSON-THIRD 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 REQUESTED BY LAW

Introduced by Robinson Seconded by Hammond
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

RESOLUTION NO. 59-92

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 ROBERTSON-FOURTH 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 REQUESTED BY LAW

Introduced by Adams Seconded by Mayor Marks
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

The City Manager reported that the annexation of these areas had been recommended by the Planning Commission.

REPORT ON LEGISLATIVE MATTERS 5-47

AB1421: Regulating minimum wages and maximum hours

MOTION

That the Council oppose this bill on the grounds that the working conditions of city employees are defined by charter or ordinance under established personnel systems subject to regulations by the people of the city or their elected local governing bodies and should not be determined by the state.

Moved by Mayor Marks Seconded by Arata Unanimously carried

The City Manager reported that there was a pending bill which would authorize counties and cities and many districts to impose a privilege tax on publicly or municipally owned gas and electric utilities which was set for a hearing on February 26. The bill has been postponed indefinitely and when it is again set for a hearing, the city will be notified.

REPORTS FROM PLANNING COMMISSION 5-69

A recommendation from the Planning Commission was received recommending the adoption of an emergency zoning ordinance to classify property in Paradise Center No. 2 upon annexation to the city.

COMPLAINT FILED BY LES WELTON 907½ FIFTH STREET 5-76

Mr. Welton complained that the City Police had broken open the door of his apartment located at 907½ Fifth Street, Sunday morning at 5:00 A.M., March 8 while conducting a raid. He claimed that the search warrant had been issued by the District Attorney for 907 and not 907½ Fifth Street.

The City Manager was asked to investigate the matter and check it out further with Mr. Welton.

3-11-59 Page 8

PRESENTATION OF 15 YEAR SERVICE PIN TO CITY CLERK 5-113

Mayor Marks presented a 15 year service pin to City Clerk Rex E. Gailfus and commended him on his years of service with the city.

POLICING AT AIRPORT DURING DISMANTLING OF AIRPLANE 5-120

With the unanimous consent of the Council, Councilman Hammond was permitted to bring up a matter not on the agenda-----police help during dismantling of plane at airport.

He reported that the 20-30 Club had requested police help to keep the children off of the plane which they had brought to Modesto to be installed in the Children's area of Beard Brook Park. The City Manager reported that the matter would be taken care of.

INSPECTION OF RESTAURANTS 6-01

With the unanimous consent of the Council, Councilman Merrill raised a matter not on the agenda-----inspection of restaurants by the County-City Health Office.

The owner of a building at Third and H Streets had complained on the inspection which had been made of his property while being operated by his lessee as a restaurant and on the condition in which the building had been left when vacated.

The City Manager was asked to confer with Dr. Westphal on the matter and report to the Council.

PROGRESS REPORT ON McHENRY AVENUE PROJECT 6-20

The City Manager reported that the certification on the rights of way had been transmitted to the State. He reported on the State time schedule before bids could be called for and construction started. He estimated the earliest date the work would be started would be about the first of June.

REPORT ON FIRE GRADING ANALYSIS 6-32

The City Manager distributed copies of a report dated March 11, 1959, on "Grading of City Fire Protection Facilities by National Board of Fire Underwriters". He suggested that the Council consider moving the fire alarm system out of the driveway area and when it is moved that the facility be expanded. He also suggested that the city enlist special assistance in planning the new facility. He also suggested that Mayor Marks appoint a Council committee to work with the staff on this matter. Mayor Marks named Councilmen Hammond and Arata to serve and suggested that after the April 14th election the new Mayor appoint an additional member.

The City Manager reported receipt of a communication from the Del Este Water Company giving the schedule of fees for fire hydrants, as approved by the PUC. He reported that the city would be working very closely with the company on the use of the hydrants and possible improvements which would help with the water supply.

REPORT ON CALL FOR BIDS BY COUNTY FOR RECONSTRUCTION OF DENNETT DAM 6-76

The City Manager reported that the Stanislaus County Board of Supervisors had called for bids for the reconstruction of Dennett Dam as a joint enterprise by the city and county.

3-11-59 Page 9

REPORT ON MEETING IN SACRAMENTO ON FREEWAY MATTER 6-80

Mayor Marks reported on the meeting which had been held in Assemblyman Brown's office in Sacramento to discuss freeway matters.

Among those present were Councilmen Arata and Merrill, City Manager Miller, State Director of Public Works Bradford, State Engineer McCoy and J.G. Meyers of the Division of Highways.

As a result of this conference, Mayor Marks reported, the city can look forward to the receipt of an additional agreement from the State relating to a grade separation in the city.

The City Manager stated the new agreement was to be prepared by the Division of Highways, presented to the State Director of Public Works, outlining a specific proposal for getting the grade separation matter in firm form so that the city will have assurance on the construction of the separation. The two agreements, one on the freeway and the other on the grade separation, the Mayor reported, could be signed simultaneously. The grade separation will be constructed at a location to be selected by the State Highway Department where it will be best for the community.

PROGRESS REPORT ON AIRLINE HEARINGS 6-105

The City Attorney reported on the progress being made at the hearing being held in Los Angeles before the CAB on the Pacific Southwest Airline case.

CLEAR DATE FOR YOUTH IN GOVERNMENT DAY 6-125

MOTION

That April 15 be set as the annual Youth in Government Day.

Moved by Merrill Seconded by Arata Unanimously carried

PRESENTATION OF REPORTS FROM STOCKHOLM, SWEDEN AND WEINHEIM, GERMANY 7-10

The reports were displayed to the Council members by the City Manager and briefly discussed.

FINANCIAL STATEMENT FOR MONTH OF FEBRUARY FILED 7-39

Copies of the financial statement of the City of Modesto for the month of February, 1959, were distributed to the Council members by the City Manager.

GRANT VARIANCE TO URICH OIL COMPANY 7-40

With the unanimous consent of the Council, the matter of granting a variance to the Urich Oil Company to blacktop the area at its service station being constructed on the south west side of McHenry and Granger Avenue was presented by the City Manager.

The City Manager reported that the Company requested a variance to blacktop the sidewalk area on McHenry Avenue until the improvements had been made by the State in the widening project.

RESOLUTION NO. 59-93

A RESOLUTION GRANTING VARIANCE TO THE URICH OIL COMPANY TO BLACKTOP THE SIDEWALK AREA ON McHENRY AVENUE SIDE OF ITS SERVICE STATION BEING CONSTRUCTED ON GRANGER AND McHENRY AVENUES WITH THE PROVISIONS THIS WILL BE REMOVED AT COMPANY'S EXPENSE WHEN CURBS AND CUTTERS ARE CONSTRUCTED BY THE STATE OF CALIFORNIA

Introduced by Merrill Seconded by Arata
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

DISCUSSION ON PROGRESS OF DRYDEN PARK MUNICIPAL GOLF COURSE 7-55

Lloyd McIntire, 1505 Sherwood, representing the Modesto Municipal Golf Club, was given permission to bring up a matter not on the agenda-----progress being made in the planting of the new golf course. He expressed the willingness of the members to donate their services if necessary to get the planting program underway, so that it can be used for play by next fall.

The City Manager stated that the city had not counted on help on this program but if the Club could help it would be contacted. The grading of the greens and preparation is proceeding on schedule. The conditioning of the soil cannot be done until certain temperatures are reached. He asked Mr. McIntire to contact the Director of Parks and Recreation directly on the planting schedule.

Mayor Marks asked Mr. McIntire to make arrangements for the City Manager to be present at the Club's next monthly meeting to explain the progress of the course. (Meeting to be held April 2)

The City Manager reported that the development of the Clubhouse area had been delayed because receipt of the deed to the additional property had been delayed. The City will work closely on the approaches, etc. with the SOS Club. A report will be presented to the Council shortly on this part of the course.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Merrill 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 Marks presiding.

The acting City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Merrill, Robinson, Mayor Marks

Absent: Councilmen: Hammond and Spaulding

Councilman Hammond arrived at 4:04 P.M. and Councilman Spaulding at 4:12 P.M.

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

Rev. Ted Silva gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the special Council meetings of March 9 and 10, 1959, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER OF PROTEST TO THE USE OF SANITARY SEWER TO DRAIN STORM WATER ROYAL E. GRANT, 816 HACKBERRY AVE.

The letter was read. The City Manager reported that this matter had previously been reviewed orally with the Council and the letter had been written for the record. Mr. Grant is aware of the city's plans for an assessment district for storm drainage for this area. Mayor Marks asked Director of Public Works Ray to keep Mr. Grant apprised of the progress of the assessment district proceedings.

INVITATION FROM SALVATION ARMY FOR COUNCIL MEMBERS TO ATTEND ANNUAL ADVISORY BOARD MEETING MARCH 20 AT FABLE ROOM-COVELL HOTEL 1-41

The letter was read and ordered filed. Council members reported receipt of a personal invitation from the Army for this dinner.

REPORT ON BID CALL FOR INSTALLATION OF WATER LINE IN NORTH PARK ADDI- TION 1-50

The City Manager reported that no bids had been received on Monday, March 16 at 2:00 P.M., for the installation of water lines in North Park Subdivision. He recommended that the Council authorize the work done with city forces and estimated the cost to be \$664.50.

RESOLUTION NO. 59-94

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN NORTH PARK SUBDIVISION

Introduced by Adams Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: None Absent: Spaulding

3-18-59 Page 1

FINAL ADOPTION OF ORDINANCE NO. 294-C.S. AMEND SECTION MAP 19 OF THE ZONING MAP (EVERGREEN ACRES) 1-58

ORDINANCE NO. 294-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (EVERGREEN ACRES TRACT)"

introduced on March 4, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Merrill Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: Spaulding

REPORT ON SERVICE BY COUNTY HEALTH DEPARTMENT 1-62

1-Clear question regarding services by County Health Department

The City Manager noted that a report dated March 17 entitled "Report on Service by the County Health Department" had previously been distributed to each member.

Dr. Robert Westphal, Health Director, introduced members of the Health Department staff, Clarence Weaver, Chief Sanitarian and Art Ingébritson and Howard Hallmark, Sanitarians. Dr. Westphal gave a brief report on the department's operation in the city since the consolidation.

He pointed out that all the city personnel had been taken over by the county with the exception of the school nurses who had been taken over by the schools. Both Sanitarians spend their time in the city and a portion of Mr. Weaver's time is now spent on city problems. Two Milk Inspectors are now employed, instead of one. Additional public health nursing service is now given to the city (four nurses working part time). Services to the city have actually been expanded under the consolidated system. He stated that on a basis of sanitation, particularly, which was the major part of the city's program prior to consolidation, the city gets more service than the rest of the county because there are 6 sanitarians for approximately 150,000 people, 25,000 per sanitarian and the city has two sanitarians, plus a portion of Mr. Weaver's time, for less than 40,000 people. If at any time the Council feels that the program should be enlarged, (restaurant inspections) all that will be necessary is to alter the existing city-county contract.

Answering a question raised by Councilman Merrill, Sanitarian Hallmark reported that restaurants normally were inspected about every two or three months, depending upon the restaurant involved. He reported that the operator of the doughnut shop located on Fourth and H Street had been "under pressure by the department". In a shop of this type a large volume of grease is used and it does not take too long for it to collect. This "pressure" was one of the reasons the operator had gone out of business at this location. He is now operating on McHenry and was, until recently, operating with a provisional permit. Mr. Hallmark answered a point made by Councilman Merrill, that the sanitary service had not deteriorated but had improved. He cited instances where remodeling improvements had been made.

Answering a question raised by Mayor Marks, Councilman Merrill stated that he was thoroughly satisfied, as he was at the time that the city turned the health functions over to the county, on the job that the county was doing.

2- Proposed revision of City health regulations including trailer camps 2-30

The City Manager reported that the city staff was working with Dr. Westphal on a proposed revision of city health regulations which would bring the city code up to date with the present state requirements and to establish some type of control for trailer camps.

LEGISLATION MATTERS--AIR POLLUTION 2-40

A report prepared by Assistant City Manager Masonheimer on SB 644, Establishing a San Joaquin Air Pollution Control District, previously distributed to the members was discussed.

Councilman Adams considered that the Council should favor the bill but some provisions should be changed.

Fundamental problems involved in the bill discussed were:

1. Article 5- Governing Body. As proposed would not give the cities a reasonable representation on the legislative body--54 cities in the district would be represented by the city appointments made by Bakersfield, Fresno and Stockton. Suggestion for change was that each Board of Supervisors appoint a member of its Board as the county representative and a nominating committee composed of the Mayors of the cities in each county appoint a Mayor or Councilman as the cities representative. (total membership would be 16 instead of 11).

The Council considered that the city would be adequately and efficiently represented by the Board of Supervisors.

MOTION

That the representation on the legislative body of the San Joaquin Air Pollution Control District remain as proposed in SB644.

Moved by Hammond Seconded by Spaulding Unanimously carried

2. Section 24375.20- Executive Secretary. The bill should set forth the administrative duties of the Executive Secretary, who should be designated the chief administrative officer, and hired by the Board. Some thought might be given to exempting the Attorney from the civil service system; otherwise, he could be employed only on a contractual basis or within the civil service system.

3. Article 8- Hearing Board. To hear appeals from the enforcement officer's actions, as set up on the bill, is a three member board. It is proposed that this board be at least a five member board and if a decision is less than three affirmative votes it should automatically be referred to the hearing board for review and rehearing if necessary. An appeal process should be spelled out in the law.

4. Article 11- Variances. Specific standards for granting variances should be included in the law, and automatic expiration periods established.

MOTION

That the matters as presented, with the exception of the first item relating to "Governing Body" be approved.

Moved by Merrill Seconded by Hammond Unanimously carried

Dr. Westphal reported on the county's program for taking air samples, which had been in force for approximately one year. To date with daily samples, (except on Sundays) the level where there would be irritation to the eye has not yet been reached.

MOTION

That the staff be authorized to work with the Board of Supervisors on changes in the proposed SB644.

Moved by Mayor Marks Seconded by Adams Unanimously carried

CLEAR PROPOSALS FOR PURCHASE OF WALNUT TREES-GOLF COURSE PROPERTY 4-15

The City Manager reported that the city had received an offer for the purchase of walnut trees which will finally be removed from the Dryden Park Municipal Golf Course (driving range area) on property recently purchased from Kenneth Durand. The land is presently leased and until development of the driving range can be financed, revenue will be derived by the city for the sale of walnuts.

It is the staff's general feeling that no action should be taken at this time on the sale of the trees but wait until the actual date of developing the driving range is determined.

MOTION

That the staff be authorized to advise the buyer that the city does not wish to sell the walnut trees until a later date.

Moved by Merrill Seconded by Robinson Unanimously carried

CLEAR CITY HALL MATTERS 4-15

A sketch of the proposed arrangement of the Council Chamber in the new City Hall was distributed to the members. The City Manager stated that the ducts for the microphones in the Chamber are now being laid and if any change is to be made it would be more economical and satisfactory to make it at this time.

MOTION

That the plan as submitted be approved with the addition of one additional microphone outlet (location to be determined by the Public Works Department).

Moved by Mayor Marks Seconded by Adams Unanimously carried

Clear other matters in principle on city hall 4-105

- 1- Use of concrete bumper curbs in the parking area instead of wooden curbs, as shown on the plans and provided for in the specifications.

- 2- Drainage changes for the ground level floor of the parking garage. The cost will be minor but some structural changes must be made in the floor, to meet the city code requirements.
- 3- A change must be made in the structure of the top of the emergency generator room so that a lift slab can be installed and removed whenever the generator equipment is available for installation. Estimated cost is \$300.
- 4- Burglar Alarm system: Plans and specifications provided a burglar alarm system for every exterior door of the city hall, vaults and cash drawers in the finance section. There seems to be no need for the gongs and enunciator to show where the break in was occurring. The contractor has been requested to give the cost for providing only a burglar alarm for the vault and a button for ringing the Police in the Finance Department. The gongs are to be eliminated in all places. This would reduce the city's cost.

MOTION

That the above changes in the city hall be approved in principle as recommended by the Public Works Department.

Moved by Adams Seconded by Spaulding Unanimously carried

APPROVE AGREEMENTS (REVISED) ON CITY RENTAL PROPERTY RELATING TO POSSESSORY INTEREST TAXES 5-40

The City Attorney presented for Council approval revised agreements with

Veterans of Foreign Wars of the United States,
 Modesto Post 3199
 D. M. Criss
 Jim and Patricia Herron
 Ernest M. and Elizabeth Gerisch
 Samuel C. Riggs and Carl A. Nisson
 John C. and Winnie L. Stites

for rental of city property relating to possessory interest taxes.

RESOLUTION NO. 59-95

A RESOLUTION APPROVING REVISED AGREEMENTS ON CITY RENTAL PROPERTY RELATING TO POSSESSORY INTEREST TAXES

Introduced by Spaulding Seconded by Robinson
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REPORT ON REVIEW WITH STATE ON REQUIREMENTS AFFECTING THE MODESTO WATER SYSTEM 5-60

Director of Public Works Ray reported on a meeting held with representatives of the State Health Department and Clarence Weaver, Chief Sanitarian of the County Health Department to discuss requirements affecting the Modesto Water Distribution System in order to

meet the standards of the U.S. Public Health Service which are enforced by the State Department of Health and to some extent by the County Health Department.

- 1- The City is being required to make some corrections to one of its elevated tanks.
- 2- It is necessary to increase the number of samples taken throughout the distribution system. (This is done by the County Health Department.) This has been put into effect.
- 3- It is essential in order to comply with the public health service requirements that all cross connections be eliminated, either by outright cutting off of service from the public water supply or by the provisions of approved backflow prevention devices.
- 4- It is necessary for the city to embark upon a program of installation of backflow prevention devices wherever they are needed or get the county to sample the other water supplies on a regular basis, with a provision that any bad samples would require the interested parties to correct the difficulty. This will be a considerable program because it will be necessary to make many investigations.

Mr. Ray pointed out that it would be a Council policy matter as to whether these devices will be at the expense of the city or the property owners or users.

- 5- The City must also test these devices annually to determine if they are in working conditions. Whether or not the private water systems are tied into the public system the devices will be necessary.

Mr. Ray stated that it is not required that all this be done at one time but it can be a continuing program over a period of time. As long as the city has such a program it is demonstrating that it is operating in good faith.

Mr. Ray stated that another feature to this program was---the abandonment of old wells. There are a number in the city which have been abandoned. At the present time the city cannot require that the wells be properly filled in and sealed off. He suggested that the city be permitted to offer to do this work at city expense. This is the policy of the Del Este Water Co.

The City Manager stated that a more precise report would be presented to the Council.

Mayor Marks asked Dr. Westphal to work with the City Manager and staff to assemble the necessary detailed report for the Council.

Councilman Hammond left the meeting at this time.

REQUEST FOR ADDITIONAL FUNDS-CITY CLERK'S DEPARTMENT 6-66

A report was submitted by the City Clerk indicating the need for additional funds in the sum of \$2400 for advertising, revision of code pages and in the sum of \$80 for professional services.

RESOLUTION NO. 59-96

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2480 FROM GENERAL RESERVE TO ADVERTISING, LEGAL AND OTHER AND SERVICES, PROFESSIONAL AND OTHERS FOR PUBLICATION OF LEGAL DOCUMENTS

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Hammond

REPORT ON LEAGUE HIGHWAY COMMITTEE 6-76

The City Manager distributed copies of a report "Freeways Aren't Everything" to the Council members. He read the report, and pointed out that there were two matters involved in the report, 1) the question of the freeway report and 2) additional gas tax funds on city streets. These matters have been before the Highway Committee and are presently actively moving in the State Legislature.

Mayor Marks recommended that the Council be given an opportunity during the next week to study the report and directed that the matter be placed on the agenda for the next Council meeting.

DISCUSSION ON PROPOSED STATE LEGISLATIVE BILLS 7-35

The City Manager briefly reviewed the League's bulletin dated March 16, 1959 on important legislative hearings affecting cities.

AB817-county-wide tax for fire protection, removal of limitation

Does not apply to the City of Modesto.

SB97-liquor licenses in cities-limitation

The Council asked for additional information on this bill.

AB871-Mosquito and Fire Protection Districts-withdrawals and division of assets

No action taken by the Council

AB1743-would drastically revise the present provisions of the law requiring the distribution of fire district assets between a district and the city following withdrawal of city territory from a fire protection district

The City Manager stated that he had worked with a state-wide committee that had drafted legislation applying to a certain type of fire protection district permitting such settlement to be made by negotiation and for any settlement to be waived on small amounts.

MOTION

That the Council support a position which would permit the cities to negotiate or to waive any settlement of any kind on small items.

Moved by Mayor Marks Seconded by Arata Unanimously carried

The Council expressed continued interest in hearing about proposed legislation.

3-18-59 Page 7

REPORTS FROM PLANNING COMMISSION 7-127

No reports were submitted.

REPORT ON CIVIL AERONAUTICS BOARD HEARING IN LONG BEACH 7-129

The City Manager noted that the members had previously been furnished a report from Director of Parking and Traffic Carmody on the Civil Aeronautics Board hearing on the United Airline Service held on Long Beach, March 10.

A letter from the United Air Lines commending Mr. Carmody on his presentation to the Board was read.

Mayor Marks commended Mr. Carmody on his report and presentation before the Board.

REPORT ON COMPLAINT OF LES WELTON 8-15

The City Manager noted that the members had been furnished with a copy of the report from Police Chief Bowers on the complaint filed by Les Walton.

Police Chief Bowers estimated the damage to Mr. Walton's door which had been forced open through error by the police during a raid was \$1.50, plus labor. He expressed regret that the incident had occurred.

PRELIMINARY REPORT ON PROPOSAL FOR CASH BASIS FUND 8-25

The City Manager reported that the staff was working on a proposal for Council consideration, to establish a cash basis fund.

The City already has one in effect on an informal basis and there is no formal requirement for it. Many other cities have a cash basis fund, some written into their charters.

He pointed out that there was a "lean" period for city finances, the first four or five months of the fiscal year during which there is not sufficient revenue received to run the city. Analytical studies indicate that Modesto has depleted the general fund each year by an amount which varies from about \$250,000 to \$400,000 a year during this period. It was necessary to have the carry over to finance the operations during this period. A cash basis fund would set up this procedure on a formal basis by ordinance or later a charter amendment so that it would be a requirement that the city in its financing each year have at the end of the fiscal year sufficient funds to finance through this "lean" period.

The City Manager stated a further report would be submitted on the matter.

FURTHER REPORT ON FIRE GRADING PROGRAM 8-77

The City Manager reported that a further meeting had been held with the consulting firm regarding the fire alarm system. The company will submit some specific proposals. The Company has offered one suggestion already---the possibility of the standard type building might be used for a portion of the system. Butler Company can offer a

design centering around a basic structure which might result in a substantial savings. A further report will be submitted later.

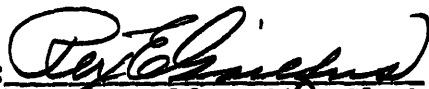
ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried.

ATTEST:


Rex E. Gailfus, City Clerk

Modesto City Council
March 25, 1959

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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilman: Arata, Adams, Hammond, Merrill, Spaulding,
Mayor Marks
Absent: Councilmen: Robinson

Councilman Robinson arrived at 7:33 P.M.

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

Rev. Dale Sherwood gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of March 4 and 11, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM ROLAND LOEFFLER RE: HEARING ON JOHN QUARESMA REZONING APPEAL 1-12

The letter was read requesting a delay in the public hearing scheduled for April 15, on the appeal filed by John Quaresma to the decision of the Board of Zoning Adjustment granting permit for the extension of commercial use into residentially zoned property at Roseburg and Tully Avenues.

City Attorney Allen Grimes pointed out that the date of April 15 was the last date the hearing could be scheduled and the notice had already been published. When the hearing is held, he stated, the Council could continue the hearing over one week, if it desires to do so.

MOTION

That the City Clerk be instructed to notify Mr. Loeffler that his presence is not necessary at the hearing and that he may file a written protest or authorize someone to be present at the hearing to express his opinion on the matter.

Moved by Merrill Seconded by Robinson Unanimously carried

PRESENTATION OF SUGGESTION AWARDS 1-33

Mayor Marks presented awards to the following employees of the City for their suggestions:

Mary Jo Bowman, two honorable mentions
Norman Cole, honorable mention

3-25-59 Page 1

John Meier, honorable mention
Arthur McMasters, certificate of commendation
Melvin Williams, \$10 award
Rhoda Hendricks, \$50 award

INVITATION FROM STANISLAUS COUNTY HORSEMEN'S ASSOCIATION
REPORT ON CIVIL DEFENSE 1-82

With the unanimous consent of the Council, Mayor Marks was permitted to bring up two matters not on the agenda:

- 1- Invitation for the mayor to participate in annual parade of Stanislaus County Horsemen's Association being held on April 18.

Mayor Marks directed the City Clerk to acknowledge receipt of the invitation and advise that the successful candidate in the April 14 election for Mayor will be notified.

- 2- Civil Defense Operation Plans for the State of California

This report was briefly discussed and turned over to Assistant City Manager Masonheimer.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR
INSTALLATION OF 10" WATER MAIN ON CHICAGO AVENUE 2-05

RESOLUTION NO. 59-97

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF 10" WATER MAIN ON CHICAGO AVENUE AND PARADISE ROAD BETWEEN SUTTER AVENUE AND ALLEY IN BLOCK 3092

Introduced by Merrill Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding
Noes: None Absent: None

The time set for the opening of bids was 2:00 P.M. April 6.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR SAND TRAP AT
PUMP STATION NO. 21 2-21

RESOLUTION NO. 59-98

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING OF ONE SAND TRAP AT PUMP STATION NO. 21

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

The time set for the opening of the bids was 2:00 P.M. April 13.

DISCUSS PROPOSED TERMS FOR AGREEMENT RELATING TO CHILDREN'S PLAY-
GROUND 2-21

The City Attorney reported on the proposed general terms of the agreement with the Modesto Children's Park Inc. for the development of the playground in Beard Brook Park.

Councilman Arata recommended that the parking arrangements be adequate.

Schuyler Hafely, representing the Modesto Children's Park Inc., reported on plans for the development of parking spaces.

The City Manager reported that proposed plans for developing the road bordering the western boundary of Beard Brook Park would be presented later.

MOTION

That the Council indicate its general approval of the proposed conditions of the agreement as outlined by the City Attorney and that after further consideration by the staff and Modesto Children's Park Inc. the formal agreement be presented for final Council approval.

Introduced by Spaulding Seconded by Adams Unanimously carried

AUTHORIZE PURCHASE OF ROTARY MOWER 3-20

The City Manager reported additional equipment was needed to take care of the weed problem at the airport and sewer farm. Investigations have been made of a rotary type mower, and the Director of Public Works reported that it is possible to purchase a satisfactory type for \$785.

MOTION

That the purchase of the equipment be approved, as outlined by the Director of Public Works.

Moved by Arata Seconded by Merrill Unanimously carried

RESOLUTION NO. 59-99

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$785 FROM THE GENERAL RESERVE FOR PURCHASE OF ROTARY MOWER FOR USE AT THE CITY-COUNTY AIRPORT

Introduced by Merrill Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

MAYOR MARKS WELCOMES GUEST OF COUNCIL 3-52

Mayor Marks welcomed J. A. Hamilton, visitor at the Council meeting.

RESOLUTION CHANGING MONTHLY PAYROLL FOR CITY EMPLOYEES 3-36

RESOLUTION NO. 59-100

A RESOLUTION ESTABLISHING A MONTHLY PAYROLL FOR EMPLOYEES OF THE CITY OF MODESTO WITH PROVISIONS FOR A PARTIAL PAYMENT FOR THE PERIOD COMMENCING ON THE FIRST OF EACH MONTH TO AND INCLUDING THE FIFTEENTH DAY THEREOF, AND RESCINDING RESOLUTION NO. 57-549

Introduced by Hammond Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

APPROVE REVISED LEASE WITH COUNTY FOR RENTAL OF OLD M.I.D. BUILDING
3-74

The City Manager presented a letter from Fred Reyland, County Counsel, relating to vacation of the building by the county.

ORDINANCE NO. 297-C.S. entitled

AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF MODESTO TO THE COUNTY OF STANISLAUS AND AUTHORIZING THE EXECUTION OF A MODIFICATION AND EXTENSION OF LEASE AGREEMENT IN CONNECTION THEREWITH

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

Moved by Merrill Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

REQUEST COUNTY CANCEL TAXES ON CITY PROPERTY (AIRPORT) 3-85

RESOLUTION NO. 59-101

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY-COUNTY TAXES ON PROPERTY OWNED BY THE CITY OF MODESTO AND CANCEL THE 1959-60 ASSESSMENT (AIRPORT)

Introduced by Spaulding Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

APPROVE AGREEMENT WITH STATE FOR POPULATION STUDY 3-90

RESOLUTION NO. 59-102

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DEPARTMENT OF FINANCE OF THE STATE OF CALIFORNIA FOR A POPULATION ESTIMATE OF THE CITY OF MODESTO

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

APPROVE AGREEMENT WITH STATE RELATING TO DENNETT DAM 3-96

Terms of the agreement were outlined by the City Attorney.

RESOLUTION NO. 59-103

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO, STANISLAUS COUNTY AND STATE DEPARTMENT OF FISH AND GAME FOR OPERATION OF DENNETT DAM

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

HOLD OVER CONSIDERATION OF ANNEXATION OF GREGORY GARDENS NO. 4 3-115

The City Manager asked that this matter be held over until it can be cleared between the School Districts.

APPROVE AGREEMENT WITH RAWLINS AND CHAMBERS FOR EXTENSION OF COMMERCIAL ALLEY TO NORTHERN BOULEVARD 4-1

on

Director of Planning Smeath reported/a proposed agreement between the city and Katherine Rawlins and Chester D. Chambers providing for the extension of an alley in Block 6196 (back of Foster Farms Dairy). A grant deed will be given the city for the dedication of the alley, and improvements will be made by the property owners.

The City Engineer reported that since the alley is to be a commercial alley and must be developed on higher standards than residential alleys the bond guaranteeing the improvements to be filed by the owners must be increased from \$350 to \$800. He recommended approval of the agreement on that basis providing for the posting of a performance bond of \$800, and acceptance of the dedication of the alley.

RESOLUTION NO. 59-104

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KATHERINE I RAWLINS AND CHESTER D. CHAMBERS RELATING TO THE DEDICATION AND IMPROVEMENT OF AN ALLEY.

Introduced by Arata Seconded by Hammond
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

LEGISLATIVE MATTERS 4-36

SB97 relating to issuance of liquor licenses by the Board of Equalization was reviewed again by the Council.

MOTION

That the City Manager contact the League of California Cities to obtain more detailed information on the proposed bill and its affect on the community before the Council take any action.

Moved by Merrill Seconded by Spaulding Unanimously carried

Highway Legislation

The City Manager reported that as directed by the Council the freeway portion of proposed legislation was being held over for more detailed study on certain phases.

The Council further discussed the League's proposal for state legislation to provide additional funds for city streets and county roads.

Councilman Robinson expressed opposition to the proposed one cent gas tax increase on the basis that the cost of collecting and and disbursing of the tax to the cities and counties would impose an

3-25-59 Page 5

overhead burden. The city should pass its own tax to collect funds for improving its streets.

The City Manager pointed out that the city could not levy a gas tax. The question involved is-----should the motorist, as such, in putting the gas into the tank pay a larger portion of the cost of roads and streets. This goes back to the gross inequity which already exists in the distribution of the gas tax as it relates to the cities. Out of the nine cent tax collected in the state, for road purposes, the cities, where 70% of the people live, only get 5/8 of 1¢ for city street. The cities' deficiencies far exceed those of the counties, which receive far more gas tax revenue.

The street deficiencies of Modesto, up until 1971, without considering annexation of additional areas, will amount to fifteen million dollars. It will be impossible to levy taxes on property or other available local means to correct these deficiencies. The cities in the state are already raising three dollars in local taxes for every dollar they get in gas tax. The Counties, on the other hand, receive three dollars in gas tax for every dollar collected locally for roads. The people in the cities are building their own streets and the motorists of the cities are not getting their fair share of the gas taxes they are paying. The proposed increase of one cent is based on the fact that the gas tax now available to the state highway system would build the system within a reasonable time and that the deficiencies on the county roads and streets are on about a sixty-forty basis, 60% in the cities and 40% in the counties.

The City Manager pointed out that there would be no additional state cost for collecting the one cent additional because the system is already in operation. He stated that the funds made available would be on a matching basis to be used for construction on any city street.

The City Manager estimated the extra income to the City to be approximately \$100,000 annually which would have to be matched by the city for improvement of streets. He pointed out that the city was already allocating this amount for streets and it would not be necessary to raise any additional funds for matching.

RESOLUTION NO. 59-105

A RESOLUTION SETTING FORTH THE POSITION OF THE CITY COUNCIL OF MODESTO IN SUPPORT OF PROPOSED LEGISLATION WHICH WOULD PROVIDE AN ADDITIONAL ONE CENT GASOLINE TAX TO BE ALLOCATED FOR CITY STREETS AND COUNTY ROADS

Introduced by Arata Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: Robinson Absent: None

RESOLUTION NO. 59-106

A RESOLUTION URGING THE CALIFORNIA STATE LEGISLATURE TO ASSIGN TO A JOINT INTERIM LEGISLATIVE COMMITTEE THE RESPONSIBILITY FOR DEVELOPING AND PROPOSING TO THE NEXT REGULAR SESSION OF THE LEGISLATURE A SPECIFIC PROGRAM FOR ELIMINATING MAJOR INEQUITIES IN THE DISTRIBUTION OF STATE GASOLINE TAX BETWEEN STATE HIGHWAYS, COUNTY ROADS AND CITY STREETS

3-25-59 Page 6

Introduced by Robinson Seconded by Adams
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

AUTHORIZE REMOVAL OF OLD GROUND OBSERVER CORPS TOWER 6-35

The City Manager reported that the tower was no longer needed and the County had consented to tearing it down and the City salvaging the materials.

MOTION

That the removal of the old Ground Observer Corps Tower as outlined by the City Manager be approved.

Moved by Arata Seconded by Robinson Unanimously carried

REPORT BY MAYOR ON AGREEMENTS WITH STATE ON FREEWAY AND GRADE SEPARATION 6-42

Mayor Marks reported that he and the City Manager had checked with Assemblyman Ralph Brown last week by phone and the proposed agreement on the grade separation was progressing and should be presented soon for Council consideration.

ADDITIONAL ITEMS NOT ON THE AGENDA 6-50

With the unanimous consent of the Council the following items were considered:

Campbell Subdivision

Director of Public Works Ray reported on the request for city sewer service for the Campbell Subdivision located on El Vista Avenue near Encina, consisting of 9 acres. Also under consideration is an additional 9 acres contiguous to this area, he stated. He reported on the approximate cost to the city for extending the Miller Avenue trunk sewer to the area.

The City Manager recommended the Council grant the request only on the basis that the entire 18 acres would be developed and that the city's costs be included in the 1959-60 budget. It is not proposed that the city serve the area with water, since the Del Este Water Company is already serving the contiguous area.

MOTION

That the furnishing of sewer service to the area be approved in principle on the basis outlined by the staff on the condition that the money be appropriated in the 1959-60 budget and that the staff prepare the necessary legal papers to formalize the agreement.

Moved by Arata Seconded by Spaulding Unanimously carried

Mr. Campbell stated that he had been negotiating with the owner of the additional 9.4 acres who has stated that if the contiguous area was subdivided he would no longer farm his property, but would either sell it or go into a joint venture for subdividing the property.

Approve specifications and call for bids for soil preparation of Dryden Park Municipal Golf Course

RESOLUTION NO. 59-107

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR SOIL CONDITIONING AND FINAL PREPARATION OF GREENS AT DRYDEN PARK MUNICIPAL 18 HOLE GOLF COURSE

Introduced by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

The time set for the opening of the bids was 2:30 P.M. April 6.

Clearing of McHenry Avenue right of way 6-120

The City Manager reported that the estimates for clearing of the McHenry Avenue right of way were now available and were somewhat higher than originally estimated.

Property owners have already been notified, as directed by the Council, he reported. He asked for Council approval to clear the encroachments on the basis proposed.

MOTION

That the staff be authorized to proceed with the clearing of encroachments on the McHenry Avenue right of way.

Moved by Arata Seconded by Spaulding Unanimously carried

Approve agreement with Floyd Johnson for improvements on LaLoma and Yosemite 7-05

The City Manager reported that terms of an agreement with Floyd Johnson had been prepared for Council approval relating to the acquiring of a right of way for installation of the LaLoma Yosemite Avenue traffic signal. He read the proposed letter of agreement.

MOTION

That the letter agreement be approved by the Council and transmitted to Mr. Floyd Johnson for his acceptance.

Moved by Merrill Seconded by Arata Unanimously carried

RESOLUTION NO. 59-108

A RESOLUTION GRANTING A VARIANCE TO FLOYD A. JOHNSON TO CONSTRUCT TWO 36' DRIVEWAYS ON PROPERTY LOCATED ON THE NORTHWEST CORNER OF THE LALOMA-YOSEMITE INTERSECTION

Introduced by Spaulding Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

Article in Western City Magazine 7-45

The City Manager noted that Mayor Marks had been listed in the "Who's Who column; a report was included on the study of fire rating and grading of over 200 cities in California, as a result of a League Committee's work; and that the magazine included a picture of Mr. & Mrs. Broadston arriving in Modesto when he spoke at a C.V.D. League meeting recently.

Presentation of the annual report

Copies of the city's annual report were distributed to the Council members. The City Manager stated the report had been prepared by his secretary Ada Hubbard. He and Mayor Marks commended her.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Merrill Seconded by Arata 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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Merrill, Spaulding, Mayor Marks
Absent: Councilmen: Adams, Hammond, Robinson

Councilman Hammond arrived at 4:07 P.M. and Councilman Robinson at 4:20 P.M.

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 meeting of March 18, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MODESTO REDS BASEBALL CLUB RE: PARKING SPACE TO SELL TICKETS 1-15

A letter was read from Jerry Pepelis, Business Manager of the Modesto Reds Baseball Club, requesting permission to park a house trailer in a parking space on J Street off 10th St., in front of Arden's on April 4 to conduct a ticket drive.

MOTION

That the staff be authorized to make arrangements as requested.

Moved by Spaulding Seconded by Merrill Unanimously carried

APPROVE CALL FOR BIDS FOR FUMIGATION OF GREENS AT DRYDEN PARK MUNICIPAL GOLF COURSE 1-16

The City Manager reported on preliminary estimated cost of \$33,189 for improvements to be made at the Dryden Park Municipal Golf Course during the fiscal year. An appropriation transfer would be necessary to accomplish these improvements, he reported.

RESOLUTION NO. 59-109

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR FUMIGATION OF GOLF COURSE GREENS AT DRYDEN PARK MUNICIPAL 18 HOLE GOLF COURSE

Introduced by Arata Seconded by Merrill
Ayes: Arata, Merrill, Hammond, Spaulding, Mayor Marks
Noes: None Absent: Adams, Robinson

The time set for opening of bids was 2:30 P.M. April 13.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR SEEDING GREENS AT DRYDEN PARK MUNICIPAL GOLF COURSE 1-28

RESOLUTION NO. 59-110

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SEED BED PREPARATION, PLANTING, AND FERTILIZATION OF GREENS AT DRYDEN PARK MUNICIPAL 18 HOLE GOLF COURSE

Introduced by Merrill Seconded by Spaulding
 Ayes: Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Adams and Robinson

The time set for the opening of bids was 2:15 P.M. April 13.

Councilman Spaulding commended the Parks and Recreation Department for the good job done on the greens at the Modesto Municipal 9 hole course.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR COMFORT STATIONS 1-39

RESOLUTION NO. 59-111

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF COMFORT STATIONS AT WEST SIDE PARK AND BEARD BROOK PARK

Introduced by Arata Seconded by Merrill
 Ayes: Arata, Hammond, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Adams, Robinson

LETTER FROM MODESTO CITY FIRE FIGHTERS ASSOCIATION 1-42

With the unanimous approval of the Council, Mayor Marks read a letter which had arrived too late to be placed on the agenda---- Modesto City Fire Fighters Association re: firemen's hours.

The City Manager reported that the staff's report, which had been previously requested by the Council, would be cleared within a few weeks.

Mayor Marks asked that the Association be notified of the time the matter would be before the Council for consideration with the 1959-60 budget, at which time the Council would also have the staff's report on the utilization of hours.

REPORTS FROM THE PLANNING COMMISSION---Proposed Annexation of Gregory Gardens No. 4 Subdivision 1-86

A letter was read from Modesto City Schools notifying that the Board of Education had accepted the recommendation of the Modesto City Planning Commission to annex Gregory Gardens No. 4 to the Modesto Elementary School District at the same time it is annexed to the City, "based upon confidence in the possibility of working out in the near future the outline of a satisfactory attendance area in cooperation with the Stanislaus-Union School District".

Dr. James Corson spoke on problems involved relating to annexations within this area since a portion of the area outside the city limits was located in the Sylvan School District and a portion in the Stanislaus-Union School District.

RESOLUTION NO. 59-112

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE GREGORY GARDENS NO. 4 ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

Introduced by Spaulding Seconded by Robinson
Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Adams

The time set for the hearing was 8:30 P.M. May 13.

FINAL ADOPTION ORDINANCE NO. 297-C.S. LEASE WITH COUNTY ON OLD MID BUILDING 2-30

ORDINANCE NO. 297-C.S. entitled

"AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF MODESTO TO THE COUNTY OF STANISLAUS AND AUTHORIZING THE EXECUTION OF A MODIFICATION AND EXTENSION OF LEASE AGREEMENT IN CONNECTION THEREWITH"

introduced on March 25 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Merrill Seconded by Arata
Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Adams

AMEND MUNICIPAL CODE RE: AIRPORT REGULATIONS 2-35

City Manager Miller reported that after staff conferences it was recommended that the Municipal Code be amended to provide that hangar rental and tie down fees be payable in advance and that public liability and property damage insurance be required for all persons owning any aircraft permanently based at the airport. (Commercial or private airplanes)

A letter received from Edwin J. Victorino was read. He stated that several of the pilots on the field feel that the protection afforded by the insurance would more than justify the reasonable costs. He stated that any assistance the city could give in promoting this proposal would be appreciated.

Terms of the ordinance were outlined by the City Attorney. Costs to the individual airplane owners for the insurance was reported by Airport Manager Sham.

The Council generally discussed the definition of "Permanently based aircraft" as provided in the ordinance, as related to insurance requirements.

Councilman Arata considered that if the planes were based at the airport for 30 days or longer they should be considered as "permanent" and insurance be required.

Mr. Sham pointed out that if a person intended to stay at the airport for a number of weeks that the savings in tie-down fees on the monthly rate would offset the cost for the insurance required for "permanent renters".

4-1-59 Page 3

Rather than delay introduction of the ordinance to pinpoint the definition of "permanently based aircraft", Councilman Arata recommended adoption of the ordinance as prepared by the City Attorney and if problems arose an amendment could be considered. Mayor Marks summed up the Council's discussion that anyone paying tiedown fees on the monthly basis should be required to provide an insurance policy.

ORDINANCE NO. 298-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.108 OF ARTICLE 1 OF CHAPTER 3 OF TITLE VII AND ADDING SECTION 7-3.108.1 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII AND ADDING SECTION 7-3.406 TO ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE MODESTO CITY-COUNTY AIRPORT"

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

Moved by Arata Seconded by Merrill
Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Adams

George Edwards, President of the Modesto Airmen's Association, stated the flyers were in favor of the proposed insurance, although there was some doubt as to the legality of compulsory insurance. Similar state legislation is now under consideration, he reported. Some of the flyers, he stated, also desire a reciprocal agreement with the city for protection of planes which are at the airport, for wind damage, tiedown rope break, fire damage in the main hangar, etc.

HEARING ON THE PROPOSED ANNEXATION OF PARADISE CENTER NO. 2 ADDITION
2-120

Mayor Marks declared that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the proposed annexation of Paradise Center No. 2 Addition.

The City Clerk certified that the notice of the hearing had been published as required by law, notices had been mailed to interested parties and no written protests had been received.

Mayor Marks asked if there were any oral protests or if anyone wished to make any comments.

No protests were filed or comments made. Mayor Marks declared the hearing closed.

Councilman Arata expressed concern at the location of the curbs and gutters being installed on Paradise Road in the Walnut Grove Addition, located south of Paradise Center No. 2 Addition. The traffic generated now and in the future would require a four lane street instead of a two lane street as is proposed. Costs for acquiring rights of way in the future would be prohibitive and a change should be made at this time, before construction of buildings is started. Paradise Road is used by many motorist in getting into the city and when the new bridge is built across Tuolumne River at Carpenter Road the traffic will be increased immensely.

However, since the property was now being sold to another buyer and was to be used for apartment purposes, Mrs. Beauchemin had withdrawn her appeal to the decision.

RESOLUTION NO. 59-113

A RESOLUTION APPROVING THE WITHDRAWAL OF THE APPEAL FILED BY DOROTHEA E. BEAUCHEMIN TO THE DECISION OF THE MODESTO BOARD OF ZONING ADJUSTMENT GRANTING PERMIT TO EDNA WHITMER TO OPERATE A REST HOME AT 207 VIRGINIA AVENUE

Introduced by Hammond Seconded by Arata
 Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Adams

REQUEST COUNTY TO CANCEL TAXES ON PROPERTY PURCHASED BY THE CITY 4-16

RESOLUTION NO. 59-119

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY AND COUNTY TAXES ON PROPERTY OWNED BY THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill
 Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Adams

CLEAR CITY HALL MATTERS 4-20

The City Manager alerted the Council members that a decision would be necessary in a short time on the colors to be selected on a number of items for the new city hall building. He stated that a report would be submitted shortly to the Council giving the architect's and staff's recommendations and alternatives available.

CLEAR MATTERS RELATING TO THE MCHENRY AVENUE PROJECT 4-40

Mayor Marks stated that there would be a litigation conference immediately after this meeting regarding certain properties on McHenry Avenue.

Rights of Way from W. T. Westmoreland and Pete and Eugenia Mellis were presented for acceptance.

RESOLUTION NO. 59-114

A RESOLUTION APPROVING RIGHTS OF WAY CONTRACTS BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS FOR WIDENING OF MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

Introduced by Arata Seconded by Merrill
 Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Adams

The City Manager reported that the staff had assisted Mr. Westmoreland to prepare a request to the Board of Zoning Adjustment for a permit to park in a certain area located behind his property. It was made clear to him that while the staff would prepare it for consideration by the Board and its decision which could be appealed if unfavorable, it was not related directly to the matter of dedication. Mr. Westmoreland made the dedication to assist in speeding

the widening project.

Costs to the city on the Mellis property would be \$750 for restoration of parking area which would be damaged when curbs and gutters would be installed. The City Manager read the portion of the agreement relating to this matter and no objections were voiced by the Council.

The City Manager reported that the staff was making every effort to check back with all property owners who had not yet deeded rights of way to resolve them on any basis within the policy established by the Council. He reported that less than 20 parcels remained to be cleared.

The City Manager reported on the proposal for clearing rights of way in Block 6000A approved by the Planning Commission and on which a public hearing had been held over by the Council. The hearing had been closed but Council action delayed to permit further clearance with the property owners involved. The original agreements prepared to be executed with the owners would have required the signatures of all involved in the relocation of the alley and the opening of a new alley. Since Dr. Soper and Jack Watson were unwilling to sign this agreement, a new proposal has been worked out where separate agreements with property owners would be executed instead of an agreement requiring approval of all owners.

The City Manager reported on the terms of two agreements to be executed by the city and the Mensingers.

CLOSING AND ABANDONING A PORTION OF ALLEY IN BLOCK 6000A 5-46

RESOLUTION NO. 933-S.P.

A RESOLUTION CLOSING AND ABANDONING A PORTION OF THE ALLEY IN BLOCK 6000A IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Merrill
 Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Adams

REZONING OF AREA IN BLOCK 6000A

ORDINANCE NO. 301-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

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

Moved by Merrill Seconded by Arata
 Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Adams

ORDINANCE NO. 302-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ALMA MENSINGER, IAN MENSINGER, W. R. MENSINGER JR. MERLE MENSINGER, MARIAN RODGERS, LOIS PERDUE, AUDREY MORRISON, FRED H. MENSINGER AND JOHN L. MENSINGER"

4-1-59 Page 7

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

Moved by Spaulding Seconded by Robinson
Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Adams

ORDINANCE NO. 300-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALMA MENSINGER, IAN MENSINGER, W. R. MENSINGER JR., MERLE MENSINGER, MARIAN RODGERS, LOIS PERDUE, AUDREY MORRISON, FRED H. MENSINGER AND JOHN L. MENSINGER RELATING TO THE DEDICATION AND PURCHASE OF CERTAIN REAL PROPERTY"

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

Moved by Hammond Seconded by Merrill
Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Adams

APPROVE APPROPRIATION OF FUNDS FOR DRYDEN PARK MUNICIPAL GOLF COURSE AND McHENRY AVENUE PROJECT 5-67

The City Manager reported on a proposal for transfer of funds budgeted for special capital outlay projects, some of which could not be completed this fiscal year, to be used for Dryden Park Municipal Golf Course and McHenry Avenue project (detailed in resolution) making an additional \$35,000 for the widening project and \$33,189 for improvements to the golf course and \$10,000 for the land acquisition at the golf course.

RESOLUTION NO. 59-115

A RESOLUTION APPROVING APPROPRIATION TRANSFER TO PROVIDE FUNDS TO COMPLETE DRYDEN PARK MUNICIPAL GOLF COURSE AND PROCEED WITH MCHENRY WIDENING

Introduced by Merrill Seconded by Robinson
Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Adams

Answering a question raised by Councilman Arata, the City Manager reported that the city was "running closer" in the capital fund than any year in the past but from the general fund side the city was in a good fiscal shape.

He pointed out that the McHenry widening project had run higher than estimated and the completion of the golf course had been stepped up by one year.

The capital fund will be "tight" next year also because the city has already committed itself to the completion of certain major capital projects.

RESOLUTION ACCEPTING RIGHT OF WAY AGREEMENT WITH ALMA MENSINGER ET AL 5-115

RESOLUTION NO. 59-116

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND ALMA MENSINGER ET AL FOR WIDENING OF MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT ON BEHALF OF THE CITY

Introduced by Robinson Seconded by Hammond
 Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Adams

APPROVE AGREEMENT BETWEEN THE CITY AND STANISLAUS IMPLEMENT AND HARDWARE COMPANY FOR LEASE OF PARKING SPACES FOR POLICE DEPARTMENT
5-120

The City Manager reported on a proposal for the renting of two parking spaces adjacent to the Police Station from Stanislaus Implement and Hardware Company for a rental fee of \$20 per month.

RESOLUTION NO. 59-117

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO STANISLAUS IMPLEMENT AND HARDWARE COMPANY FOR LEASE OF TWO PARKING SPACES FOR PARKING USE BY THE POLICE DEPARTMENT

Introduced by Spaulding Seconded by Robinson
 Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Adams

APPROVE AGREEMENT FOR GRAZING RIGHTS AT 1435 CARVER ROAD TO HARVEY K. EMIG
6-03

Terms of a proposed agreement between the city and Harvey K. Emig for grazing rights on the city property located on Carver Road purchased for park purposes were reviewed.

RESOLUTION NO. 59-118

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HARVEY K. EMIG FOR GRAZING RIGHTS AT 1435 CARVER ROAD

Introduced by Arata Seconded by Spaulding
 Ayes: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: Adams

LEGISLATIVE MATTERS 6-12

The City Manager recommended that due to the late arrival each week of the legislative bulletin from the League of California Cities it be held over until a later meeting.

SB97 relating to liquor licenses

The City Manager read the proposed bill and recommended the Council go on record supporting it.

MOTION

That the Council does hereby express its support of SB97

Moved by Merrill Seconded by Mayor Marks Unanimously carried
 4-1-59 Page 9

APPROVE INSTALLATION OF PLAQUE AT DRYDEN PARK MUNICIPAL GOLF COURSE
6-42

With the unanimous consent of the Council, Mayor Marks brought up a matter for Council consideration----installation of plaque at new golf course.

He recommended that a plaque be installed in a cement block near the first tee at the Dryden Park Municipal Golf Course showing the names of Horace & Dorothy Dryden and present Council members.

MOTION

That a plaque be installed near the first tee in the Dryden Park Municipal Golf Course honoring Horace and Dorothy Dryden and listing the names of the present Council members and the funds to be made available for this installation.

Moved by Mayor Marks Seconded by Arata Unanimously carried

ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Arata Seconded by Hammond Unanimously carried

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 the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Adams, Merrill, Robinson, Spaulding and
Mayor Marks

Absent: Councilman Hammond

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

Rev. Lorell Weiss gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of March 25, and the same being available for public inspection and there being no objections, the minutes were approved.

PETITION FILED PROTESTING OPERATION OF PLUMBING SHOP AT 1025 HACKBERRY AVENUE

A petition, signed by 28 persons, protesting to the continued operation of the Adams Plumbing Company in an R-1 zone, at 1025 Hackberry Avenue, was filed with the Council.

Jack Edgar, 1012 Hackberry, Roy Hall, 1029 Hackberry Ave., Mrs. Harold Nobbe, 1004 Hackberry Avenue, Vernon Snapp, 1008 Hackberry Ave., spoke in protest to the operation.

MOTION

That the staff investigate all phases of the problem and submit a report to the Council on the facts and alternatives in this situation.

Moved by Merrill Seconded by Arata Unanimously carried

LETTER FROM MRS. GEORGINA BURGE PROTESTING TO THE LACK OF CARE GIVEN TO LAWNS 2-90

The letter was read by the City Manager. He advised that the staff would check with Mrs. Burge to determine if the city could assist in any special problems in her neighborhood.

LETTER FROM STATE BOARD OF EQUALIZATION RE: SALES AND USE TAX PAYMENTS 2-106

The City Manager reported receipt of a communication from the State Board of Equalization providing for an amendment of the agreement for state administration of local sales and use taxes which would provide for a more prompt basis for payment by the state. This was held over for further clearance by the City Manager before Council action was taken.

LETTER FROM FRANK. B. WYANDT, DISTRICT MANAGER OF THE LOCAL OFFICE OF THE SOCIAL SECURITY ADMINISTRATION 2-110

The letter was read commending Assistant City Manager Masonheimer on the manner in which meetings with city employees, explaining the benefits of an integrated system of OASDI-SERS, had been conducted. The letter was ordered filed.

LETTER FROM WORTH BROWN, CHAIRMAN SANTA CRUZ PORT DISTRICT RE: SANTA CRUZ HARBOR PROJECT 2-125

The letter was read suggesting that the City of Modesto might wish to endorse the Santa Cruz Harbor Project.

MOTION

That the Council indicate its support of the project and offer its assistance.

Moved by Merrill, Seconded by Arata Unanimously carried

REPORT ON CALL FOR BIDS FOR WATER LINE IN CHICAGO AVENUE 3-14

Director of Public Works Ray reported that no bids had been received on April 6 for the installation of water line in Chicago Avenue. The City Manager asked for Council clearance to do the work with city forces as the project was urgent. The estimated cost for the work was \$1,867.50.

RESOLUTION NO. 59-120

A RESOLUTION AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINE ON CHICAGO AVENUE AND PARADISE ROAD BETWEEN SUTTER AVENUE AND ALLEY IN BLOCK 3092

Introduced by Robinson Seconded by Merrill
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

ACCEPT BID OF GEORGE REED FOR SOIL CONDITIONING AT DRYDEN PARK MUNICIPAL GOLF COURSE 3-30

RESOLUTION NO. 59-121

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR SOIL CONDITIONING AND FINAL PREPARATION OF GREENS AT DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Arata Seconded by Merrill
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

CALL FOR BIDS FOR PAVING MATERIALS FOR YEAR 1959 3.40

RESOLUTION NO. 59-122

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR FURNISHING PAVING MATERIALS FOR THE CALENDAR YEAR ENDING DECEMBER 31, 1959

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

The time set for opening of bids was 2:30 P.M., April 20.

APPROVE SPECS AND CALL FOR BIDS FOR DEEP WELL PUMP AND ELECTRICAL EQUIPMENT AT 18 HOLE GOLF COURSE 3-42

RESOLUTION NO. 59-123

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT

Introduced by Spaulding Seconded by Robinson

4-8-59 page 2

Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent Hammond

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR
SUB-TRUNK SEWER IN McHENRY AVENUE 3-50

RESOLUTION NO. 59-124

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE
CALLING FOR BIDS FOR CONSTRUCTION OF SUB-TRUNK SEWER IN McHENRY
AVENUE BETWEEN GRANGER AVENUE AND ORANGEBURG AVENUE (UNIT A) BETWEEN
ORANGEBURG AVENUE HINTZE AVENUE (UNIT B) INVERTED SANITARY SIPHON
AT ROSEBURG AVENUE (UNIT C)

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

The set for the opening of bids was 3:00 P.M. April 20.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER MAINS ON
McHENRY AVENUE 3-50

RESOLUTION NO. 59-125

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE
CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS ON McHENRY AVENUE
BETWEEN ORANGEBURG AVENUE AND JOHANNA AVENUE, BETWEEN MODESTO AVENUE
AND FRANCIS AVENUE, BETWEEN JONES STREET AND ALLEY OF BLOCK 566

Introduced by Merrill Seconded by Adams
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

FINAL ADOPTION OF ORDINANCE NO. 298-C.S. AMEND CODE AIRPORT
REGULATIONS 3-56

ORDINANCE NO. 298-C.S. entitled

"AND ORDINANCE AMENDING SECTION 7-3.108 OF ARTICLE 1 OF CHAPTER 3 OF
TITLE VII AND ADDING SECTION 7-3.108.1 TO ARTICLE 1 OF CHAPTER 3 OF
TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE MODESTO
CITY-COUNTY AIRPORT"

introduced on April 1, 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 Arata
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

FINAL ADOPTION OF ORDINANCE NO. 301-C.S. AMEND SECTION MAP 20 OF THE
ZONING MAP 3-57

ORDINANCE NO. 301-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY
OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced on April 1 and having been printed and published as re-
quired by the Charter and coming on for final consideration was
moved and adopted.

Moved by Spaulding Seconded by Merrill
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

ORDINANCE ESTABLISHING INTERIM ZONING ON PARADISE CENTER NO. 2 ADDITION (SAFeway STORE) 3-60

ORDINANCE NO. 303-C.S. entitled

"AN ORDINANCE AMENDING SECTION 31 OF THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY (PARADISE CENTER NO. 2 ADDITION)"

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

Introduced by Spaulding Seconded by Merrill
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

APPROVE AGREEMENT ON FREEWAY 3-70

Mayor Marks noted that the Council members had received copies of the letter, dated March 31, 1959, from Robert B. Bradford, Director of Public Works and Chairman, California Highway Commission, advising in part that:

"We are aware that Routes 109 and 110 are themselves deserving of improvement, including railroad grade separations, as soon as funds are available. These railroad grade separations, however, should be coordinated with your Master Plan of Streets, so that they may be located to best serve the local and through traffic.

"I want to emphasize by this letter that we recognize the obligation of this Department to provide these grade separations from State funds as soon as possible subject of course, to the usual budgetary processes."

Mayor Marks read a statement, dated April 8, 1959, entitled "Clearing of the Freeway Agreement", a copy of which is enclosed with the records of this meeting, reviewing the background of the proposed freeway relocation. He stated that he believed in all fairness to everybody in this community, and particularly to those on the west side of Modesto, that the time has now come that this Council should, on the basis of these specific written assurances from the State, clear the freeway matter.

He read a draft of a letter he proposed be transmitted by the Council to Mr. Bradford, advising that the Council had received and considered his letter of March 31 and based on the assurances in his letter and on the basis that his letter expresses the position of the Commission in this matter, had adopted a resolution approving the execution of the freeway agreement relating to the relocation of Highway 99 through Modesto.

RESOLUTION NO. 59-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING A FREEWAY AGREEMENT RELATING TO THE DEVELOPMENT OF THE MODESTO FREEWAY PROJECT ON HIGHWAY 99

Introduced by Merrill Seconded by Robinson
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

RESOLUTION NO. 59-127

A RESOLUTION COMMENDING ASSEMBLYMAN RALPH M. BROWN FOR HIS ASSISTANCE TO THE CITY OF MODESTO IN RESOLVING THE FREEWAY AGREEMENT

Introduced by Robinson Seconded by Arata
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

4-8-59 page 4

HOLD OVER APPROVAL OF LEASE AGREEMENT FOR RENTAL OF PROPERTY ON NORTHERN BOULEVARD (FORMERLY SNEDIGAR PROPERTY)

Lease agreement with Robert Shaw, et ux, for the rental of the city owned property on McHenry and Northern Boulevard was briefly discussed. Finance Director Bird answered a question raised by Fonnle Bartholomew that the lease covered only the building and not the acreage.

The City Attorney was asked to revise the lease to provide for a month to month rental basis and present for Council approval at a later meeting.

Councilman Robinson left the meeting at this time

APPROVE LEASES FOR RENTAL OF DWELLINGS ON NORTHERN BOULEVARD 4-92

Terms of the agreements for the rental of city property located at 430 Briggsmore Avenue and 428 (rear) Briggsmore Avenue, were outlined by the Director of Finance.

RESOLUTION NO. 59-128

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CARMEN GARCIA FOR THE RENTAL OF PREMISES LOCATED AT 430 BRIGGSMORE AVENUE

Introduced by Spaulding, Seconded by Arata
Ayes: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: Hammond

RESOLUTION NO. 59-129

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BILLIE MADGE ALSTATT FOR RENTAL OF PREMISES LOCATED AT 428(REAR) BRIGGSMORE AVENUE

Introduced by Merrill Seconded by Adams
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Hammond and Robinson

CLEAR RIGHT OF WAY FOR YOSEMITE AVENUE SIGNALS 4-112

This item was held over to permit clearance of certain matters.

APPROVE AGREEMENT WITH MODESTO CHILDREN'S PARKS 5-1

- (A) Report on studies on relationship of Morton Blvd with park

The City Manager reported that there would be no conflict between future development for Morton Boulevard and the Children's Park. A sketch of two alternatives for improving the street was displayed. He pointed out that in designing the park some leeway had been left in Morton Boulevard right of way. He stated no Council action was necessary at this time and the plans for the park could be considered as there would be room to make improvements on Morton Boulevard later, without disrupting the park.

- (B) Resolution approving agreement

RESOLUTION NO. 59-130

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO CHILDREN'S PARK RELATING TO THE CONSTRUCTION AND INSTALLATION OF A CHILDREN'S PARK IN BEARD BROOK PARK

4-8-59 page 5

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Arata, Merrill, Spaulding, Mayor Marks
 Noes: None Absent: Hammond, Robinson

APPROVE SUBMISSION OF APPLICATION FOR FEDERAL MATCHING FUNDS FOR RADIO EQUIPMENT 5-31

MOTION

That the staff be authorized to file an application with the Federal Civil Defense Administration for federal funds for part 2 of the Local Government Communications system.

Moved by Adams Seconded by Spaulding Unanimously carried

CONSIDER PROPOSED USE OF FORMER VETERANS' HOUSING PROJECT AREA 5-36

The City Manager reported that a letter had been received from the Modesto City Schools advising that it wished to check further on the possible uses of the old Franklin School property before the City acts to dispose of the site.

The City Manager suggested that the city proceed with the attempts to clear out the possible use of the Veterans' Housing area with the understanding that if it was cleared that the school property purchased by the city for park purposes would be disposed of for some other possible use.

Anthony Silveira, owner of the parcel of property, 152 feet wide and 390 feet deep, located adjacent to the Housing area, has offered to sell his property for \$12,500.

MOTION

That the staff be authorized to check with the County to determine if the Housing area could be turned over to the City for park purposes.

Moved by Spaulding Seconded by Adams Unanimously carried

LETTER FROM LES BARRETT RE: GOLF COURSE 5-60

A letter from Les Barrett was read commending the Council for the way the new golf course was being handled. The letter was ordered filed.

FURTHER DISCUSSION ON PLAQUE TO BE INSTALLED AT NEW GOLF COURSE 5-66

Mayor Marks asked the City Manager to present, for Council consideration, a suggested design for the plaque approved for installation at the Dryden Park Municipal Golf Course.

CLEAR CITY HALL MATTERS 5-75

Director of Public Works Ray and Assistant City Manager Masonheimer reported on their conference with the City Hall Architect relating to colors to be used in the building.

The City Manager stated that the staff had also been conferring with local merchants on furniture for the new City Hall. Mr. Dan Toquero had accompanied Mr. Ray and Mr. Masonheimer on their recent trip to San Francisco and the styles and colors of equipment and furniture for the new City Hall had been discussed with the staff, the Architect and his staff.

4-8-59 page 6

Samples of the materials and color of material proposed for use were displayed and explained for Council information.

The City Manager raised some questions concerning the Council Chamber design and asked that some additional time be permitted to clear the specific materials, colors and shades of stains to be used otherwise he recommended approval of the Architect's proposals.

MOTION

That except for the Council Chamber, the materials and colors displayed by the staff and included in a schedule of materials and colors prepared by the Architect for the City Hall be approved and the Architect so advised.

Moved by Merrill Seconded by Spaulding Unanimously carried

GRANT ADDITIONAL TIME FOR PREPARATION OF CAPITAL IMPROVEMENT PROGRAM 6-50.

MOTION

That the staff is authorized to take additional time in the preparation of this year's Capital Improvement Program.

Moved by Merrill Seconded by Adams Unanimously carried

APPROVE AGREEMENT BETWEEN THE CITY AND STATE FOR USE OF AIRPORT PROPERTY FOR STORAGE OF DIRT 6-55

RESOLUTION NO. 59-131

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA TO DEPOSIT MATERIALS ON MODESTO CITY-COUNTY AIRPORT PROPERTY

Introduced by Merrill Seconded by Spaulding
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Hammond and Robinson

AUTHORIZE PARKING METERS ON TENTH STREET 6-69

RESOLUTION NO. 59-132

A RESOLUTION ESTABLISHING A PARKING METER ZONE ON BOTH SIDES OF TENTH STREET BETWEEN F AND G STREETS AND ON BOTH SIDES OF TENTH STREET BETWEEN M STREET AND NEEDHAM AVENUE IN THE CITY OF MODESTO

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Hammond, Robinson

HOLD OVER DISCUSSION ON PROPOSED HUDSON LANE IMPROVEMENT 6-75

This matter was held over for further clearance.

REQUEST FOR SEWER SERVICE TO LOT 13 of MENSINGER COLONY (EAST ORANGEBURG 6-75)

Director of Public Works Ray reported on the request of Hawaii & San Francisco Investment Company for sewer service to Lot 13 of the Mensinger Colony located on the south side of Orangeburg Avenue, 335' east of the center line of McHenry Avenue. The Company plans to construct a 50 unit garden type apartment

in the near future and agrees to annex this property to the city as soon as legally possible, he stated.

He recommended approval of the service on the basis; 1) annexation as soon as possible; 2) the company be required to pay its share of the sub-trunk sewer; 3) that the company and city share in the cost of construction of the lateral sewer on East Orangeburg to serve both the apartments and the city's fire station across the street. The Company would not be served with city water as the Del Este Water Company already serves this area.

He suggested that the agreement contain a clause giving the city the right to cancel, if the proposed use of the property was changed.

Since the establishment of the new policy by the Council the outside city sewer rates would be effective for the property until annexation, Mr. Ray pointed out. In considering these arrangements, the staff feels that provisions should be made to provide for the future widening of Orangeburg Avenue to 80 feet, even if it is not done now.

MOTION

That the serving of this area with sewer service is approved in principle by the Council, and the staff authorized to prepare the necessary documents .

Introduced by Merrill Seconded by Spaulding Unanimously carried

APPROVE USE OF LEGION PARK BY KIWANIS CLUB FOR TURKEY FRYER ON JUNE 27, 1959 8-20

The City Manager reported that the Kiwanis Club had requested the use of Legion Park on June 27 for a Turkey Barbecue. He recommended that the request be approved on the usual basis with the understanding that the requirement that the park be cleaned up immediately after the event is over, will be strictly enforced.

RESOLUTION NO. 59-133

A RESOLUTION GRANTING A PERMIT TO THE KIWANIS CLUB TO HOLD A PUBLIC TURKEY BARBECUE AT LEGION PARK ON JUNE 27, 1959.

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Merrill, Spaulding, Mayor Marks
Noes: None Absent: Hammond and Robinson

APPROVE AGREEMENT WITH PACIFIC FRUIT EXPRESS FOR EASEMENT FOR ROAD PURPOSES ON TULLY AVENUE 7-29

Terms of an agreement with the Pacific Fruit Express for the granting of a road easement on Tully Avenue to the city for the installation of traffic signals and for the improvement of the street, was reviewed by the City Attorney.

RESOLUTION NO. 59-134

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC FRUIT EXPRESS FOR EASEMENT FOR ROAD PURPOSES ON TULLY AVENUE

Introduced by Adams Seconded by Arata

4-8-59 page 8

LEGISLATIVE MATTERS 8-30

The City Manager reported receipt of a letter from the City of Santa Fe Springs asking for assistance on AB1095 which provides that City Council may withdraw any portion of a city that is included within a Park and Recreation District.

MOTION

That the Council support this bill on the basis of the principle that a city should be permitted to determine whether or not it wished to provide a municipal type service without subjecting the people to double taxation.

Moved by Mayor Marks Seconded by Spaulding Unanimously carried

FONNIE BARTHOLOMEW COMMENDS COUNCIL ON ACTION TAKEN ON FREEWAY 8-42

Mr. Bartholomew commended the Council on bringing the Freeway agreement to a successful conclusion.

REPORT FROM POLICE CHIEF BOWERS REGARDING FOREIGN POLICE TRAINING 8-59

Chief Bowers reported that during the past four years a small part of the government's mutual security program had been to bring to America, members of the police departments of the free world for training in both academic and actual on the job training. The City of Modesto has received a request to allow its police department to be included in the program and to accept some of these foreign police officer students for training purposes in the City of Modesto.

This will involve the setting up of a program of consultation with two or three students over a period ranging from 90 days to six months, depending upon their assignment. No salary or housing for these students would be provided by the city. The cultural exchange will be very worth while; Police Chief Bowers pointed out. Approximately 500 students are expected to arrive in the United State during the year 1959 from all of the free countries.

MOTION

That the City of Modesto join in the program.

Moved by Merrill Seconded by Spaulding Unanimously carried

REPORT ON BICYCLE REGULATION AND INSPECTION IN MODESTO SCHOOL DISTRICT 8-82

Chief Bowers reported that the City of Modesto Police Department, during the past five years, through its School Patrol Officer, had been registering bicycles in all of the schools within the Modesto Elementary School District, as part of a bicycle safety check program. This program has been quite beneficial in reducing or keeping to a minimum the number of bicycle-auto accidents.

Beginning this year, since the licensing of bicycles has been transferred to the Fire Department, this safety check program has not been conducted in the schools. There is a request now on file that this program be conducted in the schools. He asked the Council whether this program should be carried on in all schools in the elementary district or if the activity should be confined to schools within the city limits only.

4-8-59 page 10

He reported both Modesto School officials and the Sheriff approved the more comprehensive plan of safety checks

MOTION

That the staff be authorized to check and work with the Schools, County and PTA organizations to enlist assistance in conducting the bicycle safety program throughout all the schools in the School District.

Moved by Adams Seconded by Spaulding Unanimously carried

CLEAR MATTER RELATING TO McHENRY AVENUE 9-05

The City Manager reported that the staff had been proceeding on the basis it would continue with any necessary action to clear minor items on the McHenry right of way agreements, such as location or relocation of signs, driveways, etc. which had been either overlooked or had been constructed since obtaining the right of way. He asked for Council approval of this procedure.

MOTION

That this procedure by the staff be approved.

Moved by Merrill Seconded by Adams Unanimously carried

REPORT ON YOUTH IN GOVERNMENT DAY PROGRAM

The program to be conducted on April 15 was briefly noted.

GRANT CITY ATTORNEY PERMIT TO BE ABSENT FROM CITY

MOTION

That the City Attorney be permitted to be absent from the City on April 22-24.

Moved by Adams Seconded by Spaulding Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Merrill Seconded by Adams Unanimously carried

The meeting was adjourned at 9:40 P M

ATTEST:


CITY CLERK

Council Meeting
April 15, 1959

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 Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Hammond, Merrill, Robinson, Spaulding,
Mayor Marks

Absent: Councilmen: Arata

Councilman Arata arrived at 4:03 P.M.

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

A few moments of silent prayer were observed.

YOUTH IN GOVERNMENT DAY

Mayor Marks introduced George Pierrou, Jr., Key Club Co-Advisor and Dave McCain, Jr. President of Downey High School Key Club and Orville Underwood, Co-Advisor and James Eggers, President of Modesto High School.

Assistant City Manager Masonheimer introduced the students from Modesto Hi and Downey Hi who were participating in the Youth in Government Day.

Mayor Harold Crumpley

Councilman David Kidd

Councilman Mike Downey

Councilman Jim Isham

Councilman Jim Hamilton

Councilman Ed Burton

Councilman Phil Martin

City Attorney R. Van Konynenburg

City Clerk John Hopkins

City Manager Dave McCain

Mayor Marks, on behalf of the Key Clubs and the Council, expressed appreciation on the manner in which Masonheimer had handled the Youth in Government Day programs.

LETTER FROM JOHN ERRECA, MAYOR OF LOS BANOS, RE: MEETING OF CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES 1-50

An invitation to attend the meeting of the Central Valley Division of the League of California Cities in Los Banos on Thursday, April 23 was read.

LETTER FROM THE MODESTO BAND 1-60

Letter requesting Council consideration for the appropriation of \$1200 during the 1959-60 fiscal year for band concerts was read.

MOTION

That the letter be referred to the staff for inclusion in the budget considerations.

Moved by Robinson Seconded by Spaulding Unanimously carried
4-15-59 Page 1

Letter requesting payment of the \$1200 appropriated in the 1958-59 budget was read.

MOTION

That the payment be authorized.

Moved by Spaulding Seconded by Merrill Unanimously carried

Letter from the Modesto Band asking that \$350 be appropriated in the 1959-60 budget for transportation of the members of the Band to the Sacramento State Fair, was read.

MOTION

That this matter be referred to the staff for consideration with the budget.

Moved by Arata Seconded by Adams Unanimously carried

LETTER FROM CHAMBER OF COMMERCE REGARDING CITY WIDE SPRING CLEAN UP CAMPAIGN 1-92

A letter from the Chamber of Commerce to the City Manager advising that Mr. Harry Quinn, Chairman of the Civic Improvement Committee would appear before the Council to propose a city-wide spring clean up campaign in the month of May was read.

Mr. Quinn reported it is proposed that 1) the project should be city wide, including clean up of homes, alleys, streets, etc.; 2) the placing of additional refuse cans, particularly in the down town area. He stated the service clubs have been contacted and have indicated an interest in sharing in the cost for the cans or assuming the entire purchase costs. As an incentive to this program, it is proposed the clubs would be permitted to paint an insignia or club emblem on the cans, giving the clubs recognition. It has been suggested that drive-up cans could also be installed for motorist to deposit their litter bags.

The aid of the local garbage companies for pick up and the Fire Department for publicity would be needed to help in the home clean up. Approval of the type of trash cans by the city would be necessary to assure uniformity in design. One week in the month of May would be designated as the clean-up week. This program would also lend itself to a sale to be put on by the Merchants, concentrating promotional sales on paint, rebuilding items, plants, etc.

MOTION

That the city staff be instructed to work with the Chamber of Commerce to develop a program and report recommendations to the Council.

Moved by Robinson Seconded by Adams Unanimously carried

LETTER FROM CHAMBER OF COMMERCE RE: FLOAT SPONSORED BY CITY IN DIAMOND JUBILEE PARADE 2-09

The letter was read, notifying that representatives would appear to request the city to enter a float in the Diamond Jubilee parade and to discuss city participation in financing the event.

4-15-59 Page 2

Cal Purviance, representing the Stanislaus County Fourth of July Committee, reported that the Chamber of Commerce had established a committee to work with the Fourth of July Committee to plan a celebration of the 75th anniversary of the City of Modesto. This celebration will be climaxed in the Fourth of July parade. He invited the city to participate by entering a float in the parade, perhaps depicting the 75th anniversary theme.

MOTION

That the Council approve this proposal in principle and refer the matter to the city staff for further study and report.

Moved by Spaulding Seconded by Hammond Unanimously carried

With the unanimous approval of the Council, Lee Davies, representing the Modesto Chamber of Commerce, requested an appropriation of \$2000 from the City to be used for the Diamond Jubilee Celebration. The estimated cost for the celebration would be \$7,000, and the Jubilee Committee had agreed to raise funds for both the anniversary and Fourth of July activities. Mr. Davies pointed out that merchants and other sponsors were being asked to contribute more for the joint celebration being planned.

Mayor Marks pointed out that the usual appropriation budgeted for the Fourth of July Celebration was \$750 and with Council approval an additional sum of \$1250 could be appropriated.

RESOLUTION NO. 59-151

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1250 FROM THE GENERAL RESERVE TO PROVIDE ADDITIONAL FUNDS FOR THE DIAMOND JUBILEE CELEBRATION

Introduced by Hammond Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR SPRINKLERS AND MISCELLANEOUS EQUIPMENT FOR NEW GOLF COURSE 2-111

RESOLUTION NO. 59-135

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING IRRIGATION SPRINKLERS AND EQUIPMENT FOR DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Spaulding Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

REPORT ON CALL FOR BIDS FOR SAND TRAP FOR WELL NO. 21 3-05

Tabulation of the bids received for the installation of sand trap for Well No. 21 located in the McHenry Village were reviewed by the Council.

RESOLUTION NO. 59-136

A RESOLUTION ACCEPTING THE BID OF WALTER R. COLE COMPANY IN THE AMOUNT OF \$2,433.60 FOR THE FURNISHING OF ONE SAND TRAP FOR WELL NO. 21

Introduced by Spaulding Seconded by Hammond
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REJECT BIDS RECEIVED FOR SEEDING NEW GOLF COURSE AND AUTHORIZE WORK DONE WITH CITY FORCES 3-15

Director of Parks and Recreation Lowrey reported that the two bids received for the seeding and preparation of the greens at Dryden Park Municipal Golf Course exceeded the staff's estimated cost of \$4,514.30 for doing the work with city forces. The lowest bid received was \$5,426.50.

The City Manager considered that it would be in the city's interest to reject the bids and to do the work with city forces.

RESOLUTION NO. 59-137

A RESOLUTION REJECTING THE BIDS FOR THE SEEDING AND PREPARATION OF GREENS AT THE DRYDEN PARK MUNICIPAL GOLF COURSE AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Robinson Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REPORT ON CALL FOR BIDS FOR FUMIGATION OF GREENS AT DRYDEN PARK MUNICIPAL GOLF COURSE 3-69

Director of Parks and Recreation Lowrey reported that no bids had been received for the fumigation of the greens at Dryden Park Municipal Golf Course, primarily because of the high cost of insurance. He recommended that the work be done with city forces in the following manner; the city to purchase the materials to be used in the operation and to under purchase order, request a pest control operator to perform the actual work of application. He estimated the cost would be \$2,146.75.

The City Manager recommended that the work be done with city forces, using whatever additional help is required to get the job done.

RESOLUTION NO. 59-138

A RESOLUTION AUTHORIZING THE FUMIGATION OF GREENS AT THE DRYDEN PARK MUNICIPAL GOLF COURSE TO BE PERFORMED BY THE CITY

Introduced by Arata Seconded by Adams
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

APPROVE AMENDMENT TO AGREEMENT WITH STATE FOR ADMINISTRATION OF LOCAL SALES AND USE TAXES 3-93

The City Manager reported that the staff had cleared the proposed amendment to the Agreement for State Administration of Local

Sales and Use Taxes which would permit the earlier payment by the state. He recommended that the agreement be approved.

RESOLUTION NO. 59-139

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT FOR STATE ADMINISTRATION OF LOCAL SALES AND USE TAXES AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER

Introduced by Arata Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

HOLD OVER CLEARANCE OF RIGHT OF WAY-YOSEMITE AVENUE SIGNALS 3-100

The City Manager reported that all of the rights of way for the Yosemite Avenue Signals had been cleared except the problem of relocating one pole. He asked that the formal certification be held over until this was cleared.

COMMUNICATION FROM STATE RE: OFFICIAL POPULATION ESTIMATE FOR CITY OF MODESTO 3-103

The City Manager reported receipt of a report from the State Department of Finance estimating the city's population to be 38,200 on March 1, 1959. This report which was filed with the State Controller on April 15, means an increase in the allocations in the gas tax, auto in lieu tax and liquor license fees to the city which are made on a population basis. This change will be effective for the quarter starting January 1 and will be in effect until the 1960 federal census becomes official in the fall of the year.

CONSIDERATION OF CONTINUANCE OF "ALL AMERICA CITY" SIGNS 4-06

The Council discussed the possibility of the discontinuance of the "All America City" signs posted on the city limits. The City Manager suggested that the Chamber of Commerce and Merchants Association be contacted first to determine its importance in the promotion of the city in outside areas. If the signs are to be continued there would be minor refurbishing necessary. This question has raised the whole question of how much the "All America City" shield should be used.

Councilman Hammond considered that the promotional aspects should be reviewed by the Merchants Association and Chamber of Commerce.

Mayor Marks asked the City Clerk to place the item back on the agenda for the Council meeting of May 6 and the staff confer with all interested parties.

APPROVE LEASE OF CITY PROPERTY TO ROBERT E. AND RUTH A. SHAW AT 1737 McHENRY AVENUE 4-25

RESOLUTION NO. 59-140

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT E. & RUTH A. SHAW FOR THE RENTAL OF PROPERTY LOCATED AT 1737 McHENRY AVENUE

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REPORT ON THE GENERAL ELECTION 4-40

A report on the unofficial results of the April 14, 1959 General Municipal Election was read. A total vote inside the city of 7834 was cast and 2057 outside the city. (for school board candidates only). 51% of the eligible voters inside the city voted and 13% outside. This unofficial report indicates that Don D. Hammond was elected Mayor, Thomas M. Spaulding was reelected Councilman and Richard Vander Wall and Leslie G. Knoles were elected Councilmen. Catherine E. Everett and Cecil G. Plummer were reelected and Charles M. Spencer was elected to the Board of Education.

RESOLUTION NO. 59-141

A RESOLUTION APPOINTING A SINGLE CANVASSING BOARD TO CANVASS AND COUNT ALL OF THE ABSENT VOTER BALLOTS CAST IN THE GENERAL MUNICIPAL ELECTION HELD APRIL 14, 1959

Introduced by Spaulding Seconded by Robinson
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REPORT ON RECEIPT OF BIDS BY THE COUNTY ON DENNETT DAM 8-4

The City Manager reviewed briefly the bids received by the County for the rebuilding of Dennett Dam. 32 sets of plans had been taken out by the bidders, 5 bids were received. The low bid received is in the amount of \$154,585. In view of the fact that this sum is substantially above the estimated cost, it appeared to be advisable to take additional time to review the bid with the County. Available alternates will be reported to the Council after this review.

MOTION

That consideration of the bids be held over until the City Manager can investiage and submit a further report.

Moved by Hammond Seconded by Merrill Unanimously carried

APPROVING LEASES AT AIRPORT 8-25

RESOLUTION NO. 59-143

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NAKAGAWA FARMS FOR THE RENTAL OF A PORTION OF HANGAR NO. 5 AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Robinson Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

RESOLUTION NO. 59-144

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DARRELL OLSON FOR THE RENTAL OF A PORTION OF HANGAR NO. 5 AT THE MODESTO CITY-COUNTY AIRPORT

4-15-59 Page 6

Introduced by Arata Seconded by Merrill
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REPORT ON CITY POLICY REGARDING CURB CUTS 8-39

The City Manager reported that Don Davis, operating Dunne Paint Store, 1502 Tenth Street, had requested that the unused curb cut on 10th Street in the vicinity of his store be allowed to remain. Although it was not being used to drive onto the property, it was being used to load sanding machines into and out of the store building.

The City Manager reviewed the Council's policy for filling in unused curb cuts to permit additional parking in the downtown district. He pointed out that the question has been raised whether this particular curb cut should be continued, as is, to serve some loading purpose which they have at this store. The staff needs to know if the curb cut would remain because the answer will determine the location of the meters for this block approved recently by the Council.

Don Davis spoke in favor of leaving the curb cut to serve his store for loading and unloading.

Director of Parking and Traffic Carmody pointed out that the store was already served by two additional driveways on O Street, one into the store building and one into the parking lot at the rear of the store.

The Council discussed the advantages to be gained by Mr. Davis if the curb cut on Tenth Street was permitted to remain and the possibility of establishing a loading zone. Mayor Marks asked that the Council members inspect the property during the next two weeks and take action after this inspection. Mr. Carmody stated that the installation of parking meters would be held up until this matter is cleared.

LEGISLATIVE MATTERS 9-69

City Manager Miller reminded the Council of its review of proposed state legislation regarding the division of fire district assets upon annexation of a portion of such district to the city, and of its approval of the principle of the proposed legislation. Since then the matter has been reviewed with representatives of the Paradise, McHenry-Dry Creek and Empire Fire Protection Districts.

The Fire District representatives felt in general that there were desirable aspects to the regulations established for other Districts, but they questioned the equity of dividing assets on the basis of assessed value at the time of annexation and suggested that there be used instead the assessed valuation as of five years prior to the date of annexation.

Mr. Melvin Ware, representing the McHenry-Dry Creek Fire Protection District reported that fire district representatives plan to compare and study immediately the asset divisions which would result from computations made on the "five year" basis and on the basis of legislation presently in effect. He said they would then like the opportunity of presenting their findings and conclusions to the City Council.

4-15-59 Page 7

The City Manager advised that the legislation which is being proposed provides that any division of assets shall be at the decision of and on a basis selected by the district affected. This would eliminate the city's right to decide this matter and this constituted the Council's basis for opposing the bill.

The Council indicates its approval in principle of devising a formula which would be more equitable and indicated its willingness to consider the matter further when additional study had been given to it by the local fire districts.

Bills relating to public employees

The Council reaffirmed its previous stand on bills attempting to limit the city's authority and responsibility in personnel matters as an infringement on the home rule principle.

REPORT ON EXPERIENCE UNDER THE "LOCKED IGNITION" REGULATION

The City Manager pointed out that pursuant to Council direction, a report had been prepared on the city's experience on the locked ignition regulation which had been in effect for approximately six months.

The City Clerk was directed to send copies of the report to the members.

HOLD OVER ACTION ON CLOSING OF PORTIONS OF SYDNEY AND BURNEY STREETS
9-80

This matter was held over.

REPORT ON McHENRY AVENUE MATTERS 9-85

The City Manager reported that the clearing of the electrical easement at Orangeburg & McHenry Avenues on the Andrews property would be impossible due to the absence of Mr. Andrews from the country. In order to get the utility clearance started it will be necessary to start condemnation proceedings.

RESOLUTION NO. 59-145

A RESOLUTION AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR STATE HIGHWAY PURPOSES

Introduced by Arata Seconded by Merrill
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

RESOLUTION NO. 59-146

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FLORENCE SATHER, MARILYN MATHNEY AND BEVERLY WILLS AND FRANK W. ROBERTS, JR. RELATING TO THE DEDICATION OF PROPERTY ON McHENRY AVENUE FOR STREET WIDENING PURPOSES (ORA R. BATES PROPERTY)

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

The City Attorney reported that because this matter was in an estate, the final approval of the agreement would be subject to the Court. The city would proceed with an immediate possession on this particular parcel, and if the Bates estate matter is approved as outlined in the agreement and the court issues an order approving the dedication and executes it, then it will be settled on the basis contained in the agreement and the city will withdraw the deposit for immediate possession.

Right of way agreements from Rose E. Caster (M-4) Mayme A. Hoffman (M-12), Claude O. & Beulah T. Ryan (M-45) and Raymond S. & Aurelia Gada (M-131) were presented for Council consideration. Damage costs to be paid by the city were outlined by the City Manager.

RESOLUTION NO. 59-147

A RESOLUTION APPROVING RIGHT OF WAY CONTRACTS BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

Introduced by Merrill Seconded by Hammond
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

Mayor Marks commended Allen Odell, appraiser for the American Right of Way and Appraisal Contractors on his work in clearing the rights of way on McHenry Avenue. His manner has done much to allay the feeling of some property owners that the government is an octopus, taking without consideration just because it has the power to do so.

RESOLUTION NO. 59-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO COMMENDING ALLEN ODELL FOR THE CREDITABLE AND EFFECTIVE CONDUCT OF RIGHT OF WAY ACQUISITION FOR THE IMPROVEMENT OF MCHENRY AVENUE

Introduced by Mayor Marks Seconded by Adams
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION 10-12

Planning Director Smeath stated that there were no reports from the Planning Commission.

REPORTS ON CITY HALL MATTERS 10-19

The City Manager stated that there were no matters which needed clearing at this time.

RESOLUTION COMMENDING ASSEMBLYMAN RALPH M. BROWN 10-21

With the unanimous consent of the Council, Mayor Marks brought up a matter not on the agenda-----Resolution commending Assemblyman Ralph M. Brown to be presented Law Day, May 1.

RESOLUTION NO. 59-149

A RESOLUTION COMMENDING THE HONORABLE RALPH M. BROWN FOR HIS SERVICES AS STATE ASSEMBLYMAN AND SPEAKER OF THE STATE ASSEMBLY

Introduced by Mayor Marks Seconded by Robinson
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

RESULTS OF THE OASDI-SERS ELECTION HELD ON APRIL 10 10-43

The City Clerk, as the local election officer, reported that 232 city employees had been eligible to vote at the SERS-OASDI Election held on April 10; 222 had voted, 205 had voted in favor on the division of the system and 17 opposed. A resolution certifying the results of the election is needed, he stated.

RESOLUTION NO. 59-150

Introduced by Robinson Seconded by Spaulding
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

REPORT ON OFFER TO LEASE BUILDING TO CITY FOR POLICE PURPOSES 10-52

The City Manager reported that the owner of the building located west of the Police station had offered to lease it to the city for police department purposes. This building will be available shortly. Preliminary estimates to rearrange the building so that it could be used for this purpose, the rental to be paid and the time involved indicates that it would not be economically feasible. The possibility of using the present city hall is also being checked out.

MOTION

That further consideration should not be given to the renting of the building adjacent to the Police station, as recommended by the City Manager.

Moved by Robinson Seconded by Spaulding Unanimously carried

REPORT ON WATER LINE INSTALLATION IN WALNUT GROVE SUBDIVISION 10-75

The City Manager reported that as authorized by the Council, water lines had been installed in the Walnut Grove Subdivision at a cost of \$1791.68. The lowest bid received was \$5386 and the engineer's estimate was \$2361.

SUBMISSION OF FINANCIAL REPORT FOR MONTH OF MARCH, 1959

The City Manager filed the financial report for the month of March, 1959.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Spaulding Seconded by Merrill Unanimously carried

The meeting was adjourned at 6:35 P.M.

ATTEST:


 City Clerk

4-16-59 Page 10

MAYOR MARKS DECLARED RECESS

Mayor Marks declared a ten minute recess at 4:50 PM.

Mayor Marks reconvened the Council meeting at 5:00

HEARING ON APPEAL FILED BY ROLAND AND KATHRYN LOEFFLER ON DECISION OF BOARD OF ZONING ADJUSTMENT GRANTING EXTENSION OF COMMERCIAL ZONE TO JOHN QUARESMA 4-120

Mayor Marks announced that the hour of 5:00 P.M. had arrived, the time set for the public hearing on the appeal filed by Roland and Kathryn Loeffler from the decision of the Modesto City Board of Zoning Adjustment granting a conditional use permit to John Quaresma for extending a commercial use into residential zoned property located on the Southeast corner of Roseburg Avenue and Tully Avenue.

The City Clerk's certification was noted that the notice of the hearing had been published in the manner and time required by law; notices mailed to persons owning property in the area; and the area posted. He further reported that Mrs. R. H. Bunker, 1305 Del Monte had expressed approval of the commercial extension and Ernie Kognoes, 201 Como Way had phoned a protest to the extension.

Mayor Marks pointed out that there were three courses of action available to the Council; 1) sustain the decision of the Board of Zoning Adjustment, 2) reverse the Board and deny the conditional use permit, and 3) change the zoning back to R-3 for the entire commercial area in the block.

Planning Director Smeath reviewed the action of the Board of Zoning Adjustment in approving the conditional use permit for Mr. Quaresma.

Mayor Marks reviewed the history on the zoning of the area, which permitted commercial use on all four corners at this intersection. He pointed out that Council approval of the zoning had not been unanimous, that Mr. Quaresma had purchased the property after this zoning was adopted and had been aware of the limited commercial zoning. He recommended that the Planning Commission be authorized to reconsider the zoning of the entire area with the idea of rezoning it to its original recommendation in 1952 of R-3, R-2 and R-1. He pointed out that there was sufficient commercial zoning in this area and it would not be for the "common good" to permit extended commercial zoning. Mayor Marks asked if there were any oral protests or if anyone wished to make any comments.

Robert Bienvenu, 1214 Cecil Way, spokesman for residential property owners in the area, protested the conditional use permit granted by the Board of Zoning Adjustment. He contended that the Planning Department had recommended the extended commercial use and the matter had now become not a matter of zoning but a matter of expediency. The permit granted by the Board was the same which had been previously denied. The Board had considered that the commercial area was too small for what Mr. Quaresma had proposed to construct, but that this should not be the basis of zoning. This was not the matter of an established business which needed to expand. Mr. Quaresma has publicly stated that his ultimate goal was to build a shopping center in the entire area and he had never retracted this statement and never will.

4-15-59

Page a

He further stated the granting of a permit, on the basis that Mr. Quaresma wants to establish two businesses in an area which is too small, is not a valid basis for rezoning. This same argument could be used for establishing a shopping center at this location. He stated that Mr. Quaresma was not dedicating the rights of way for Tully Road or Roseburg Avenue. Increased commercial use at the intersection would increase the hazards for children walking back and forth from Fremont School. In the interest of integrity, the appeal from the decision of the Board of Zoning Adjustment should be upheld, he contended.

Attorney Cleveland Stockton, representing John Quaresma, commented in response to Mayor Marks recommendation that the Planning Commission take a new look at this matter, stated that the recommendation of the Planning Department staff to the Board reflects its present thinking with respect to this property. As far as Mr. Quaresma is concerned, Mr. Stockton stated, he would like to have the Council affirm the decision of the Board or to reverse the Board's decision and to proceed with condemnation in accordance with the Council's prior resolution.

The following persons spoke in support of the appeal filed, protesting the decision of the Board:

Mrs. Thomas Coffee, 1238 Cecil Way
 Mrs. Roland Loeffler
 Mrs. J. K. Sacknitz, 1226 Cecil Way
 Mrs. Robert Bienvenu, 1214 Cecil Way
 Frank DeCamp, 1110 Notre Dame
 Stephen Luce, 1220 Cecil Way
 Mrs. Pat Romamo, 1217 Como Park Way
 Mrs. Ethel DeCamp, 1110 Notre Dame

Mr. Smeath stated that when this matter was first presented as a zoning change to the Planning Commission, the matter of rezoning the 10 acre area was denied by the Commission and the Council. This was then presented to the Board as an application for an enlargement of the commercial zone. At that time the Board received a recommendation from the Planning staff that there be an enlargement granted of 35 feet and 45 feet, exactly the same recommendation that was made approximately one year ago when it was first raised on the basis that the area should have some kind of control as to design, to require off-street parking. There is no method requiring this under the present zoning regulations for the C-1 zone. It was on this basis, the recommendation was made to the Board. He reviewed the actions taken by the Board and the Council on the application of Mr. Quaresma for extension of commercial use.

Mayor Marks asked if the decision of the Board in granting this expansion was based on the common good or solely for the purpose of expediency. Mr. Smeath answered that if it hadn't been for the common good the Board wouldn't have granted it, and the Planning Director would not have recommended it.

Mr. Smeath stated that he had brought before the Zoning Adjustment Board several times the recommendation that it consider the kind of zoning which the Council has adopted as existing policy and that it not attempt to consider how an area should be zoned, when considering matters before it. He stated the staff had recommended to the Planning Commission several years ago that several parcels of property in areas where four corners of an intersection were commercial, be rezoned to residential. This area, he said, was one

4-15-59 Page b

of those parcels. The Planning Commission did not make such a recommendation to the Council, and in fact the Council had established the zoning in this area as it now exists, though the staff had recommended otherwise. If the staff were asked again to recommend on the basic zoning of this parcel, it would recommend as it had before.

He pointed out that Mr. Quaresma could legally build a building on the commercial zoned area which would cover the entire portion of property. Under the existing provisions, no side yard, no rear yard or parking need be provided upon the payment of an in lieu charge of \$750 per parking space required. Under the law the Board considers what is right and reasonable for an applicant if his property is divided by a zoning line. The Board's job is to consider whether they can place conditions on the use of property in question which will provide reasonable compatibility among those uses and other uses of the area. The Board's integrity cannot be questioned in this case.

RESOLUTION NO. 59-142

A RESOLUTION OVERRULING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT AND DENYING A CONDITIONAL USE PERMIT TO JOHN QUARESMA FOR EXTENDING A COMMERCIAL USE INTO RESIDENTIALLY ZONED PROPERTY SOUTHEAST CORNER OF ROSEBURG AND TULLY ROAD

Introduced by Mayor Marks Seconded by Robinson
 Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
 Noes: None Absent: None

Councilman Spaulding stated that the appeal should be upheld. He considered that no member of the Council was questioning the integrity of the Board. These men were doing what they considered as the best solution of a problem. The problem in the whole matter, he stated, has come about due to the mistake made a number of years ago when the area was zoned commercial. The Board's job is not to do the zoning, but to do the best it could with the zoning established by the Council. He suggested that the whole matter be referred back to the Planning Commission by the Council for further study with a consideration of the possibility of rezoning back to residential. He suggested that the Council get a report from the Commission on this matter.

Mayor Marks stated that there should be no reflection upon the members of the Board.

MOTION

That the matter be referred to the Planning Commission for study and consider the possibility of rezoning it back to residential.

Moved by Spaulding Seconded by Mayor Marks Unanimously carried

April 20, 1959

The Council of the City of Modesto met in special session this date at 11:30 A.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, Mayor Marks presiding to consider matters relating to the McHenry Avenue improvement project.

The City Clerk called the roll and there were

Present: Councilmen Adams, Arata, Robinson, Spaulding, Mayor Pro Tempore Hammond
Absent: Councilman Merrill and Mayor Marks

APPROVE AGREEMENT WITH ROBERT C. WATSON RELATING TO DEDICATION AND PURCHASE OF REAL PROPERTY

Ordinance No. 304-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT C. WATSON RELATING TO THE DEDICATION AND PURCHASE OF CERTAIN REAL PROPERTY"

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

Moved by Arata Seconded by Robinson

Ayes: Adams, Arata, Robinson, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Merrill, Mayor Marks

ACCEPT RIGHT OF WAY AGREEMENT FROM ROBERT C. WATSON

RESOLUTION NO. 59-152

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG McHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

Introduced by Robinson Seconded by Spaulding
Ayes: Adams, Arata, Robinson, Spaulding, Mayor Pro Tempore Hammond
Noes: None Absent: Merrill, Mayor Marks

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Adams Unanimously carried

ATTEST: 
City Clerk

Special Council Meeting

April 21, 1959

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code and Section 9918 of the Election Code of the State of California to canvass the returns and result of the General Municipal Election to elect municipal officers and members of the Board of Education in the City of Modesto and the Modesto School District which had been held on April 14, 1959.

The City Clerk called the roll and there were

Present: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor
Marks
Absent: None

The returns of said election, made out and signed by the election officers, and the absentee ballots were canvassed by the Council

RESOLUTION NO. 59-153

A RESOLUTION OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION HELD ON APRIL 14, 1959

Introduced by Merrill Seconded by Robinson
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None
Absent: None

A copy of this resolution is hereby marked "Exhibit A" and made a part of these minutes.

RESOLUTION NO. 59-154

A RESOLUTION AUTHORIZING PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES FOR THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 14, 1959

Introduced by Robinson Seconded by Mayor Marks
Ayes: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
Noes: None Absent: None

Mayor Marks read a statement expressing his appreciation to the Council members and the administrative staff for their assistance during his term as mayor.

ADJOURNMENT

MOTION

That this meeting now in session be adjourned.

Moved by Arata Seconded by Hammond Unanimously carried

ATTEST: _____


City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 59-153

A RESOLUTION OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION HELD ON APRIL 14, 1959

WHEREAS, the Council of the City of Modesto duly called and ordered held in said City and in Modesto City School District on Tuesday, the 14th day of April, 1959, a general municipal election to elect one (1) Mayor for the full term of four (4) years, three (3) Councilmen as members of the City Council for a full term of four (4) years, for the purpose of electing three (3) members of the Board of Education for a full term of four (4) years, and

WHEREAS, said general municipal election was held on Tuesday, April 14, 1959, in accordance with law and the proceedings of said Council and the votes thereat received and canvassed and the returns thereof ascertained, determined, and declared in all respects as required by law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

1. That the City Clerk of the City of Modesto be, and he is hereby instructed to enter this resolution on the minutes of this Council as a statement of the results of said elections.
2. That the whole number of votes cast at said general municipal election was 10020 votes.
 - (a) That the total number of votes cast at said election in said City was 7957 votes.
 - (b) That the total number of votes cast outside of the City limits of said City and inside said Modesto City School District was 2063 votes.
3. That the names of the persons voted for and the respective offices to be filled, for which the ballots were cast, and the number of votes given in each precinct and by absentee voters to each of said persons were as follows:

C A N D I D A T E S

MAYOR

Special
Consolidated
Election
Precinct No.

Don D.
Hammond

Lyndall O.
Merrill

Scattering

1.	<u>115</u>	<u>103</u>	<u>_____</u>
2.	<u>99</u>	<u>93</u>	<u>_____</u>
3.	<u>84</u>	<u>86</u>	<u>_____</u>
4.	<u>113</u>	<u>130</u>	<u>_____</u>
5.	<u>78</u>	<u>67</u>	<u>_____</u>
6.	<u>126</u>	<u>104</u>	<u>_____</u>
7.	<u>82</u>	<u>75</u>	<u>_____</u>
8.	<u>114</u>	<u>68</u>	<u>_____</u>
9.	<u>88</u>	<u>73</u>	<u>_____</u>
10.	<u>68</u>	<u>61</u>	<u>_____</u>
11.	<u>93</u>	<u>88</u>	<u>_____</u>
12.	<u>40</u>	<u>51</u>	<u>_____</u>
13.	<u>49</u>	<u>62</u>	<u>_____</u>
14.	<u>58</u>	<u>63</u>	<u>_____</u>
15.	<u>84</u>	<u>67</u>	<u>_____</u>
16.	<u>74</u>	<u>55</u>	<u>_____</u>
17.	<u>89</u>	<u>109</u>	<u>_____</u>
18.	<u>60</u>	<u>78</u>	<u>1</u>
19.	<u>86</u>	<u>88</u>	<u>3</u>
20.	<u>188</u>	<u>95</u>	<u>_____</u>
21.	<u>114</u>	<u>121</u>	<u>_____</u>
22.	<u>107</u>	<u>86</u>	<u>_____</u>
23.	<u>145</u>	<u>86</u>	<u>_____</u>
24.	<u>60</u>	<u>18</u>	<u>_____</u>
25.	<u>172</u>	<u>115</u>	<u>_____</u>
26.	<u>119</u>	<u>101</u>	<u>_____</u>
27.	<u>183</u>	<u>69</u>	<u>_____</u>
28.	<u>146</u>	<u>141</u>	<u>_____</u>
29.	<u>137</u>	<u>131</u>	<u>2</u>

C A N D I D A T E S

MAYOR

Special
Consolidated
Election
Precinct No.

Don D.
Hammond

Lyndall O.
Merrill

Scattering

30.	<u>143</u>	<u>82</u>	<u> </u>
31.	<u>105</u>	<u>71</u>	<u> </u>
32.	<u>91</u>	<u>62</u>	<u> </u>
33.	<u>61</u>	<u>62</u>	<u> </u>
34.	<u>74</u>	<u>87</u>	<u> </u>
35.	<u>111</u>	<u>91</u>	<u> </u>
36.	<u>104</u>	<u>87</u>	<u> </u>
37.	<u>71</u>	<u>30</u>	<u> </u>
38.	<u>63</u>	<u>47</u>	<u> </u>
39.	<u>39</u>	<u>35</u>	<u> </u>
40.	<u>137</u>	<u>72</u>	<u> </u>
41.	<u>105</u>	<u>47</u>	<u> 2</u>
42.	<u>124</u>	<u>55</u>	<u> </u>
43.	<u>90</u>	<u>43</u>	<u> </u>
44.	<u>66</u>	<u>43</u>	<u> </u>

C A N D I D A T E S

COUNCILMAN

Special
Consolidated
Election
Precinct No.

	<u>Thomas M. Spaulding</u>	<u>James M. Day</u>	<u>Howard C. Hutchison</u>	<u>Cecil T. Jones</u>	<u>Leslie G. Knoles</u>	<u>John Quaresma</u>	<u>Richard Vander Wall</u>	<u>Arthur J. Wylie</u>	<u>Scattering</u>
1.	<u>140</u>	<u>11</u>	<u>75</u>	<u>71</u>	<u>138</u>	<u>50</u>	<u>127</u>	<u>22</u>	<u> </u>
2.	<u>116</u>	<u>8</u>	<u>64</u>	<u>79</u>	<u>116</u>	<u>21</u>	<u>112</u>	<u>18</u>	<u> </u>
3.	<u>105</u>	<u>11</u>	<u>61</u>	<u>66</u>	<u>82</u>	<u>36</u>	<u>88</u>	<u>31</u>	<u> </u>
4.	<u>143</u>	<u>11</u>	<u>100</u>	<u>96</u>	<u>138</u>	<u>47</u>	<u>132</u>	<u>30</u>	<u> </u>
5.	<u>92</u>	<u>17</u>	<u>52</u>	<u>54</u>	<u>77</u>	<u>37</u>	<u>70</u>	<u>22</u>	<u> </u>
6.	<u>152</u>	<u>8</u>	<u>73</u>	<u>78</u>	<u>138</u>	<u>35</u>	<u>125</u>	<u>39</u>	<u> </u>
7.	<u>88</u>	<u>16</u>	<u>74</u>	<u>61</u>	<u>80</u>	<u>37</u>	<u>70</u>	<u>21</u>	<u> </u>
8.	<u>117</u>	<u>8</u>	<u>51</u>	<u>44</u>	<u>129</u>	<u>38</u>	<u>102</u>	<u>41</u>	<u> </u>
9.	<u>114</u>	<u>4</u>	<u>55</u>	<u>54</u>	<u>107</u>	<u>25</u>	<u>76</u>	<u>19</u>	<u> </u>
10.	<u>70</u>	<u>15</u>	<u>48</u>	<u>39</u>	<u>70</u>	<u>42</u>	<u>59</u>	<u>21</u>	<u> </u>
11.	<u>109</u>	<u>16</u>	<u>53</u>	<u>61</u>	<u>92</u>	<u>34</u>	<u>97</u>	<u>34</u>	<u> </u>
12.	<u>59</u>	<u>9</u>	<u>34</u>	<u>39</u>	<u>50</u>	<u>20</u>	<u>36</u>	<u>14</u>	<u> </u>
13.	<u>71</u>	<u>13</u>	<u>50</u>	<u>46</u>	<u>50</u>	<u>31</u>	<u>46</u>	<u>14</u>	<u> </u>
14.	<u>70</u>	<u>24</u>	<u>41</u>	<u>49</u>	<u>53</u>	<u>30</u>	<u>43</u>	<u>13</u>	<u> </u>
15.	<u>92</u>	<u>33</u>	<u>55</u>	<u>55</u>	<u>64</u>	<u>47</u>	<u>59</u>	<u>29</u>	<u> </u>
16.	<u>73</u>	<u>25</u>	<u>37</u>	<u>64</u>	<u>53</u>	<u>29</u>	<u>53</u>	<u>24</u>	<u> </u>
17.	<u>96</u>	<u>28</u>	<u>75</u>	<u>96</u>	<u>82</u>	<u>58</u>	<u>86</u>	<u>45</u>	<u> </u>

174--31

C A N D I D A T E S

COUNCILMAN

Special
Consolidated
Election
Precinct No.

	<u>Thomas M. Spaulding</u>	<u>James M. Day</u>	<u>Howard C. Hutchison</u>	<u>Cecil T. Jones</u>	<u>Leslie G. Knoles</u>	<u>John Quaresma</u>	<u>Richard Vander Wall</u>	<u>Arthur J. Wylie</u>	<u>Scattering</u>
18.	81	13	42	56	83	21	70	29	
19.	97	22	56	78	81	42	77	35	
20.	215	4	70	60	206	33	202	32	
21.	144	8	109	59	133	34	166	18	
22.	129	12	70	59	109	32	103	33	
23.	150	9	69	83	133	46	128	31	
24.	62	9	18	27	46	19	32	11	
25.	196	7	75	57	192	44	183	64	
26.	143	9	63	75	149	42	110	31	
27.	175	7	58	66	176	34	172	34	
28.	187	9	89	70	190	45	172	51	
29.	179	6	96	82	164	43	147	56	
30.	157	3	81	61	154	37	127	32	
31.	108	1	71	59	89	40	97	40	
32.	98	13	61	66	81	26	71	24	
33.	77	12	50	39	74	29	49	18	
34.	94	17	55	60	86	43	65	37	
35.	137	7	55	41	128	36	114	50	

175-31

C A N D I D A T E S

COUNCILMAN

Special
Consolidated
Election
Precinct No.

Thomas M.
Spaulding

James M.
Day

Howard C.
Hutchison

Cecil T.
Jones

Leslie G.
Knoles

John
Quaresma

Richard
Vander Wall

Arthur J.
Wylie

Scattering

36.	<u>96</u>	<u>9</u>	<u>52</u>	<u>61</u>	<u>103</u>	<u>65</u>	<u>99</u>	<u>54</u>	<u> </u>
37.	<u>56</u>	<u>11</u>	<u>29</u>	<u>34</u>	<u>66</u>	<u>20</u>	<u>52</u>	<u>24</u>	<u> </u>
38.	<u>70</u>	<u>4</u>	<u>38</u>	<u>27</u>	<u>75</u>	<u>18</u>	<u>60</u>	<u>22</u>	<u> </u>
39.	<u>52</u>	<u>14</u>	<u>20</u>	<u>30</u>	<u>37</u>	<u>24</u>	<u>32</u>	<u>12</u>	<u> </u>
40.	<u>147</u>	<u>6</u>	<u>57</u>	<u>51</u>	<u>143</u>	<u>41</u>	<u>126</u>	<u>31</u>	<u> </u>
41.	<u>103</u>	<u>2</u>	<u>34</u>	<u>37</u>	<u>107</u>	<u>56</u>	<u>93</u>	<u>30</u>	<u> </u>
42.	<u>113</u>	<u>9</u>	<u>46</u>	<u>63</u>	<u>113</u>	<u>36</u>	<u>85</u>	<u>50</u>	<u> </u>
43.	<u>92</u>	<u>6</u>	<u>34</u>	<u>40</u>	<u>85</u>	<u>25</u>	<u>79</u>	<u>37</u>	<u> </u>
44.	<u>72</u>	<u>6</u>	<u>33</u>	<u>36</u>	<u>68</u>	<u>25</u>	<u>53</u>	<u>22</u>	<u> </u>

C A N D I D A T E S
 BOARD OF EDUCATION

Special
 Consolidated
 Election
 Precinct No.

	<u>Catherine E. Everett</u>	<u>Cecil G. Plummer</u>	<u>John R. Hewitt</u>	<u>John A. Morgan</u>	<u>Jack E. Moyer</u>	<u>Frank I. Pirrone</u>	<u>Charles M. Spencer</u>	<u>Scattering</u>
1.	<u>148</u>	<u>177</u>	<u>37</u>	<u>73</u>	<u>7</u>	<u>42</u>	<u>142</u>	
2.	<u>120</u>	<u>152</u>	<u>31</u>	<u>61</u>	<u>9</u>	<u>43</u>	<u>106</u>	
3.	<u>96</u>	<u>134</u>	<u>31</u>	<u>66</u>	<u>11</u>	<u>40</u>	<u>94</u>	
4.	<u>156</u>	<u>199</u>	<u>43</u>	<u>81</u>	<u>13</u>	<u>67</u>	<u>134</u>	
5.	<u>101</u>	<u>108</u>	<u>27</u>	<u>59</u>	<u>12</u>	<u>36</u>	<u>83</u>	
6.	<u>133</u>	<u>181</u>	<u>43</u>	<u>91</u>	<u>14</u>	<u>70</u>	<u>120</u>	
7.	<u>93</u>	<u>130</u>	<u>19</u>	<u>69</u>	<u>16</u>	<u>43</u>	<u>62</u>	
8.	<u>134</u>	<u>138</u>	<u>29</u>	<u>60</u>	<u>18</u>	<u>47</u>	<u>100</u>	
9.	<u>106</u>	<u>119</u>	<u>23</u>	<u>55</u>	<u>19</u>	<u>27</u>	<u>104</u>	
10.	<u>73</u>	<u>93</u>	<u>18</u>	<u>53</u>	<u>9</u>	<u>41</u>	<u>72</u>	
11.	<u>120</u>	<u>141</u>	<u>24</u>	<u>77</u>	<u>14</u>	<u>26</u>	<u>102</u>	
12.	<u>71</u>	<u>64</u>	<u>5</u>	<u>45</u>	<u>8</u>	<u>27</u>	<u>45</u>	
13.	<u>80</u>	<u>88</u>	<u>12</u>	<u>60</u>	<u>9</u>	<u>28</u>	<u>43</u>	
14.	<u>77</u>	<u>64</u>	<u>19</u>	<u>57</u>	<u>10</u>	<u>26</u>	<u>75</u>	
15.	<u>104</u>	<u>112</u>	<u>25</u>	<u>61</u>	<u>19</u>	<u>26</u>	<u>77</u>	
16.	<u>90</u>	<u>89</u>	<u>19</u>	<u>66</u>	<u>8</u>	<u>29</u>	<u>60</u>	
17.	<u>132</u>	<u>139</u>	<u>24</u>	<u>92</u>	<u>24</u>	<u>52</u>	<u>90</u>	
18.	<u>105</u>	<u>102</u>	<u>21</u>	<u>61</u>	<u>9</u>	<u>24</u>	<u>79</u>	

177-31

C A N D I D A T E S

BOARD OF EDUCATION

Special
Consolidated
Election
Precinct No.

	<u>Catherine E. Everett</u>	<u>Cecil G. Plummer</u>	<u>John R. Hewitt</u>	<u>John A. Morgan</u>	<u>Jack E. Noyer</u>	<u>Frank I. Pirrone</u>	<u>Charles M. Spencer</u>	<u>Scattering</u>
19.	<u>104</u>	<u>122</u>	<u>34</u>	<u>74</u>	<u>26</u>	<u>45</u>	<u>77</u>	<u> </u>
20.	<u>185</u>	<u>237</u>	<u>48</u>	<u>102</u>	<u>17</u>	<u>74</u>	<u>155</u>	<u> </u>
21.	<u>146</u>	<u>190</u>	<u>36</u>	<u>55</u>	<u>18</u>	<u>75</u>	<u>124</u>	<u> </u>
22.	<u>116</u>	<u>157</u>	<u>35</u>	<u>69</u>	<u>22</u>	<u>48</u>	<u>93</u>	<u> </u>
23.	<u>167</u>	<u>183</u>	<u>31</u>	<u>73</u>	<u>12</u>	<u>68</u>	<u>124</u>	<u> </u>
24.	<u>60</u>	<u>56</u>	<u>5</u>	<u>46</u>	<u>5</u>	<u>15</u>	<u>38</u>	<u> </u>
25.	<u>185</u>	<u>232</u>	<u>56</u>	<u>70</u>	<u>28</u>	<u>77</u>	<u>153</u>	<u> </u>
26.	<u>129</u>	<u>161</u>	<u>43</u>	<u>81</u>	<u>19</u>	<u>68</u>	<u>112</u>	<u> </u>
27.	<u>149</u>	<u>197</u>	<u>47</u>	<u>62</u>	<u>17</u>	<u>63</u>	<u>163</u>	<u> </u>
28.	<u>172</u>	<u>222</u>	<u>56</u>	<u>92</u>	<u>21</u>	<u>81</u>	<u>159</u>	<u> </u>
29.	<u>174</u>	<u>213</u>	<u>54</u>	<u>79</u>	<u>17</u>	<u>81</u>	<u>135</u>	<u> </u>
30.	<u>159</u>	<u>194</u>	<u>27</u>	<u>68</u>	<u>12</u>	<u>62</u>	<u>102</u>	<u> </u>
31.	<u>90</u>	<u>141</u>	<u>38</u>	<u>56</u>	<u>6</u>	<u>64</u>	<u>83</u>	<u> </u>
32.	<u>96</u>	<u>116</u>	<u>21</u>	<u>59</u>	<u>19</u>	<u>44</u>	<u>89</u>	<u> </u>
33.	<u>95</u>	<u>98</u>	<u>16</u>	<u>48</u>	<u>11</u>	<u>33</u>	<u>66</u>	<u> </u>
34.	<u>105</u>	<u>109</u>	<u>20</u>	<u>84</u>	<u>18</u>	<u>30</u>	<u>95</u>	<u> </u>
35.	<u>140</u>	<u>160</u>	<u>38</u>	<u>55</u>	<u>14</u>	<u>49</u>	<u>123</u>	<u> </u>
36.	<u>126</u>	<u>122</u>	<u>23</u>	<u>73</u>	<u>12</u>	<u>53</u>	<u>115</u>	<u> </u>
37.	<u>65</u>	<u>68</u>	<u>29</u>	<u>46</u>	<u>4</u>	<u>21</u>	<u>52</u>	<u> </u>

178-31

C A N D I D A T E S

BOARD OF EDUCATION

Special
Consolidated
Election
Precinct No.

	<u>Catherine E. Everett</u>	<u>Cecil G. Plummer</u>	<u>John R. Hewitt</u>	<u>John A. Morgan</u>	<u>Jack E. Noyer</u>	<u>Frank I. Pirrone</u>	<u>Charles M. Spencer</u>	<u>Scattering</u>
38.	<u>65</u>	<u>80</u>	<u>25</u>	<u>34</u>	<u>7</u>	<u>33</u>	<u>69</u>	<u> </u>
39.	<u>54</u>	<u>47</u>	<u>12</u>	<u>41</u>	<u>13</u>	<u>10</u>	<u>44</u>	<u> </u>
40.	<u>141</u>	<u>165</u>	<u>36</u>	<u>82</u>	<u>14</u>	<u>47</u>	<u>118</u>	<u> </u>
41.	<u>109</u>	<u>126</u>	<u>9</u>	<u>49</u>	<u>16</u>	<u>43</u>	<u>103</u>	<u> </u>
42.	<u>110</u>	<u>135</u>	<u>31</u>	<u>47</u>	<u>20</u>	<u>51</u>	<u>105</u>	<u> </u>
43.	<u>81</u>	<u>99</u>	<u>18</u>	<u>48</u>	<u>9</u>	<u>53</u>	<u>86</u>	<u> </u>
44.	<u>69</u>	<u>79</u>	<u>12</u>	<u>56</u>	<u>6</u>	<u>37</u>	<u>50</u>	<u> </u>
45.	<u>50</u>	<u>65</u>	<u>16</u>	<u>17</u>	<u>7</u>	<u>32</u>	<u>39</u>	<u>1</u>
46.	<u>85</u>	<u>94</u>	<u>17</u>	<u>46</u>	<u>12</u>	<u>28</u>	<u>65</u>	<u> </u>
47.	<u>36</u>	<u>34</u>	<u>7</u>	<u>21</u>	<u>5</u>	<u>5</u>	<u>28</u>	<u> </u>
48.	<u>60</u>	<u>69</u>	<u>13</u>	<u>32</u>	<u>1</u>	<u>20</u>	<u>50</u>	<u> </u>
49.	<u>15</u>	<u>11</u>	<u>3</u>	<u>14</u>	<u>1</u>	<u>3</u>	<u>13</u>	<u> </u>
50.	<u>28</u>	<u>33</u>	<u>8</u>	<u>31</u>	<u>1</u>	<u>13</u>	<u>36</u>	<u> </u>
51.	<u>47</u>	<u>58</u>	<u>9</u>	<u>26</u>	<u>6</u>	<u>21</u>	<u>56</u>	<u> </u>
52.	<u>62</u>	<u>67</u>	<u>6</u>	<u>28</u>	<u>6</u>	<u>13</u>	<u>49</u>	<u> </u>
53.	<u>61</u>	<u>78</u>	<u>17</u>	<u>37</u>	<u>9</u>	<u>15</u>	<u>60</u>	<u> </u>
54.	<u>21</u>	<u>22</u>	<u>10</u>	<u>16</u>	<u>3</u>	<u>2</u>	<u>19</u>	<u> </u>
55.	<u>41</u>	<u>47</u>	<u>13</u>	<u>14</u>	<u>2</u>	<u>11</u>	<u>31</u>	<u> </u>
56.	<u>85</u>	<u>94</u>	<u>25</u>	<u>50</u>	<u>19</u>	<u>26</u>	<u>81</u>	<u> </u>

179-31

C A N D I D A T E S

BOARD OF EDUCATION

Special
Consolidated
Election
Precinct No.

	<u>Catherine E. Everett</u>	<u>Cecil G. Plummer</u>	<u>John R. Hewitt</u>	<u>John A. Morgan</u>	<u>Jack E. Noyer</u>	<u>Frank I. Pirrone</u>	<u>Charles M. Spencer</u>	<u>Scattering</u>
57.	<u>36</u>	<u>41</u>	<u>6</u>	<u>23</u>	<u>6</u>	<u>17</u>	<u>43</u>	<u> </u>
58.	<u>42</u>	<u>42</u>	<u>13</u>	<u>41</u>	<u>7</u>	<u>13</u>	<u>31</u>	<u> </u>
59.	<u>71</u>	<u>87</u>	<u>15</u>	<u>43</u>	<u>10</u>	<u>22</u>	<u>72</u>	<u> </u>
60.	<u>40</u>	<u>48</u>	<u>4</u>	<u>25</u>	<u>6</u>	<u>5</u>	<u>58</u>	<u> </u>
61.	<u>42</u>	<u>39</u>	<u>9</u>	<u>34</u>	<u>6</u>	<u>15</u>	<u>35</u>	<u> </u>
62.	<u>23</u>	<u>25</u>	<u>9</u>	<u>28</u>	<u>6</u>	<u>6</u>	<u>28</u>	<u> </u>
63.	<u>43</u>	<u>50</u>	<u>13</u>	<u>23</u>	<u>3</u>	<u>11</u>	<u>43</u>	<u> </u>
64.	<u>27</u>	<u>30</u>	<u>11</u>	<u>21</u>	<u>5</u>	<u>7</u>	<u>18</u>	<u> </u>
65.	<u>33</u>	<u>53</u>	<u>11</u>	<u>14</u>	<u>6</u>	<u>15</u>	<u>42</u>	<u> </u>
66.	<u>38</u>	<u>41</u>	<u>7</u>	<u>13</u>	<u>0</u>	<u>27</u>	<u>31</u>	<u> </u>
67.	<u>28</u>	<u>33</u>	<u>6</u>	<u>34</u>	<u>7</u>	<u>5</u>	<u>45</u>	<u> </u>
68.	<u>35</u>	<u>39</u>	<u>7</u>	<u>12</u>	<u>6</u>	<u>9</u>	<u>32</u>	<u>1</u>
69.	<u>72</u>	<u>89</u>	<u>22</u>	<u>44</u>	<u>13</u>	<u>24</u>	<u>60</u>	<u> </u>
70.	<u>26</u>	<u>37</u>	<u>5</u>	<u>27</u>	<u>10</u>	<u>14</u>	<u>31</u>	<u> </u>
71.	<u>43</u>	<u>51</u>	<u>11</u>	<u>23</u>	<u>7</u>	<u>20</u>	<u>28</u>	<u> </u>
72.	<u>19</u>	<u>22</u>	<u>1</u>	<u>15</u>	<u>7</u>	<u>13</u>	<u>21</u>	<u> </u>
73.	<u>26</u>	<u>35</u>	<u>11</u>	<u>17</u>	<u>2</u>	<u>20</u>	<u>14</u>	<u> </u>
74.	<u>60</u>	<u>86</u>	<u>30</u>	<u>37</u>	<u>7</u>	<u>30</u>	<u>67</u>	<u> </u>

<u>CANDIDATES</u>	<u>INSIDE ABSENTEE BALLOTS</u>	<u>OUTSIDE ABSENTEE BALLOTS</u>	<u>TOTAL VOTE</u>
Don D. Hammond	37		4392
Lyndall O. Merrill	47		3445
Thomas M. Spaulding	44		4981
James M. Day	9		501
Howard C. Hutchison	33		2562
Cecil T. Jones	33		2562
Leslie G. Knoles	42		4632
John Quaresma	17		1590
Richard Vander Wall	58		4203
Arthur J. Wylie	10		1355
Catherine E. Everett	55	4	6385
Cecil G. Plummer	72	4	7535
John R. Hewitt	17	1	1603
John A. Morgan	29	2	3673
Jack E. Noyer	3	1	802
Frank I. Pirrone	17	3	2501
Charles M. Spencer	50	4	5501
Scattering			10
Mayor			8
Board of Education			2

4. That at said general municipal election the following named persons received the largest number of votes for the following offices, respectively, and were, therefore, duly elected to the respective offices for which they were respectively candidates, and each of said persons having received the largest number of votes cast for any person for such office is hereby declared to be duly and regularly elected to such office, respectively, for the term commencing April 22, 1959, and the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying his election to the office appearing after his name, and to administer to each of said persons the oath of office prescribed by the Consitution and laws of the State of California and the Charter of said City, to wit:

DON D. HAMMOND	MAYOR for four year term
THOMAS M. SPAULDING	COUNCILMAN for four year term
LESLIE G. KNOLES	COUNCILMAN for four year term
RICHARD VANDER WALL	COUNCILMAN for four year term
CATHERINE E. EVERETT	MEMBER OF BOARD OF EDUCATION for four year term
CECIL G. PLUMMER	MEMBER OF BOARD OF EDUCATION for four year term
CHARLES M. SPENCER	MEMBER OF BOARD OF EDUCATION for four year term

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the _____ day of April, 1959, by Councilman _____, who moved its adoption, which motion being duly seconded by Councilman _____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmen:
 NOES: Councilmen:
 ABSENT: Councilmen:

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

The City Clerk call the roll and there were

Present: Councilmen: Adams, Arata, Knoles, Spaulding, Vander Wall
Mayor Hammond

Absent: None

Acting City Attorney Wilmar Jensen was present in the absence of City Attorney Allen Grimes.

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

Rev. Arthur V. Thurman gave the invocation.

Mayor Hammond introduced the two new Council members, Councilmen Les Knoles and Dick Vander Wall.

MAYOR'S STATEMENT

Mayor Hammond, with the unanimous consent of the Council, read a statement which he had prepared for the new Council members and the people of the community, a copy of which is on file with the records of this meeting. He listed the following major projects which he considered should be scheduled more firmly in order to make greater progress:

Storm Drainage

Major city streets: He recommended that a staff report be prepared showing the exact status of right of way acquisition on projects which have been scheduled for construction during this season and that appropriate action be taken to either clear all the needed rights of way promptly or assign the funds to other projects so that gas tax allocations to the city will be promptly utilized.

Capital Improvement program

Mayor Hammond pointed out that the Council needed to determine what matters come first, and get them on the way. He asked each Councilman to submit for Council consideration any projects which he believes should be given first attention. Council work session can be set up with the staff, and with interested citizens, to determine priority and the amount of time and money which can be allocated to each project.

Acting City Attorney Wilmar Jensen spoke briefly on matters of special interest to the new Council members, 1) conflicts in interest and 2) personal and individual liability of Councilman for certain acts. He asked them to consult the City Attorney if they were in doubt about any particular action.

CERTIFICATES OF SERVICE TO BE GIVEN TO FORMER COUNCIL MEMBERS

Mayor Hammond read the certificates of service which are to be presented to the retiring members of the Council, Mayor Marks, Councilmen Merrill and Robinson.

RESOLUTION NO. 59-155

A RESOLUTION COMMENDING MAYOR HARRY MARKS FOR HIS SERVICES TO THE CITY OF MODESTO

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

RESOLUTION NO. 59-156

A RESOLUTION COMMENDING COUNCILMAN LYNDALL MERRILL FOR HIS SERVICES TO THE CITY OF MODESTO

Introduced by Vander Wall Seconded by Adams
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None, Absent: None

RESOLUTION NO. 59-157

A RESOLUTION COMMENDING COUNCILMAN LAWRENCE ROBINSON FOR HIS SERVICES TO THE CITY OF MODESTO

Introduced by Arata Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Marks
Noes: None Absent: None

AUTHORIZE STAFF TO PREPARE REPORT ON RIGHTS OF WAY ACQUISITION

MOTION

That a staff report be prepared showing the exact status of right of way acquisition on street projects and the action which would be required.

Moved by Arata Seconded by Adams Unanimously carried

PRESENTATION OF GIFTS TO MAYOR HAMMOND BY THE WELCOME WAGON ORGANIZATION 2-30

With the unanimous consent of the Council, Mrs. Mary Walton, local representative of the Welcome Wagon organization, was permitted to present a matter not on the agenda--- a welcome visit to Mayor Hammond on the occasion of his first meeting of the Council, as Mayor.

LETTER FROM ASSEMBLYMAN RALPH M. BROWN 2-62

A letter from Assemblyman Ralph M. Brown, acknowledging receipt of the city's resolution of commendation in resolving the freeway agreement matter, was noted by the Council.

DR. JAMES CORSON PLEDGES COOPERATION OF THE BOARD OF EDUCATION TO THE NEW COUNCIL 2-80

Dr. James Corson, Superintendent of Schools, on behalf of the Board of Education and staff, expressed appreciation to the Council of the past and the new Council and pledged continuous cooperation and willingness to work with the Council to the best interest of the community.

He reported that, as customary, the newly elected members of the Board of Education would take office on the first Monday in May.

LETTER FROM CITY OF HOPE 2-82

A letter from Milton Feiner, Regional Coordinator of the City of Hope, National Medical Center, advising that a Volunteer Neighbors March would be conducted on June 9, was read.

MOTION

That the matter be referred to the City Attorney to determine if there are any legal regulations which involves such solicitation and report back to the Council.

Moved by Knoles Seconded by Spaulding Unanimously carried

REQUEST FROM MODESTO REDS FOR FINANCIAL ASSISTANCE 2-97

Charles Michaels, President of the Modesto Reds Baseball Club, appeared before the Council to request that the Council approve financial assistance to the team by furnishing police protection during the games and salary for a groundskeeper.

Director of Parks & Recreation Lloyd Lowery reported that the city was presently watering most of the park and mowing and maintaining the lawn areas.

Councilman Arata recommended that the Council continue with the present maintenance work and also furnish special police service during the games, but that the groundskeeper be paid by the Club.

MOTION

That the agreement with the Modesto Reds (Modesto Community Athletic Association) be amended to provide that the city continue with its present maintenance of the park and that it furnish special police service during the games and that the staff prepare the amendment as outlined for Council approval

Moved by Arata Seconded by Spaulding Unanimously carried

LETTER FROM FRANK ANDREWS RE: ELIGIBILITY OF LES KNOLES TO SERVE AS MEMBER OF THE CITY COUNCIL 3-36

A letter from Frank Andrews was read relating to the eligibility of Councilman elect Leslie Knoles to serve as a member of the Council. He contended that Sections 500 and 704 of the City Charter would prohibit his serving because he was a teacher in the Modesto City School system.

The City Manager reported that he had contacted City Attorney Allen Grimes and it was his opinion that Mr. Knoles is not a municipal officer and since he does not receive any municipal funds as a school teacher is qualified to serve as a City Councilman.

Mayor Hammond asked if this satisfied the other members of the Council. No objections were voiced.

Councilman Spaulding read the following from the Education Code of the State of California:

"Neither any local legislative body nor any school district governing board shall enact or enforce any ordinance or promulgate or enforce any rule or regulation which limits during their off-duty hours the participation of school employees in political activities not prohibited by this code."

Mayor Hammond asked if any member of the audience wished to make any comments on this matter. No comments were made. The City Manager advised that if anyone wished to check any further on the matter they could contact the City Attorney. The City Clerk was directed to so advise Mr. Andrews.

HOLD OVER AWARD ON CONSTRUCTION OF TWO COMFORT STATIONS 3-65

Tabulation of the six bids received on April 20 for the construction of one comfort station in Beard Brook Park and one in West Side Park was distributed to the Council. The low bidder, B.B. Ford, bid the sum of \$8,880 for the construction of both stations. The City Manager reported that there was some question about the listing of sub-contractors and asked that award be held over for further clearance until the next Council meeting. It was so ordered.

REJECT BID RECEIVED FOR INSTALLATION OF WATER MAIN ON MCHENRY AVENUE

The City Manager reported receipt of one bid on April 20 for the installation of water main on McHenry Avenue in the sum of \$9,033.67. The City Engineer's estimate for the work was \$3,824.65. Since the bid is more than double the estimate of the cost, he recommended that the bid be rejected and the city be authorized to do the work with its own forces.

RESOLUTION NO. 59-158

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS ON MCHENRY AVENUE

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Spaulding, Knoles, Vander Wall, Mayor Hammond
Noes: None Absent: None

Councilman Spaulding suggested a review of the reasons the contractors are unable to submit reasonable bids on the installation of water lines. He asked that the city's policy of rejecting bids for this work be reviewed considering the fact that there are now three members who were not on the Council at the time the policy was adopted.

The City Manager was asked to set a time for reviewing the policy on public works projects, particularly with respect to the installation of water lines.

Mayor Hammond suggested that members of the Associated Plumbers and other interested contractors be in on the discussion.

The City Manager pointed out that in each case where bids are rejected and work done with city forces an accurate actual cost, including a profit and overhead estimate, is made to the Council after the work is completed. He also pointed out that in a number of cases where the bid exceeded 10% of the engineer's estimate, because of peculiar circumstances, bids had been awarded to private contractors.

ACCEPT BID OF STANDARD MATERIALS INC. FOR PAVING MATERIALS FOR YEAR 1959 4-01

RESOLUTION NO. 59-159

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS, INC. FOR FURNISHING PAVING MATERIALS FOR THE CALENDAR YEAR ENDING DECEMBER 31, 1959

4-22-59 page 4

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

REJECT BIDS ON SUB-TRUNK SEWER ON McHENRY AVENUE 4-08

The City Manager reported three bids had been received on April 20 for the construction of sub-trunk sewer in McHenry Avenue. The low bid of \$27,663.59 had been submitted by W. H. Schallock, which was far above the Engineer's estimate for this project.

The staff has contacted the Division of Highways and received a modification of the backfill requirements which will result in substantial savings on this project. It was recommended that all bids be rejected and the project be readvertised on the basis of the revised specifications.

RESOLUTION NO. 59-160

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE CONSTRUCTION OF SUB-TRUNK SEWERS IN McHENRY AVENUE

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Marks
 Noes: None Absent: None

RESOLUTION NO. 59-161

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF SUB-TRUNK IN McHENRY AVENUE BETWEEN GRANGER AVENUE AND ORANGEBURG AVENUE (UNIT A); BETWEEN ORANGEBURG AVENUE AND HINTZE AVENUE (UNIT B); INVERTED SANITARY SIPHON AT ROSEBURG AVENUE (UNIT C)

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

The time set for opening the bids was May 4 at 2:30 P.M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF CURB AND GUTTER AT J. M. PIKE PARK 4-45

RESOLUTION NO. 59-162

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF CURB AND GUTTER AT PIKE PARK

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

The time set for opening the bids was May 4 at 2:00 P.M.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR WATER PIPE, VALVES AND FITTINGS 4-52

Director of Public Works Ray reviewed the items involved in the specifications and proposed call for bids for water pipe, valves and fittings. The materials are to be used on various projects planned at this time, including services to subdivisions which have been approved in principle by the Council for the coming budget year. Since the work load will vary according to demand, it is impossible to determine whether these quantities will last for a year at this point. He called attention to a

new change in the specifications which provides that in consideration of alternate bids for pipe, cast iron vs asbestos cement, there would be a 5% differential credited to the cast iron pipe for the 8" diameter pipe.

RESOLUTION NO. 59-163

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING PIPE, VALVES AND FITTINGS

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

The time set for opening bids was 1:30 P.M., May 4.

APPROVE PLANS AND SPECS AND CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT STATION NO. 23 (GOLF COURSE) 4-96

RESOLUTION NO. 59-164

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 23

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

The time set for opening the bids was 2:15 P.M., May 4.

REQUEST FOR CANCELLATION OF LEASE FILED BY BOMBERGER BROTHERS 4-101

A notice received from A.S. & P.S. Bomberger notifying the city that they wished to cancel their lease, as provided in paragraph 8, for the rental of lots 10 and 11, Block 66 for off street parking lot, was noted by the Council.

MOTION

That the notice of cancellation be acknowledged and the staff be directed to take the necessary action to remove the improvements from the lot (parking meters, posts and sign).

Moved by Arata Seconded by Spaulding Unanimously carried

CLEAR McHENRY AVENUE IMPROVEMENT MATTERS 4-120

The City Manager presented two right of way contracts relating to the McHenry Avenue improvement project, for acceptance by the Council:

M-115 Walter Soper, estimated damage cost \$995
M-119 Jack R. Watson et ux, estimated damage cost \$850

RESOLUTION NO. 59-165

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG McHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

4-22-59 page 6

RESOLUTION NO. 59-166

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND JACK R. WATSON AND ALBERTA WATSON FOR WIDENING OF McHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT ON BEHALF OF THE CITY

Introduced by Spaulding Seconded by Arata
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Marks
 Noes: None Absent: None

The City Manager reported that Mr. and Mrs. Watson had also executed an agreement with the city relating to the relocation and improvement of the alley in the rear of their property.

MOTION

That the staff be instructed to prepare the ordinance approving the agreement.

Moved by Adams Seconded by Spaulding Unanimously carried

REPORT ON McHENRY AVENUE PROJECT 5-50

The City Manager reported that out of over 140 parcels of property needed for the McHenry Avenue widening project, all but five have now been dedicated. In a few cases where agreements have been approved some technical points remain to be cleared before they can be dismissed in the court action. All of these parcels, which represents over three miles of frontage, have been dedicated without any payment for land, although the city has paid for the moving of signs, relocation or replacement of other improvements and for specific damages. The remaining five parcels, representing only about 400 feet of frontage, are owned by Cyril Conetto Jr., Viola Froloff, Rose Mehegan and Frances Thompson, and are now under condemnation proceedings in the court. Orders for immediate possession have been obtained from the court on parcels not yet cleared. The staff is certifying to the state that it will have legal possession of the property required for the project on Monday, April 27. This will clear the right of way by Wednesday, April 29, the date bids for the project will be received by the state.

The City Manager expressed the city's appreciation to all of the property owners who have participated on the basis that the value of the land voluntarily dedicated will be exceeded by benefits received from the improvements to be made by the city and the state. He considered that this was an outstanding example of citizen cooperation, without which it would have been impossible to obtain this urgently needed improvement without excessive costs to the property owners and the taxpayers of the city.

One of the factors which has made this project possible, he stated, is the help of the McHenry Avenue Improvement Association.

Howard Wilbourn, member of the Association, expressed appreciation for the cooperation of all persons concerned.

The City Manager expressed his appreciation for the fine cooperation received from Allen Odell, Appraiser for the American Right of Way and Appraisal Contractors.

Mr. Odell stated that none of this would have been possible without the attitude of the City Council. He pointed out that the Council had been the mainfactor in making the project successful.

The City Manager stated a precise report would be made to the Council on the city's expenditures on the project.

ACCEPT CONSTRUCTION OF PUMP HOUSE AT STATION NO. 21 5-97

The City Manager reported that the pump house at Station No. 21 had been completed by the contractor Edward A. Tomlinson, acceptance of the job, payment of amounts due and recordation of Notice of Completion with the County Recorder were in order.

RESOLUTION NO. 59-167

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO 21 BY EDWARD A. TOMLINSON; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

ACCEPT CONSTRUCTION OF TRAFFIC SIGNALS AT WASHINGTON AND H STREETS FROM INDUSTRIAL ELECTRICAL COMPANY 5-105

The City Manager reported that the installation of traffic signals at Washington and H Streets had been completed by the contractor, Industrial Electrical Company, that payments due under the contract could be authorized and notice of completion recorded with the County Recorder.

RESOLUTION NO. 59-168

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AT WASHINGTON AND H STREETS BY INDUSTRIAL ELECTRICAL 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, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

LEGISLATIVE MATTERS 5-107

Senate Bill 597: Relating to state, regional and local planning, establishing the office of State Planning and Conservation in the Department of Finance, providing for and assigning powers and duties to office, creating a policy-making council and an advisory committee for said office.

Mayor Hammond noted that the Council had adopted a motion on April 8, supporting this bill in principle. He reported a complaint had been filed by Mrs. Earl Althoff that the Council had not given sufficient consideration to the implications of the proposed bill before taking action.

Mayor Hammond pointed out that the bill was aimed primarily at coordinating the various departments of the state and was not creating a new agency, its purpose was advisory and not to be regulatory in any sense. The bill had been amended and may not be in its final form. He quoted from the bill itself, outlining some of its basic features and stated if there were some specific areas of concern from the audience, the Council would discuss them. Mayor Hammond pointed out that this Council, as well as other agencies of the state, has been faced with tremendous growth in the last few years. It is the responsibility of the elected legislative members to meet this growth problem with the proper information and planning to provide for orderly growth. The primary purpose of this agency would be to eliminate much of the guess work which had occurred in governmental operation and conflicts between agencies. The bill proposes, he stated, that "The State Planning Officer may call conferences of representatives of federal, state, regional and local agencies for the purpose of developing or for the purpose of reviewing or revising the State Department Plan by discussion and agreement". He stressed that this would not be by regulatory means of any kind but would be handled on the basis of discussion and agreement.

He pointed out that under the proposed bill if there is a conflict in proposed public works projects the agencies will be notified of such conflict, appropriate action to eliminate such conflict will be recommended, and reports will be requested on actions taken pursuant to such recommendations.

He pointed out that the provisions included in Article 7 and Article 8 were essentially the same as in the present state law. He reviewed the provision of the bill relating to the membership of the Council (page 10). This membership roster, he pointed out, consists of men already heading various state departments. This procedure will help assure the people of the state that they are getting the proper planning and coordination which they have a right to expect. He pointed out the bill specifically stated that "No regulatory powers concerning local planning are vested in the office of State Planning and Conservation, the Department of Finance or the committee".

Mayor Hammond invited those members of the audience who objected to the bill to state their objections for Council consideration.

Jared Hawkins, an attorney, spoke in opposition to the entire bill, stating that the bill was dangerous to the people of the state,

that Senator Farr, sponsor of the bill, was doing a disservice to the people of the state, and that any legislative body which endorsed the bill was doing likewise. If bills such as this are adopted, there will soon be socialized medicine, engineering, farming and law. He considered that master plans created clouds on title of real property, and stated that Dan Smoot's report on legislation indicates that interstate planning will be next. He urged the Council members to read these reports and "get the facts" before endorsing such type of legislation. He pointed out that he was speaking for a group of citizens who wished to preserve "individualism".

Mr. Hawkins considered that "we have plenty of problems in the City without endorsing state legislation unless each member of the Council very thoroughly goes to each portion of the bill to determine what sleepers there are in that bill".

Answering a request of Mayor Hammond to point out the "sleepers" in the proposed bill, Mr. Hawkins stated:

- 1- That the bill provided for the start of another large, expensive, heavily staffed state bureau;
- 2- That the state department would work with the various master plans throughout the state and these plans would create clouds on private property;
- 3- That it was all right for the state to manage its own public affairs, such as roads, streets, and beaches, but when it goes into the private side of the situation, it would trample upon private property rights;
- 4- That when a land use program involving private property is set up it would infringe upon the private property rights;
- 5- That when regional plans and state plans are set up as proposed it would worsen the situation;
- 6- When federal funds are accepted, inter-state planning would ensue.

Summing up his arguments, Mr. Hawkins stated that the bill was "a socialist plan, an ever increasing despotic program and unless stopped in a short time would change the existing form of government".

Mayor Hammond stated that with the population growth in California, people would cut their throats, if they didn't have legislative officials who recognized the problems which are created by the crowding together of people. This is the basic reason for the proposed bill, he stated.

Councilman Spaulding commented on the statements made by Mr. Hawkins as follows:

- 1- That Mr. Hawkins' statement regarding the disservice being done by the sponsors of this bill was a personal opinion of Mr. Hawkins;
- 2- That there has been no legal determination to back up Mr. Hawkins' statement that master plans cast a cloud on titles. This is a matter to be decided by courts not by the opinion of any individual, be he a lawyer or not;

- 3- That only one sleeper was mentioned--that there would be a new bureau but actually, the Board is made up of a number of department heads who are already in state employ and it will be a coordinating body without regulatory power to give information in a central spot where all groups can obtain it.
- 4- That when a lot of people live in a small area it becomes necessary to tramp upon a few of the inclinations of some people who do not keep too well in mind the welfare of their neighbors. Traffic and public health laws trample on the rights of individuals too.
- 5- That the sum and substance of Mr. Hawkins' arguments is that he does not believe in planning.

Councilman Spaulding considered that "planning is a must" and the proposed bill is an important step forward in some sensible coordinated planning for the state as a whole.

The following persons spoke in opposition of the proposed bill:

S. E. Courtney
Mrs. Althoff
W. G. Honneycutt
Mrs. Leo Foletta
Mrs. Ursini
Earl Althoff
Jim Frey

Robert Moore
Edith Massera
Mrs. Robert Moore
Carl Poyer
Mrs. Marion Meiley
Warren Dow

Mayor Hammond closed the discussion and expressed appreciation to the people who had come before the Council to express their views on the proposed bill. He recommended in deference to the two newly elected Council members who have not had an opportunity to study the bill that any further Council discussion or action be held over until the next Council meeting, May 6.

MOTION

That any further consideration of the proposed bill be held over until May 6.

Moved by Adams Seconded by Spaulding Unanimously carried

LEGISLATIVE MATTERS (continued)

AB-1463 Would amend the Health and Safety Code to prohibit the furnishing of water for human consumption or for domestic use to which there had been added any medicinal or other substance with the intent or for the purpose of affecting the physical or mental functions of the body of any person consuming such water.

The City Manager pointed out that this would possibly prohibit the chlorination of water, which is standard practice in many cities, although it is not done in this city. If the people of a city voted to fluoridate its water system, this bill would prohibit it. He recommended that the bill be opposed in principle by the City of Modesto because those determinations should be made locally. This bill violates the home rule principle, he stated.

MOTION

That the Council oppose this bill in principle on the basis outlined by the City Manager

Moved by Spaulding Seconded by Adams
Mayor Hammond declared that the motion carried

AB1985 Matter relating to libraries. This matter was referred to Librarian Carl Hamilton, for study and report back to the Council.

REPORTS FROM THE PLANNING COMMISSION 11-110

The City Manager stated that there would be no reports from the Planning Commission for Council consideration.

MAYOR APPOINTS COMMITTEE ON SELECTION OF FOUR YEAR COLLEGE SITE 11-116

Mayor Hammond reported that the State authorities working on the selection of a site for the four year college to be constructed in this area, are now ready for Council discussion. He appointed a Council Committee composed of Councilman Adams, Chairman, Councilman Knoles. He stated that he would also assist on this committee.

REPORT ON INCREASE IN TURLOCK IRRIGATION DISTRICT POWER RATES 11-120

Harvey Jensen, 1136 Cecil Way, local manager of the California Vegetable Concentrates plant located in the Modesto Industrial Park, commented on the increase in the electrical rate made by the Turlock Irrigation District. The cost of the increased rate for various plants was recently discussed at a conference with the TID Board. The Board has asked its Engineer to make a study and report as to what action it could take on the points brought out at this conference. The Board had pointed out that it had certain costs but if there were some adjustments which could be made it would be considered.

Mr. Jensen stated that he had advised the Board it should be cautious in increasing its rates at this time when new industries were coming to California looking for locations. The main things considered in selecting sites were price of land, price of water, power fuel, taxes and labor supply.

Mayor Hammond pointed out that the City of Modesto was interested in any increase of rates as the new industrial area was served by TID. He appointed Councilman Arata, Chairman, Councilman Vander Wall and himself as a committee to review the TID and

4-22-59 page 9

page 10

MID rates and to let the Districts know of the city's concern as it would affect Modesto's industrial future.

Councilman Arata asked the staff to prepare a report on the differences between the MID and TID rates.

Mr. Jensen suggested that the Turlock Chamber of Commerce Committee, which had been active on this matter, the industrial committee of the Modesto Chamber of Commerce and the industrial committees from both the cities of Turlock and Modesto work together on this matter. He answered a question raised by Councilman Arata that TID had advised that its main reason for the increase was the fact its costs had increased so much over the past years that further income was mandatory.

MOTION

That the establishment of the committees for the selection of the College site and the electric rate committee be approved

Moved by Spaulding Seconded by Knoles Unanimously carried

MOTION

That Mayor Hammond be authorized to write a letter to the TID on behalf of the Council expressing the city's interest and asking to be advised of any meetings where the increased rates will be considered.

Moved by Adams Seconded by Spaulding Unanimously carried

MEETING IN LOS BANOS OF THE CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES

The Council members were reminded of the meeting being held in Los Banos on Thursday, April 23.

REPORT ON BIDS RECEIVED FOR REBUILDING OF DENNETT DAM 11-79

Unanimous approval was given to the City Manager to present a matter not on the agenda---report on meeting with county staff relating to bids received for the reconstruction of Dennett Dam .

He reported that it was generally considered by the city and county staffs that something should be done to determine if there was some way the project could proceed without getting involved in the amount of money indicated by the bids. The bids can stand for a few days, go by the time allowed for acceptance, and the county could still award the bid if the contractor was willing to accept. Alternatives would be: 1) to see if something could be cleared and the contractor would still be willing to go on the price or 2) to indicate clearly to the county now that the Council wished to take additional time and thoroughly review the matter before any specific action was taken and to then review with the county the means by which costs might be reduced and accomplished if the city wishes to proceed.

Councilman Arata suggested delay to permit the city's engineering staff to check out the plans and specifications to determine why the bids had been so high.

The possibility of a change in the design might be worked out which would reduce the cost, was pointed out by Councilman Adams.

The City Manager stated that the county is faced with the problem now that it either has to award the bid or reject it. The basic question for the Council is---should the bids be rejected and additional time taken to see if the improvement could be provided at a lower cost.

Mayor Hammond stated that he could not reconcile the lowest bid of \$150,000 plus with the amount of work to be done.

Answering a question from Councilman Adams, Director of Public Works Ray stated that two weeks delay would not affect the building of the dam this year because the snow pack was low and the spring run off would not be heavy. Not much could be resolved in two weeks, however, if a major change is to be made in the plans and specifications. All changes must be approved by the county, city and state agencies. This would be time consuming and a new call for bids would be required. With the problems involved, the reconstruction could not be considered this fiscal year. He reported that Oliver Deatsch, of the county staff, has agreed to go to Sacramento to discuss the matter with state representatives to determine if they would have any suggestions as to how the design could be revised to affect the cost. A representative of the city staff will accompany Mr. Deatsch.

The City Manager pointed out the possibility of the county increasing its allocation of \$40,000 for the project.

MOTION

That the county be advised that on the basis of the present contract, it is the position of the city that these bids should not be accepted and that every effort be made as promptly as possible to see if the project can be resolved on some other basis that would permit the improvement to be made at a lesser cost.

Moved by Arata Seconded by Adams Unanimously carried

COUNCIL MEET IN EXECUTIVE SESSION 13-26

Mayor Hammond was given consent by the Council members to call an executive session after adjournment of this meeting to consider the matter of the appointment of a new member to the Council.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Vander Wall 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, Spaulding, Vander Wall, Mayor
Hammond
Absent: Councilmen: Adams

Councilman Adams arrived at 4:05 P.M.

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 regular Council meetings of April 1, 8 and 15 and the special meetings of April 20 and 21, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM ROBERT B. BRADFORD RE: FREEWAY AGREEMENT 1-20

A letter was read from Robert B. Bradford, Director of Public Works for the State of California, acknowledging receipt of letters from Mayor Marks and City Manager Ross Miller concerning the freeway agreement, and stating that an early allocation of funds for the freeway would be seriously considered in the preparation of the annual state highway budget. The letter was ordered filed.

LETTER FROM REV. VELMA A. LACKEY RE: STREET SERVICES ON H STREET 1-30

A letter was read from Rev. Velma A. Lackey, requesting permission to hold a street service on H Street near 9th on Friday evenings between 6:30 P.M. and 7:30 P.M.

Doug Carmody reported that this request had been granted in the past. He stated that Frank Holquinn, Manager of the Hub Clothing Company, objected as his store is open until 9 P.M. on all nights except Sunday and the parking space is essential. He recommended that 1) either the request be granted for the service to be conducted on the sidewalk, in an alley, or on private property, such as the nearby Turner's parking lot, or 2) to grant the request for some other less heavily traveled intersection.

MOTION

That the staff be authorized to work with Rev. Lackey to obtain a suitable area for the service that does not interfere with parking or traffic.

Moved by Mayor Hammond Seconded by Arata Unanimously carried

LETTER FROM BOARD OF SUPERVISORS RE: CITY-COUNTY RELATIONS 1-95

A letter from the Stanislaus County Board of Supervisors was read congratulating the newly elected and re-elected members of the Council and expressing hope that future problems between the City of Modesto and Stanislaus County could be minimized through a renewed spirit of cooperation.

Joe Domecq, Chairman of the Board, urged that the City and County share many more meetings on matters of interest between the two bodies to resolve problems more easily.

Councilman Adams agreed that the Council members should try to attend more meetings of the City-County Committee.

REQUEST OF STATE AIRCRAFT OWNER'S ASSOCIATION RE: STATE LEGISLATION ON INSURANCE AND IN LIEU TAX 2-5

Bill Howe, representing the State Aircraft Owner's Association, asked for Council support on the Association's position in opposing Senate Bill 582, which provides for aircraft registration and in lieu tax, and Assembly Bill 1565, aircraft financial responsibility act proposing a license for the pilots; and supporting Assembly Bill 2191 which would abolish the State Aeronautics Commission.

City Manager Miller reported that both SB582 and AB1565 have been substantially amended and offered to furnish the revised copies to the Council as soon as they become available.

Councilman Arata stated that he concurred with Mr. Howe in opposition to the two bills as they are submitted. He considered that the State would be interfering with the privately owned planes and that there was no need for a duplication of the taxes already levied.

Councilman Adams suggested that, in view of the proposed amendments, this matter be held over for further study.

MOTION

That this matter be held over for one week.

Moved by Adams Seconded by Knoles

Mayor Hammond ruled the motion failed to carry.

MOTION

That the Council go on record as opposing SB582 and AB1565 and supporting AB2191 as originally introduced.

Moved by Vander Wall Seconded by Arata Motion carried

FURTHER CONSIDERATION OF LEGISLATIVE MATTERS 3-80

The City Manager read the amendments which have been made to SB597 - Revision of State Planning Office.

MOTION

That the Council reaffirm its position as supporting this bill in principle.

Moved by Spaulding Seconded by Adams Motion carried
5-6-59 Page 2

LETTER FROM FRANK ANDREWS RE: POWER SITUATION 4-32

The letter and affidavit of publication received from Frank Andrews relating to the power situation in Modesto was read and ordered filed.

LETTER FROM JOHN J. McFALL RE: SANTA CRUZ HARBOR PROJECT 4-40

The letter from Congressman John J. McFall was read expressing his appreciation for the Council's help concerning the project and stating that he is helping to get some of the projects under way this year. The letter was ordered filed.

LETTER FROM E. J. VICTORINO RE: LIABILITY INSURANCE AT CITY-COUNTY AIRPORT 4-45

The letter from E. J. Victorino was read thanking the Council for the prompt passage of the ordinance concerning the liability insurance at the City-County Airport. Through the efforts of Airport Manager Sham in promoting this legislation, it is estimated that 97% of the aircraft now based in the County will be protected, he stated.

REQUEST BY ANTHONY SILVA RE: USE OF 11th STREET FOR NAVY DISPLAY 4-50

Anthony Silva, Navy Recruiter, requested Council permission to park a 45' van on the east side of 11th between I and J on May 19 between the hours of 9 A.M. and 5 P.M.

The City Manager reported that the staff had checked with Harry Quinn, President of the Merchants Association, and Graham May, Director of the Association and head of the Parking Committee, and neither had objection to this display.

MOTION

That the staff be authorized to make arrangements as requested.

Moved by Vander Wall Seconded by Knoles Unanimously carried

APPROVE CALL FOR BIDS FOR DEEP WELL AT PUMP STATION NO. 22 4-62

RESOLUTION NO. 59-169

A RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 22

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

The time set for the bid opening was May 25, at 2:00 P.M.

ACCEPT BID OF JACUZZI BROS. INC. FOR ONE DEEP WELL PUMP AT PUMP STATION NO. 23 4-68

RESOLUTION NO. 59-170

A RESOLUTION ACCEPTING THE BID OF \$5,200 FROM JACUZZI BROS. INC. FOR FURNISHING ONE DEEP WELL AND ELECTRICAL EQUIPMENT AT PUMP STATION #23

5-6-59 Page 3

Introduced by Adams Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

ACCEPT BID OF BRAMAN PIPE & SUPPLY COMPANY FOR IRRIGATION SPRINKLERS
 4-95

RESOLUTION NO. 59-171

A RESOLUTION ACCEPTING THE BID OF \$1,779.70 FROM BRAMAN PIPE & SUPPLY COMPANY FOR FURNISHING IRRIGATION SPRINKLERS AND EQUIPMENT FOR DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Vander Wall Seconded by Adams
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

AWARD BIDS FOR FURNISHING OF WATER PIPE, VALVES AND FITTINGS 4-120

A tabulation of the 16 bids received for supplying pipe, valves and fittings, which had been opened at 1:30 P.M. on Monday, May 4, was considered by the Council. The Director of Public Works reported on his recommendations for acceptance.

RESOLUTION NO. 59-172

A RESOLUTION ACCEPTING THE BID OF \$40,960 FROM U. S. PIPE & FOUNDRY COMPANY FOR FURNISHING ~~ASBESTOS CEMENT~~ PIPE (ITEMS 1 & 2)
 CAST IRON

Introduced by Mayor Hammond Seconded by Arata
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

RESOLUTION NO. 59-173

A RESOLUTION ACCEPTING THE BID OF \$68,435 FROM JOHNS-MANVILLE FOR FURNISHING ~~EAST-IRON~~ PIPE (ITEMS 3a, 4a, 5a)
 ASBESTOS CEMENT

Introduced by Spaulding Seconded by Vander Wall
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

RESOLUTION NO. 59-174

A RESOLUTION ACCEPTING THE BID OF \$5,435.02 FROM CRANE COMPANY FOR FURNISHING OF GATE VALVES (ITEMS 6, 7, 8a, 9a).

Introduced by Spaulding Seconded by Arata
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

RESOLUTION NO. 59-175

A RESOLUTION ACCEPTING THE BID OF \$2,938.89 FROM CRANE COMPANY FOR FURNISHING OF CAST IRON FITTINGS (ITEMS 10 TO 20 INC.)

Introduced by Spaulding Seconded by Arata
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

ACCEPT BID OF STANDARD MATERIALS, INC. FOR CONSTRUCTION OF CURB & GUTTER IN PIKE PARK 6-20

RESOLUTION NO. 59-176

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS, INC. IN THE SUM OF \$1,702.80 FOR THE INSTALLATION OF CURB AND GUTTER IN J. M. PIKE PARK

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

ACCEPT BID OF B. B. FORD FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 23 6-25

RESOLUTION NO. 59-177

A RESOLUTION ACCEPTING THE BID OF \$1,465 FROM B. B. FORD FOR THE CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 23

Introduced by Vander Wall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

ACCEPT BID OF W. M. LYLES FOR SUB-TRUNK SEWER ON McHENRY AVENUE 6-30

RESOLUTION NO. 59-178

A RESOLUTION ACCEPTING THE BID OF \$21,435.37 FROM W. M. LYLES FOR THE CONSTRUCTION OF SUB-TRUNK SEWER IN McHENRY AVENUE

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

The City Manager reported that an appropriation transfer would be necessary to cover the additional costs for this construction.

RESOLUTION NO. 59-179

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$10,650 FROM SPECIAL CAPITAL OUTLAY RESERVE TO SPECIAL CAPITAL OUTLAY TO COMPLETE THE SUB-TRUNK SEWER IN McHENRY AVENUE

Introduced by Adams Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

ACCEPT BID FOR CONSTRUCTION OF COMFORT STATIONS AT WEST SIDE AND BEARD BROOK PARKS 6-40

The Director of Public Works reported that this matter had been held over from last week in order to clarify the matter of the use of sub-contractors by B. B. Ford for the electrical installation work involved as they had not been listed in the bid. He stated that Mr. Ford had been contacted and understood that he would not be able to sub-contract any portion of the work except to those sub-contractors listed in his proposal. He recommended acceptance of the bid of B. B. Ford on this basis.

RESOLUTION NO. 59-180

A RESOLUTION ACCEPTING THE BID OF \$8,880 FROM B. B. FORD FOR THE

5-6-59 Page 5

CONSTRUCTION OF COMFORT STATIONS AT WEST SIDE AND BEARD BROOK PARKS

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

APPROVE CALL FOR BIDS FOR FURNISHING ONE HYDROPNEUMATIC STORAGE
 TANK AT PUMP STATION NO. 23 6-60

RESOLUTION NO. 59-181

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS
 FOR THE FURNISHING OF ONE HYDROPNEUMATIC STORAGE TANK AT PUMP
 STATION NO. 23

Introduced by Vander Wall Seconded by Adams
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

APPROVE AGREEMENT WITH JACK R. WATSON RELATING TO DEDICATION AND
 PURCHASE OF PROPERTY - McHENRY AVENUE 6-70

ORDINANCE NO. 305-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO
 AND JACK R. WATSON AND ALBERTA WATSON, HUSBAND AND WIFE, RELATING
 TO THE DEDICATION AND PURCHASE OF CERTAIN REAL PROPERTY"

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

Introduced by Arata Seconded by Adams
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

APPROVE AGREEMENT WITH WALTER E. SOPER RELATING TO THE PURCHASE OF
 PROPERTY - McHENRY AVENUE 6-75

ORDINANCE NO. 306-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO
 AND WALTER E. SOPER RELATING TO THE PURCHASE OF CERTAIN REAL
 PROPERTY"

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

Introduced by Spaulding Seconded by Vander Wall
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

CONSIDER APPLICATION TO F.A.A. FOR CONSTRUCTION OF WIND TEE AND
 REIMBURSEMENT OF LAND COST AT MODESTO CITY-COUNTY AIRPORT 6-80

Assistant Director of Public Works Campbell reported that on
 July 25, 1958 the City made an application for a project with the
 F.A.A. which amounted to the reimbursement of land and a lighted
 wind tee. The original plan was for the city to design the wind
 tee and have it constructed locally. After further checking with the
 F.A.A., it was found that this would require the F.A.A. sending out
 inspectors from Washington and going through the process of getting
 the wind tee approved as a manufactured item, and to proceed on this
 basis would reduce their percentage of participation of the project.

5-6-59 Page 6

He stated that Crouse-Hines Company manufactured approved lighted wind tees and their list price is \$3,600 with a discount of 50%, therefore, the cost of a manufactured wind tee would actually be \$1,800. He recommended revising the plans to include a manufactured wind tee of an approved type which would increase the cost from \$2,600 to \$3,600. He stated he had appeared before the County Board of Supervisors on May 4 and they had adopted a resolution for a project application in the new amount of \$16,545.30.

Answering a question from Councilman Arata, he reported that the City would be reimbursed 54.12% or \$7,006 on the land and a total amount of \$1,948.32 on the construction of the wind tee. The City-County total share would be in the order of \$7,590.98 and the Federal government's share would be \$8,954.32 of the total cost of the project, he stated.

RESOLUTION NO. 59-182

A RESOLUTION APPROVING A NEW PROJECT APPLICATION IN THE AMOUNT OF \$16,545.30 TO F.A.A. FOR CONSTRUCTION OF LIGHTED WIND TEE AND REIMBURSEMENT OF LAND COST AND AUTHORIZING THE CITY MANAGER TO SIGN THE APPLICATION ON BEHALF OF THE CITY

Introduced by Arata Seconded by Vander Wall
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

CONSIDER PROPOSAL ON COOPERATIVE PURCHASING 7-05

The City Manager asked for Council guidance on the proposal made by the City of Oakdale for cooperative purchasing on items whereby savings might be made through the purchasing in larger quantities at lower rates.

MOTION

That the staff be instructed to investigate this matter.

Moved by Spaulding Seconded by Adams Unanimously carried

CONSIDER PACIFIC FRUIT EXPRESS COMPANY BUILDING RELOCATION 7-20

Director of Public Works Ray reported that this matter was in connection with the right of way acquisition for Tully Road improvement and the easement agreement already accepted by the Council. The City has agreed to pay for the relocation of buildings now on the proposed right of way. He recommended that the Pacific Fruit Express Company be authorized to accept the low bid submitted to it by Edward Tomlinson in the amount of \$7280 and that payment be made to the Pacific Fruit Express Co. after the project is completed.

RESOLUTION NO. 59-183

A RESOLUTION AUTHORIZING THE PACIFIC FRUIT EXPRESS COMPANY TO RELOCATE BUILDINGS IN CONNECTION WITH IMPROVEMENT OF TULLY ROAD

Introduced by Arata Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

CONSIDER DRIVEWAY MATTER CORNER OF LaLOMA & YOSEMITE - F. A. JOHNSON 7-50

Assistant Director of Public Works Campbell reported that the

5-6-59 Page 7

Council had approved a previous request for two 36' curb cuts at the service station, it was found they would not afford adequate access to the station because of the island location. He recommended that the width of the driveways be changed to 26' and 48' to adequately serve the islands.

RESOLUTION NO. 59-184

A RESOLUTION GRANTING A VARIANCE TO FLOYD A. JOHNSON TO PERMIT THE CONSTRUCTION OF 26' AND 48' DRIVEWAYS ON THE LaLOMA SIDE OF THE PROPERTY

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

AUTHORIZE RELEASE OF SUBDIVISION BOND ON MONTGOMERY VILLAGE NO. 1
SUBDIVISION 7-70

The Director of Public Works reported that all of the improvements in Montgomery Village No. 1 had been completed by the subdivider, U. Z. Brannon and Geneva Brannon, and that he would recommend the release of the Performance Bond in the amount of \$15,000.

RESOLUTION NO. 59-185

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FILED BY U. Z. BRANNON AND GENEVA BRANNON FOR THE IMPROVEMENTS IN MONTGOMERY VILLAGE NO. 1 SUBDIVISION

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

REQUEST FOR ANNUAL CALIFORNIA RELAYS APPROPRIATION 7-75

A letter was read from William J. Moorad, Chairman California Relays Steering Committee, requesting payment in the amount of \$1250 budgeted last year for the 1959 Relays and asking for a similar request for the 1959-60 budget for use for the 1960 California Relays.

MOTION

That the payment of \$1250 for the 1959 California Relays be authorized and the request for funds for the 1960 Relays be referred to the staff for consideration with the budget.

Moved by Arata Seconded by Vander Wall Unanimously carried

ACCEPT RESOLUTION OF TREVOR J. GRIFFITH FROM BOARD OF ZONING ADJUST-
MENT 7-85

A letter from Trevor J. Griffith submitting his resignation from the Board of Zoning Adjustment due to the press of business was read.

RESOLUTION NO. 59-186

A RESOLUTION ACCEPTING THE RESIGNATION OF TREVOR J. GRIFFITH FROM THE BOARD OF ZONING ADJUSTMENT

Moved by Spaulding Seconded by Vander Wall
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

5-6-59 Page 8

MOTION

That the Mayor be authorized to write a letter of appreciation for services rendered the city to Trevor J. Griffith and send a certificate of service.

Moved by Adams Seconded by Vander Wall Unanimously carried

ACCEPT RESIGNATION OF RAY STARN FROM PERSONNEL COMMISSION 7-95

A letter was received from Ray L. Starn asking the Council to accept his immediate resignation from the Personnel Commission on which he has served for the past 9 months.

RESOLUTION NO. 59-187

A RESOLUTION ACCEPTING THE RESIGNATION OF RAY L. STARN FROM THE PERSONNEL COMMISSION

Introduced by Arata Seconded by Vander Wall
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

MOTION

That the Mayor be authorized to write a letter of appreciation and send a certificate of service for services rendered to the City by Ray L. Starn.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

FURTHER CONSIDER CORRESPONDENCE FROM CITY OF HOPE 7-115

The City Attorney reported that the City had no regulations governing the solicitation of funds and the organization could lawfully proceed with its solicitation project. No action was necessary by the Council and the letter was ordered filed.

ACCEPT COMPLETION OF DEVELOPMENT OF TWO DEEP WELLS BY OSTERBERG & CARROLL 7-120

The City Manager reported that all work in connection with the drilling of two deep wells located at Stations #22 and #15A was completed and recommended acceptance of the work, payment of amounts due and recordation of Notice of Completion with the County Recorder.

RESOLUTION NO. 59-188

A RESOLUTION ACCEPTING THE COMPLETION OF TWO DEEP WELLS BY OSTERBERG AND CARROLL: AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Adams Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

ACCEPT COMPLETION OF CONTRACT FOR WATER LINE TRENCHING AT DRYDEN PARK MUNICIPAL GOLF COURSE 8-05

RESOLUTION NO. 59-189

A RESOLUTION ACCEPTING THE COMPLETION OF WATER LINE TRENCHING AT

5-6-59 Page 9

**DRYDEN PARK MUNICIPAL GOLF COURSE BY TURLOCK TRENCHING COMPANY:
AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF
COMPLETION WITH THE COUNTY RECORDER**

Introduced by Adams Seconded by Vander Wall
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

**ACCEPT COMPLETION OF SOIL CONDITIONING AND FINAL PREPARATION OF GREENS
AT DRYDEN PARK MUNICIPAL 18 HOLE GOLF COURSE BY GEORGE REED 8-10**

The City Manager reported that all work in connection with soil conditioning and final preparation of greens at the Dryden Park Municipal Golf Course had been completed and recommended acceptance by the Council, payment of amounts due and recordation of Notice of Completion with the County Recorder.

RESOLUTION NO. 59-190

**A RESOLUTION ACCEPTING THE COMPLETION OF SOIL CONDITIONING AND FINAL
PREPARATION OF GREENS AT DRYDEN PARK MUNICIPAL GOLF COURSE BY GEORGE
REED: PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION
WITH THE COUNTY RECORDER**

Introduced by Arata Seconded by Spaulding
Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

**CONSIDER APPLICATION TO S.P.Co. TO DISCONTINUE PASSENGER TRAIN
SERVICE THROUGH MODESTO 8-20**

Director of Parking & Traffic Carmody reported that the City has been urged by the Railroad Brotherhoods to intercede in the hearing before the I.C.C. on the matter of discontinuing passenger train service through Modesto.

The City Manager stated that the City had expressed its position to the P.U.C. on this matter and it had been considered at the hearings. No action was taken by the Council.

**CONSIDER SUIT AGAINST CODDING HOMES RE: IMPROVEMENTS IN McHENRY
SUBDIVISION NO. 1 8-33**

The City Attorney asked Council authority to file suit to recover damages from Coddling Homes in connection with improvements which have not been made in McHenry Subdivision No. 1.

MOTION

That the City Attorney be authorized to file suit against Coddling Homes for damages in connection with McHenry No. 1 Subdivision.

Moved by Spaulding Seconded by Arata Unanimously carried

CONSIDER SETTLEMENT OF CITY'S CLAIM - ERIC LARSON CASE 8-40

The City Attorney reported that the City had been offered a settlement in the sum of \$1,947.09 for damages arising out of the Eric Larson automobile accident on October 4, 1955. He recommended that the Council accept the settlement offer.

MOTION

That the settlement offered be approved and the City Attorney be authorized to execute satisfaction of judgment and dismissal with prejudice on behalf of the city.

Moved by Vander Wall Seconded by Knoles Unanimously carried

APPROVE RESOLUTION CODIFYING TRAFFIC REGULATIONS 8-50

RESOLUTION NO. 59-191

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

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

ESTABLISH SERVICE CHARGES FOR MAP SERVICE BY PLANNING DEPARTMENT 8-55

The City Attorney reported that the City had received several requests for continuing city map service/furnishing revised copies of the maps. He recommended that the regulations be revised to charge \$6.50 plus tax for one map service and \$2.00 for each additional service, when maps are not furnished.

RESOLUTION NO. 59-192

A RESOLUTION ESTABLISHING SERVICE CHARGES FOR KEEPING CITY MAPS CURRENT BY THE PLANNING DEPARTMENT

Introduced by Arata Seconded by Vander Wall
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

SET DATE FOR HEARING ON REZONING PROPERTY ON MORRIS (GENE ABEL) 8-70

RESOLUTION NO. 59-193

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 28 OF THE ZONING MAP (GENE ABEL PROPERTY)

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

The time set for the hearing was 7:40 P.M., Wednesday, May 27, 1959.

SET DATE FOR HEARING ON REZONING PROPERTY ON MORRIS & HIGH 8-72

RESOLUTION NO. 59-194

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 28 OF THE ZONING MAP (MORRIS AND HIGH)

5-6-59 Page 11

Introduced by Vander Wall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: None Absent: None

The time set for the hearing was 7:45 P.M., Wednesday, May 27, 1959.

REPORTS FROM PLANNING COMMISSION 8-85

Director of Planning Smeath reminded the Council that due to the election of a new Council, there was a vacancy on the Planning Advisory Committee which should be filled before the next meeting of the Committee. He also suggested the appointing of an alternate member. The Clerk was requested to remind the Council of this matter at the next meeting.

The Director of Planning also reminded the Council of the Seventh Annual University of California Conference on City and Regional Planning to be held in San Francisco on Friday, May 8, 1959.

CONSIDER SALARY CHANGE FOR PART-TIME RECREATION PERSONNEL 8-100

This matter was held over for one week.

CONSIDER PROPOSAL FOR ASSISTANCE ON FIRE GRADING 8-105

The City Manager suggested that a professional firm be hired to act as consultants on the fire grading survey. He stated he would present a specific proposal at the next meeting. No action was taken at this time.

CLEAR CITY HALL MATTERS 8-112

Director of Public Works Ray asked the Council if they still wished to be notified of all minor change orders involving small sums of money or minor changes before approvals are granted. He stated that in some cases answers should be given quickly and it would facilitate the construction if they could be handled by the Public Works Department.

MOTION

That the staff be authorized to approve minor change orders that occur in the construction of the City hall.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

POLICE PROTECTION AND RIGHTS OF CITIZENS IN COMMUNITY 9-40

With the unanimous consent of the Council, the City Manager brought up the matter of police protection and rights of citizens in the community who are having social affairs in their homes. He pointed out that the people had a right to exclude uninvited persons from their parties without fear of damage to their property and reported that the Police Department and the County Sheriff's Department are doing everything possible in order to minimize this problem of party crashers.

Councilman Knoles stated that part of the problem was that often the people are reluctant to sign a complaint out of fear of further damage to themselves or their property.

5-6-59 Page 12

PROGRESS REPORT ON USE OF VETERANS HOUSING PROPERTY 9-110

The City Manager reported that he had checked with the County Board of Supervisors on the use of the old Veterans Housing Project and stated they indicated favorable consideration but took no formal action other than to refer the matter to the County Planning Commission for study and recommendation as to the use.

Councilmen Adams and Mayor Hammond asked for copies of all studies made of this project and staff reports relating to planning and zoning for the west side.

MOTION

That the staff prepare and submit studies along with Commission reports on all planning matters relating to hearings before the Council.

Moved by Adams Seconded by Spaulding Unanimously carried

MOTION

That the staff prepare and submit a report on the park situation covering the growth pattern of the west side of the City and copies of all past staff studies in regard to the location of these parks.

Moved by Hammond Seconded by Vander Wall Unanimously carried

REPORT ON SAVINGS IN MAN HOURS FOR POLICE DEPARTMENT 10-35

The Chief of Police reported that due to the use of the new investigation form for a non-injury vehicle accident which is completed in the field by hand, a total of 440 man-hours or approximately 11 man-weeks will be saved during the present year.

FINANCIAL REPORT FOR MONTH OF APRIL 10-45

The City Manager presented the city's financial report for the month of April.

LEGISLATIVE MATTERS 10-48

The City Manager reported on a bill proposing amendment of the Labor Code to include "hernia, heart trouble and pneumonia" as added coverage for Policemen and Firemen.

The Council indicated it was opposed to this type of extension on the basis that it considered the present coverage adequate.

CONSIDER FURTHER TUOLUMNE BLVD. EXTENSION 10-72

Councilman Arata left the meeting at this time.

The City Manager asked for Council direction on the matter of the Tuolumne Blvd. extension eastward. Because of the work on the proposed freeway, he stated, the Division of Highways should be advised as soon as possible if the City wished to be in a position of extending the route at a later date, in order that the structures planned for the new freeway would permit the extension. He stated that this extension would be a city project at some future date and that it was shown in the General Plan as a major city street.

5-6-59 Page 13

MOTION

That the Council authorize the staff to work with the State to assure that the eastward extension of Tuolumne Blvd. would be as easy and inexpensive as possible.

Moved by Vander Wall Seconded by Knoles Unanimously carried

MAYOR HAMMOND DECLARED RECESS

Mayor Hammond declared a recess at 6:30 P.M. so that the Council could meet in executive session to consider an appointment to the existing vacancy on the City Council.

Mayor Hammond reconvened the Council meeting at 6:50 P.M.

Councilman Arata returned to the Council meeting at this time.

APPOINT JOHN H. MARTIN AS MEMBER OF THE COUNCIL 11-05

RESOLUTION NO. 59-195

A RESOLUTION APPOINTING JOHN H. MARTIN TO THE VACANCY EXISTING IN THE OFFICE OF COUNCILMAN OF THE CITY OF MODESTO

Introduced by Adams Seconded by Spaulding
 Ayes: Adams, Knoles, Spaulding, Vander Wall, Mayor Hammond
 Noes: Arata Absent: None

ADJOURNMENT


MOTION

That the Council meeting now in session be adjourned.

Moved by Knoles Seconded by Spaulding Unanimously carried

The Council meeting was adjourned at 6:55 P.M.

ATTEST:


 Rex E. Gailfus, City Clerk

Modesto City Council
May 13, 1959

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, Spaulding, Vander
Wall, Mayor Hammond
Absent: Councilmen: None

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

Rev. Louise Long gave the invocation.

Mayor Hammond introduced the new Council member, John H. Martin.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of April 22, and the same being available for public inspection and there being no objections, the minutes were approved.

CONSIDER REQUEST FOR BANNER DISPLAY PERMIT BY SALVATION ARMY 1-15

Lieutenant Kenneth L. Hodder, representing the Salvation Army, stated that the Salvation Army was observing National Salvation Army week from Sunday, May 17 to Sunday, May 24 and asked Council permission to publicize this event with a display of banners across some of the downtown streets.

City Attorney Allen Grimes briefly reviewed the Council's policy for granting display banner permits. He asked the Council if it wished to designate this as a permanent event to be added to the list of annual events granted permission for banners. After Council discussion, it was decided to grant the permit for one year only.

RESOLUTION NO. 59-196

A RESOLUTION GRANTING A PERMIT TO THE SALVATION ARMY TO DISPLAY BANNERS ACROSS CITY STREETS DURING SALVATION ARMY WEEK MAY 17 TO MAY 24, 1959

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

LETTER FROM RALPH M. BROWN, ASSEMBLYMAN, RE: RESOLUTION NO. 59-149 2-5

A letter was read from Assemblyman Ralph M. Brown thanking the Council for Resolution No. 59-149 which commended him for his services in the State Assembly and as a Speaker of the State Assembly. The letter was ordered filed.

5-13-59 Page 1

LETTERS COMMENDING ANDY SILVA, GOLF COURSE PROFESSIONAL AT MUNICIPAL GOLF COURSE 2-12

Letters from the following persons and organizations were read commending Andy Silva for his services as manager of the Modesto Municipal Golf Course and recommending him for the like position at the new Dryden Park Municipal Golf Course:

Chuck Hughes, Golf Coach at Downey High School
Jack Ramey, Dryden Poultry Breeding Farm
Eugene Leluch, Chairman Modesto Golf Club

The City Manager stated that Mr. Silva was employed by contract with the Council and was not a regular city employee. He stated that a report of the whole situation was being prepared and consideration should be given by the Council to what changes, if any, should be made in the arrangement for the golf pro for the new golf course.

With the unanimous consent of the Council, the Mayor was authorized to answer the letters explaining the status of the situation at the present time.

LETTER FROM MODESTO GOLF CLUB RE: GREENSKEEPER 3-55

A letter was read from Eugene Leluch, Chairman of the Modesto Golf Club, recommending greenskeeper Donald J. Baker for the like position at the new Dryden Park Municipal Golf Course.

The City Manager stated that at the present time Mr. Baker is in charge of the greens at the new Dryden Park Municipal Golf Course.

LETTER FROM HAROLD V. PEDERSON, INDUSTRIAL DIRECTOR 2-60

A letter was read from Harold V. Pederson, Industrial Director of the Chamber of Commerce, stating that he would assume a new assignment as Industrial Manager of the San Diego Chamber of Commerce this week. He expressed his appreciation for the cooperation of the Council and the City staff in the industrial development efforts of the Chamber. The letter was ordered filed.

LETTER FROM J. M. GREENING, OAKDALE CITY CLERK RE: COOPERATION 2-80

A letter was read from James M. Greening, City Clerk of Oakdale, thanking the Council for the assurance of continued cooperation in solving mutual problems. The City Manager stated this letter was in reply to the Mayor's letter relating to Oakdale's proposal for cooperative purchasing. The letter was ordered filed.

LETTER FROM FRANK ANDREWS RE: WATER SUPPLY 2-83

The letter was read and ordered filed.

CONSIDER PROPOSAL OF LOCAL DEALERS RE: FURNITURE AND SERVICE FOR NEW CITY HALL 2-90

The City Manager reported receipt of a proposal from 4 local office equipment firms in which they offer to enter into a formal agreement with the City to provide an inventory and grading of all office furnishings and equipment presently owned by the City; specifications and layouts for all such furnishings and equipment

needed in the new city hall, and assistance in purchasing the items needed now and in the foreseeable future. A professional fee of \$4,000 would be charged for preparing a master plan and integrating presently owned office furnishings and equipment with that needed for the new city hall.

The local dealers making this offer are:

Lee Brothers Stationers, Inc.

The L. M. Morris Company

Modesto Office Equipment Company

Rush Office Equipment Company

The City Manager clarified the proposal for the Council. He stated that the offer was in two parts, 1) provision of services, and 2) offer of special terms for the purchase of the furniture and equipment needed.

After Council discussion it was decided that a committee would be established to work with the staff to consider this proposal and report back to the Council.

MOTION

That a committee be appointed to work with the staff to prepare a report and agreement and present it to the Council next week.

Moved by Arata Seconded by Spaulding Unanimously carried

Councilman Vander Wall, Chairman, and Councilmen Knoles and Martin were appointed to work on this committee.

HEARING ON PROPOSED ANNEXATION OF GREGORY GARDENS NO. 4 ADDITION 3-120

Mayor Hammond declared that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposed annexation of Gregory Gardens No. 4 Addition.

The City Clerk certified that the notice of the hearing had been published as required by law, notices had been mailed to interested parties and no written protests had been received.

Mayor Hammond asked if there were any oral protests or if anyone wished to make any comments. Mayor Hammond declared the hearing closed.

The City Manager pointed out to the Council that continued annexations of residential areas thinned out the tax base and would require additional city personnel and equipment.

ORDINANCE NO. 307-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE GREGORY GARDENS NO. 4 ADDITION TO THE CITY OF MODESTO"

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

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

APPROVE CALL FOR BIDS FOR PUMP HOUSE AT PUMP STATION NO. 22 4-35

RESOLUTION NO. 59-197

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 22

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

The time set for the bid opening was May 25 at 2:15 P.M.

FINAL ADOPTION ORDINANCE NO. 306-C.S. AGREEMENT WITH WALTER E. SOPER 4-40

ORDINANCE NO. 306-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER E. SOPER RELATING TO THE PURCHASE OF CERTAIN REAL PROPERTY"

introduced on May 6, 1959, 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 Adams
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, Vander Wall, Mayor
 Hammond
 Noes: None Absent: None

AMEND CODE RE: TRAFFIC REGULATION ON EMERALD AVE. 4-55

Director of Parking and Traffic Carmody reported approximately 500 feet of Emerald just south of Maze Blvd. was annexed to the City some time ago as a 35 mile zone. Since it has been annexed to the City, additional houses have been constructed and because of the two schools, Mark Twain on one end and the Franklin School on the other, he recommended the Code be amended to lower the speed limit to 25 miles per hour.

ORDINANCE NO. 308-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

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

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

CONSIDER PROPOSED USE OF FORMER VETERANS' HOUSING PROJECT AREA 4-80

With the unanimous consent of the Council, the City Manager brought up the matter of the proposed use of the former Veterans' Housing project area on California Ave. He reported that a letter from E. W. Hane had been received which stated that the Board of Supervisors had instructed the County Counsel to prepare the necessary documents to transfer this property to the City with the restriction that the property be used for park purposes. He also noted that a written offer for the sale of the property adjacent to this area had been received by the City from Mr. Silveria.

The City Manager stated that the staff was working with Fred Reyland, County Counsel, and a further report would be presented to the Council next week.

CONSIDER FURTHER WIDTH OF PARADISE ROAD 5-10

The City Manager reported that several meetings had been held by representatives of the County and city and a citizens transportation committee to work out street patterns for the west side. He reminded the Council that one of the current major projects of the Planning Staff is the presentation of a report concerning the determinations of street widths. The basic problem before the Council now is, he stated, the final determination if Paradise Road should be constructed as a major 4 lane street or as a 2 lane street. He pointed out that at the time the property was annexed to the City, Paradise was set up as a 2 lane road, and that curbs and gutters had been installed with the understanding that Paradise would remain as a 2 lane collector street, and, as stated in the General Plan, a major 4 lane road would run westward from Paradise in the Tuolumne Blvd. - Chicago Ave. area. This plan was proposed in order to minimize the cutting thru of residential neighborhoods with major throughfares. He stated that the proposed street patterns were tied in with 2 other things, 1) the Tuolumne Blvd. extension, and 2) the railroad grade separations of the new freeway. He reported that the Director of Parking and Traffic has been working with the State on the designs of exchanges and interchanges and that a determination about a grade separation location must be made as soon as possible. He reported that the state would report to the Council on the estimated costs involved as far as rights of way are concerned and their judgment of what the traffic needs and patterns should be to adequately serve the city.

Mayor Hammond pointed out that the location of the overpass or underpass would completely alter the proposed traffic patterns.

By request of the Mayor, Director of Planning Smeath presented a map showing the proposed street patterns for the west side area. He stated that Paradise Road would remain as a 2 lane street under the General Plan, which would still permit reasonable shopping and protection of residential areas. He briefly reviewed the proposed parks and schools for the west side area and reported that most property was zoned commercial along Paradise at the present time. He stated that the land use in the west side area was primarily residential with a few scattered non-conforming uses.

The following persons spoke in favor of Paradise Road as a 4 lane street:

C. A. Brink, member of the County Board of Supervisors
 Joe Domecq, Chairman of the County Board of Supervisors
 Clint Wilson, former member of the Board of Supervisors
 Ellis Delbon, County Road Commissioner

Mr. Fred Johnson, Chairman of the Transportation Subcommittee, spoke in favor of leaving it as a 2 lane road, and dividing the traffic onto Chicago Ave. and the new south road, as proposed in the neighborhood pattern plan.

City Manager Miller pointed out that only a small portion of Paradise Road was inside the city limits and that technically the County would have to make the decision as to whether this road was going to be 66' or 90' wide. He stated that cost factors would be a very important element in determining if these roads should be widened or new one built.

Councilman Arata considered that the city should avoid another project like the McHenry Avenue widening and urged that Paradise Road be made a 4 lane street.

Mayor Hammond suggested that the staff assemble all past studies made on this transportation area in the west side for the new Councilmen and bring these studies up to date for the old Council members as well. He stated that there were two things which would have a major impact on the transportation routes in the community, 1) the proposed state college, and 2) the location of the grade separation. Whatever plans made now would be subject to an immediate review as soon as those things are determined, he stated.

Director of Planning Smeath brought up the matter of the time element involved relating to the subdivision of property on Paradise. He stated that Mr. Navon had been very cooperative in holding up construction of this property and urged the Council to settle the matter as soon as possible.

MOTION

That the staff prepare a comparative report on the alternatives available in regard to the Navon matter if Paradise Road is 2 lane or a 4 lane street.

Moved by Spaulding Seconded by Knoles Unanimously carried

MOTION

That the staff assemble for the Council all past reports made on the transportation studies in the west side area.

Moved by Adams Seconded by Spaulding Unanimously carried

The City Manager suggested that the Planning Commission be asked to join the Council in review of this problem, since it was on their recommendation that the General Plan has been adopted and the Commission had approved the subdivision map for Mr. Navon.

Mr. Domecq urged closer cooperation between the City and County Planning Commissions on matter of this type and suggested that this problem be brought up at the next City-County meeting.

The City Manager suggested that the Advance Planning Staff be asked to report on the matter of street widths as it applies to the County and City as a whole at the next City-County meeting and that representatives of the City Planning Commission be invited to that meeting.

MOTION

That the staff, on behalf of the Council, write to Ralph Saracino, Chairman of the City-County Committee, suggesting that the item of street widths be placed on the agenda for the next City-County meeting.

Moved by Vander Wall Seconded by Adams Unanimously carried

C. R. Hopkins, 1041 Paradise, stated that he had recently sold his property for subdivision purposes and had deeded 5' from the front of his property for right of way as required under a County ordinance.

PROPOSED RESOLUTION CHANGING MAJOR CITY STREETS 10-34

The City Manager reported that due to the fact there have been several annexations since the last determination of Major City Streets for gas tax purposes, a revision is needed before the Project Statements are submitted to the District Office of the Division of Highways for preparation of a memorandum of agreement for the coming fiscal year. It is proposed to extend as Major City Streets, Carver Road, Tully Road and College Avenue to the new city limits to the north, to extend Orangeburg westward to the new city limits and to make a correction at the southern termini of Burney Street, which had been shown as going through an alley.

RESOLUTION NO. 59-198

A RESOLUTION DESIGNATING CERTAIN STREETS, OR A PORTION THEREOF, AS MAJOR CITY STREETS IN THE CITY OF MODESTO, STANISLAUS COUNTY

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

REQUEST CURB CUT VARIANCE ON 11TH STREET BY SEARS, ROEBUCK & CO. 10-60

With the unanimous consent of the Council, the Mayor read a letter from H. A. Quinn, Manager of Sears, Roebuck & Co., requesting a curb cut variance to extend the present curb cut on 11th Street to 41'6".

RESOLUTION NO. 59-199

A RESOLUTION GRANTING A VARIANCE TO SEARS, ROEBUCK AND COMPANY TO PERMIT THE INSTALLATION OF A 41'6" DRIVEWAY ON 11TH STREET

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

REPORT ON STATUS OF RIGHT OF WAY ON STREET PROJECTS 10-90

Assistant Director of Public Works reported on the status of right of way acquisitions of the following projects:
 College Ave.---Cecil Way north to Briggsmore
 Granger Ave.---T. S. R.R. east to McHenry
 Tully Ave.-----99 Highway north to Coldwell
 Roseburg Ave.---Tully Road east to McHenry Ave.
 a copy of which is on file in the City Clerk's office.

CLEAR RIGHT OF WAY ACQUISITION POLICY ON 4 LANE STREETS 10-110

The City Manager asked for Council consideration and approval of the proposed policy covering acquisition of rights of way for construction or widening of Major City Streets. Under this proposal, he stated, the city would agree to install curbs and gutters at city expense, under certain conditions on wide streets.

The City Attorney cautioned the Council about proceeding with this plan before a definite policy is established. He stated that there were many ramifications involved which should be taken into consideration before approval is given. He urged careful consideration as to its limitations to just where it applies in order to assure equity and fairness to all who are similarly situated.

MOTION

That a staff report be prepared showing the specific recommendations on change of policy of right of way acquisition on major city streets.

Moved by Mayor Hammond Seconded by Martin Unanimously carried

CLEAR WORDING OF RESOLUTION NO. 59-54 RE: SEWER & WATER SERVICE POLICY 11-65

The City Manager read Resolution No. 59-95 entitled, "A RESOLUTION REAFFIRMING THE POLICY OF THE CITY OF MODESTO FOR SERVING SEWER AND WATER SERVICES", adopted on February 11, 1959. The Council indicated its approval of the wording and no further action was taken.

CONSIDER SALARY SCHEDULES FOR PART-TIME RECREATION PERSONNEL 11-100

The City Manager read a report, dated April 2, 1959, entitled "Salary Schedules for Part-Time Recreation Personnel", a copy of which is enclosed with the records of this meeting, reviewing the need for adjustments in the salary schedules for part time recreation personnel. He reported the Personnel Commission had approved and recommended the proposed changes.

MOTION

That the staff be authorized to proceed on this basis.

Moved by Arata Seconded by Spaulding Unanimously carried

CONSIDER ASSISTANCE IN FIRE GRADING FOR CITY 12-01

The City Manager reported on the offer submitted by the U. S. Fire Protection Engineering Service, Inc. for helping the city on the fire grading problem. The total cost of their services would not exceed \$1,500 but there would be some expenses involved in traveling, he stated. He asked for Council authorization to proceed with this to work out a specific agreement.

MOTION

That the staff be instructed to prepare an agreement with U. S. Fire Protection Engineering Service, Inc. for assistance with the fire grading program.

Moved by Arata Seconded by Vander Wall Unanimously carried
5-13-59 Page 8

REPORT ON DENNETT DAM PROJECT 12-70

City Manager Miller read a letter received from E. W. Hane, Chief Administrative Officer of Stanislaus County, concerning a proposed revision in the construction of Dennett Dam which would reduce the costs about \$25,000. With the proposed changes, he stated, the cost of construction would exceed \$105,000, which still exceeded the budget for the project. The City Manager suggested that the County might agree to paying 40% of the total cost of the project rather than the \$40,000 under the present agreement.

MOTION

That the Board of Supervisors be asked to further consider paying 40% of the total cost of Dennett Dam and the staff and County be instructed to investigate and report on the high engineering costs of Dennett Dam.

Moved by Vander Wall Seconded by Knoles Unanimously carried

REPORT ON PROPOSED PURCHASE OF MOWERS FOR DRYDEN PARK MUNICIPAL GOLF COURSE 13-10

Director of Parks and Recreation Lowrey reported that 3 mowers would ^{have} be to be purchased by May 25 for use at the new Dryden Park Municipal Golf Course at a total cost of \$1,263.60.

MOTION

That the Manager be authorized to purchase 3 mowers for use at Dryden Park Municipal Golf Course.

Moved by Adams Seconded by Arata Unanimously carried

ACCEPT RIGHT OF WAY CONTRACT FOR McHENRY AVENUE WIDENING PROJECT 13-25

The City Attorney reported that this was one of the parcels under condemnation proceedings and the city was obligated to pay \$6,619 to the National Life and Accident Insurance Company for cost of relocating the Union Oil service station.

RESOLUTION NO. 59-200

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS ALONG McHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS ON BEHALF OF THE CITY

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

Request Street Light Improvement District on McHenry Ave.

Mr. Howard Wilbourn, representing some of the property owners on McHenry Avenue, spoke requesting the Council give some consideration to the installation of street lights concurrently with the McHenry Avenue widening project, and asked the Council to urge the M.I.D. to install the power lines underground where there are no alleys available.

The City Manager stated that a Special Improvement District would have to be established and a poll should be taken of the

property owners as soon as possible to determine their wishes regarding the street lighting proposal.

MOTION

That the staff be instructed to work with the property owners to explore the possibility of a street lighting Special Improvement District on McHenry Avenue.

Moved by Adams Seconded by Vander Wall Unanimously carried

REPORT ON ALCOHOLIC BEVERAGE LICENSE TRANSFER 13-125

The City Manager stated that a letter had been received from Rev. Vinyard of the Trinity Baptist Church protesting to the application for an off-sale liquor license by Robert G. Hunefeld and Morvin V. Cenetti at 2055 Tully Road.

After Council discussion, it was decided that no action could be taken to limit the off-sale of liquor in a shopping center and the City Manager was authorized to notify Rev. Vinyard on that basis but inform him that he could further protest to the Alcoholic Beverage Control Board.

LETTER FROM C. G. WRIGHT RE: PARKING OF SNO-CONE TRUCK 14-30

A letter was read from Charles G. Wright requesting permission to continue parking his sno-cone truck along the curb of the city parks and schools, which is now prohibited under the Municipal Code.

The City Attorney outlined the terms of the ordinance which permits the parking of trucks across the streets from the city parks and schools requiring the children to cross the street in order to purchase anything from these trucks. He stated there were only two alternatives 1) repeal the law for all trucks concerned, and 2) prohibit the parking of these trucks as under the present law.

Councilman Spaulding considered that prohibiting these trucks from parking along the schools and parks created an unsafe condition for the children and suggested that a report be submitted on the reasons for this ordinance.

MOTION

That the staff investigate all phases of the problem and submit a report to the Council on the facts and alternatives in this situation.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

SET DATE HEARING ON PROPOSED AMENDMENT TO SECTION MAP 18 14-77

RESOLUTION NO. 59-201

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 18 OF THE ZONING MAP

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

The time set for the hearing was June 17 at 4:30 P.M.

5-13-59 Page 10

REFER ANNEXATION PETITION TO PLANNING COMMISSION - CLUB HOUSE
ADDITION S.O.S. CLUB 14-85

RESOLUTION NO. 59-202

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

Moved by Spaulding Seconded by Martin

Ayes: Adams, Arata, Knoles, Martin, Spaulding, Vander Wall, Mayor
Hammond

Noes: None Absent: None

LEGISLATIVE MATTERS 14-95

The City Manager reported the State Planning Bill SB597 as
amended had been voted out by the Senate Committee on Governmental
Efficiency and was now before the legislature for approval.

REPORT FROM PLANNING COMMISSION 15-01

Director of Planning Smeath reported on preliminary plans for
a park development in the Laloma Area. He stated that the Planning
Commission had given informal approval of the procedure for using
the M.I.D. Lateral No. 2 property which extends from the El Vista
School westward to Covena Ave. approximately 75' wide and a mile
long for park and recreational purposes. He stated that this
proposal had been informally discussed with the M.I.D. and if given
Council approval, would be brought up at the next meeting of the
Board for final approval. He pointed out that this was a matter of
urgency with the subdividers who want to prepare their subdivisions
on this general basis.

The Council indicated its approval in principle of this pro-
posed park and the staff was instructed to check with the M.I.D.
Board on that basis.

APPOINT THOMAS M. SPAULDING, VICE MAYOR OF THE COUNCIL 15-65

Councilman Adams stated he wished to take this opportunity to
nominate Councilman Spaulding as Vice President of the Council.

RESOLUTION NO. 59-203

A RESOLUTION APPOINTING COUNCILMAN THOMAS M. SPAULDING, VICE
PRESIDENT OF THE COUNCIL

Moved by Adams Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, Spaulding, Vander Wall, Mayor
Hammond

Noes: None Absent: None

REORGANIZATION OF COUNCIL COMMITTEES AND ASSIGNMENTS 15-75

Mayor Hammond recommended that the list of committees be
reviewed and all committees not currently working on an active
assignment be disbanded. He suggested the establishment of a Public
Relations Committee to work for closer cooperation between the
City of Modesto and the County of Stanislaus on joint problems that
arise and the forming of an Industries for City Committee to work
with the Chamber of Commerce.

5-13-59 Page 11

MOTION

That the establishment of the committees on public relations and industries for the city be approved.

Moved by Adams Seconded by Vander Wall Unanimously carried

The following committees were approved by the Council to remain active:

Electric Rates	Arata Chairman, Vander Wall, Mayor Hammond
State College	Adams Chairman, Knoles, Mayor Hammond
Public Relations	Mayor Hammond Chairman, Spaulding, Arata
Industries for City	Martin Chairman, Arata
City Hall furnishings	Vander Wall Chairman, Knoles, Martin

Other Assignments

Stanislaus Cities-County Advisory Planning Committee	Vander Wall, alternate Martin
Board of Directors, East Modesto Sanitation District	Mayor Hammond, alternate Adams
Stanislaus City-County Committee	Spaulding, alternate Vander Wall
Executive Committee of the Central Valley Division of the League of California Cities	Mayor Hammond, alternate Spaulding

The committees which were disbanded are as follows:

Cavil Drain, M.I.D. Franchise
 Dennett Dam
 Garbage
 McHenry Avenue Drainage
 Parking
 Sewer
 Tidewater Southern Franchise
 Water Study

MOTION

That the committees indicated in the Council discussion be disbanded and all others be considered active.

Moved by Knoles Seconded by Vander Wall Unanimously carried

REPORT ON PROPOSED 1959-60 BUDGET

The City Manager distributed copies of the proposed preliminary
 5-13-59 Page 12

budget for the City of Modesto for the fiscal year July 1, 1959 to June 30, 1960, to the Council members for their study and consideration.

REPORT ON COMPENSATION INSURANCE FUND REFUND 16-80

The City Manager reported that there would be no premium refund or dividend due the City for 1957-58 because of the costs and reserves that have been established as a result of the claims filed by city employees. He stated that a proposal for Council consideration was made in the budget and would come up for discussion later.

PROGRESS REPORT ON FILE REORGANIZATION 16-85

The City Manager reported on the progress of the reorganization of annexation files which allows the staff to destroy 4 duplicate files for each annexation.

REQUEST OF AMERICAN MUNICIPAL ASSOCIATION RE: SENATE HEARING IN WASHINGTON 16-90

The City Manager stated that he had received a call from the Executive Director of the American Municipal Association requesting him to testify in Washington before the Senate Committee on Anti-Trust and Monopoly sometime during the latter part of May. He stated that the Association had agreed to pay traveling costs and asked for Council authorization to attend the hearing.

MOTION

That the City Manager be authorized to attend and testify before the Senate Committee.

Moved by Arata Seconded by Knoles Unanimously carried

CONSIDER REQUEST OF CITY ATTORNEY FOR TEMPORARY LEAVE 16-100

The City Attorney requested permission to be absent from the City from May 18 to June 1, for temporary military duty. He stated that Wilmar Jensen would attend the Council meetings as Acting City Attorney during his absence.

MOTION

That the City Attorney be granted leave of absence from May 18 to June 1 for temporary military duty.

Moved by Knoles Seconded by Spaulding Unanimously carried

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS 16-110

RESOLUTION NO. 59-204

A RESOLUTION APPOINTING JOHN TATOYAN A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION

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

5-13-59 Page 13

RESOLUTION NO. 59-205

A RESOLUTION APPOINTING BENJAMIN F. HOLLINGER A MEMBER OF THE
MODESTO CITY BOARD OF ZONING ADJUSTMENT

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

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Knoles Seconded by Arata Unanimously carried

The Council meeting was adjourned at 11:30 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 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, Vander Wall, Mayor
Hammond
Absent: Councilmen: Adams, Martin

Councilman Adams arrived at 4:04 P.M.

City Attorney Allen Grimes being absent, Acting City Attorney Wilmar Jensen acted in his place.

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

Rev. Elmer Pearson gave the invocation.

LETTER FROM MODESTO CITY EMPLOYEES' ASSOCIATION 1-20

A letter from the Modesto City Employees' Association was read requesting Council consideration for the appointment of a special Council committee to consider and investigate problems affecting the working conditions of city employees and to report its findings to the Council.

W. Stambaugh, President of the Association, spoke in behalf of this request.

The Council discussed the possibility that the duties of this committee might duplicate the work of the Personnel Commission. Further study on the proposal was considered necessary before any action was taken by the Council.

City Manager Miller suggested that the Council might wish to set up a special time for the Council and City Employees to jointly review salary matters relating to the 1959-60 budget. Instead of appointing a special committee, he pointed out, the Council could sit as a committee of the whole and consider the points of view the employees might wish to express.

MOTION

That Councilmen Spaulding and Adams confer with the Association officers and report to the Council.

Moved by Arata Seconded by Vander Wall Unanimously carried

LETTERS RELATING TO APPOINTMENT OF GOLF COURSE PROFESSIONAL AT DRYDEN
PARK MUNICIPAL GOLF COURSE 1-85

Letters commending Andy Silva, Golf Professional at the Municipal Golf Course, and urging his appointment to the new Dryden Park Municipal Golf Course from the following were noted and ordered filed:

Leon L. LaFaille, Department Chairman, Physical Education
 Department, Modesto Junior College
 Jay Pattee, Golf and Head Football Coach, Modesto High School
 James H. Corson, Superintendent of Modesto City Schools
 Mae Hopkins, Captain, Modesto Women's Golf Club
 M. Martely, H. J. Whitlock, C. J. Coleman of the Escalon
 Warehouse Company

Mrs. Hopkins also submitted a letter commending Don Baker and asking that he be appointed as greenskeeper for the new golf course.

The City Clerk was directed to acknowledge receipt of the letters outlining the action taken by the Council at its meeting of May 13.

ACCEPT RESIGNATION OF RICHARD LYNQ FROM THE PERSONNEL COMMISSION 1-115

A letter received from Richard Lyng in which he submitted his resignation from the Personnel Commission, effective immediately, was considered by the Council. Increasing demands of both personal and business affairs made it impossible for him to continue on the Commission, Mr. Lyng advised.

RESOLUTION NO. 59-206

A RESOLUTION ACCEPTING THE RESIGNATION OF RICHARD E. LYNQ FROM THE
 MODESTO CITY PERSONNEL COMMISSION

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

Mayor Hammond asked the Council members to submit names of persons for Council consideration for appointment to the Commission.

MOTION

That Mayor Hammond write a letter to Mr. Lyng expressing appreciation for services rendered and that a certificate of service be sent to him.

Moved by Spaulding Seconded by Adams Unanimously carried

ACCEPT BID OF CONSOLIDATED WESTERN STEEL COMPANY FOR HYDROPNEUMATIC
 STORAGE TANK AT PUMP STATION NO. 23 2-05

Director of Public Works Ray reported that the low bid of \$2,056.24 submitted by Grinnell Company for the furnishing of a hydropneumatic storage tank for Pump Station No. 23 provided for a delivery date of 60 days from acceptance of bid. The need for the tank at the new golf course is urgent in order to meet the proposed seeding schedule. He recommended that the bid of \$2,064.40 submitted by Consolidated Western Steel Company be accepted as the lowest and best bid because it provided for a delivery date of June 17, 1959.

RESOLUTION NO. 59-207

A RESOLUTION ACCEPTING THE BID OF \$2,064.40 FROM CONSOLIDATED WESTERN
 STEEL COMPANY FOR FURNISHING ONE HYDROPNEUMATIC STORAGE TANK AT PUMP
 STATION NO. 23

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

ORDINANCE AUTHORIZING THE SALE OF CITY PROPERTY TO Y. K. SHIMMON
(McHENRY AVENUE WIDENING PROJECT) 2-20

ORDINANCE NO. 309-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO Y. K. SHIMMON AND BARBARA W. SHIMMON, HUSBAND AND WIFE"

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

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

HOLD OVER CONSIDERATION OF ORDINANCE RELATING TO AIRPORT INSURANCE REQUIREMENTS 2-30

The City Manager reported that the wording of the original ordinance provided that the insurance company was to assume the "responsibility" but it actually assumes the "liability". In order to have the ordinance comply with the insurance policy it will be necessary to revise the wording of the ordinance. He stated that the City Attorney asked that the ordinance be held over for future consideration.

The Council indicated no objection to the staff assuring the insurance companies that there would be no problem in clearing out the technical point involved.

FINAL ADOPTION OF ORDINANCE NO. 308-C.S. RELATING TO SPEED LIMITS IN THE CITY 2-40

With the unanimous consent of the Council, consideration was given to the final adoption of Ordinance No. 308-C.S.

ORDINANCE NO. 308-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

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

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

SET DATE OF PUBLIC HEARING ON BUDGET FISCAL YEAR 1959-60

The Council discussed the possibility of holding two special meetings per week to consider the budget. Final schedule for meeting dates was held over until the next Council meeting.

RESOLUTION NO. 59-208

A RESOLUTION SETTING THE DATE FOR THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1959-60

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

The time set for the hearing was 8:00 P.M. June 10.

COUNCIL PROTESTS GRANTING OF ON-SALE LICENSE TO WESLEY JACK BUSLER AND JOHN RUGGIERO DBA GEORGE'S PLACE, 122 N. HIGHWAY 99 2-86

The Council considered a report from Police Chief Bowers relating to the application of Wesley Jack Busler and John Ruggiero, dba George's Place at 122 N Highway 99, to the State Department of Alcoholic Beverage Control for an on-sale beer and wine license. Based upon the arrest record of both applicants, Police Chief Bowers recommended that the Council protest the granting of the license.

RESOLUTION NO. 209

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO PROTESTING THE GRANTING OF AN ON-SALE LICENSE TO WESLEY JACK BUSLER AND JOHN RUGGIERO, DBA GEORGE'S PLACE, 122 N. HIGHWAY 99 BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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

AUTHORIZE PURCHASE OF BERMUDA GRASS SEED FOR DRYDEN PARK MUNICIPAL GOLF COURSE 3-05

The City Manager reported that efforts to purchase Bermuda seed for planting fairways at the Dryden Park Municipal Golf Course indicated that this seed was in very short supply. To follow normal bid procedure in purchasing the seed would delay the planting schedule of the course. He recommended that due to the emergency situation the Council authorize the staff to purchase the seed at an estimated cost of \$1,366. without going to bids.

The Council found that it was urgently necessary to authorize the purchase of the seed without calling for bids in order to protect and preserve the public interest, welfare and property.

RESOLUTION NO. 59-210

A RESOLUTION AUTHORIZING THE PURCHASE OF SEED FOR THE PLANTING OF THE DRYDEN PARK MUNICIPAL GOLF COURSE WITHOUT CALLING FOR BIDS DUE TO THE URGENCY

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

FURTHER REPORT ON COST OF BUILDING DENNETT DAM 3-29

Oliver Deatsch, Stanislaus County Surveyor, reviewed the factors involved in the difference between the estimated cost of the re-construction of Dennett Dam and the actual bid recently received for the work.

5-20-59 Page 4

The City Manager pointed out that the fact the dam is costing more than anticipated was not Mr. Deatsch's fault because the preliminary estimate had been made a number of years ago and without the benefit of plans.

Mayor Hammond stated that the questions raised by the Council were 1) with the base of the old dam still in existence, why should it cost so much money to rebuild it?, and 2) what avenues could be utilized to arrive at a cheaper solution.

Mr. Deatsch stated that conferences between the city and county staffs, indicated that it may be possible to effect some reduction in costs by minor changes in the plans if these changes can be approved by the State. He pointed out that it would be possible to build a dam for less money but the maintenance cost would be expensive for the city, who is to maintain the dam after construction. He stated that if the dam was to be built at all, that it should be constructed on a permanent basis rather than a temporary basis as was done in the past. One of the possibilities in reducing the cost would be to reduce the length of the dam if it was to be redesigned.

Mr. Deatsch stated that the original estimate of approximately \$100,000 for the reconstruction had been made prior to 1956. Since that time there has been four years of increases which the contractor must take into consideration; steel costs have increased and bidding contractors who inspected the site considered that they might have trouble underneath the dam.

The City Manager reported that the possibility of increased participation in the costs by the County had not yet been cleared.

In response to a question raised by the City Manager, Mr. Deatsch stated that the change in plans considered by the city and county staffs might reduce the cost approximately \$25,000 if, 1) the deck was narrowed somewhat, thereby reducing some concrete quantities, and 2) sheet piling could be installed in a different manner than was originally specified in the specifications.

The Director of Public Works stated that the city-county staffs were not convinced that that much reduction in cost could be made. However, there may be some minor adjustments which could affect the price. All of the changes must be cleared by consultation with the State Boards and Commissions involved before they can be made.

Mr. Deatsch suggested that it was good practice to have ample public works projects on the "shelf". This project might fall in that category.

MOTION

That this matter will not be tabled, that the city renew its study from an engineering standpoint, and that further conferences be held with the county as far as sharing the costs with the thought in mind that if this cannot be completed this year, it will be done during the next fiscal year 1960-61, if at all possible.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

REQUEST BY SALVATION ARMY FOR ANNUAL APPROPRIATION 4-99

A request for payment of the city's annual budgeted contribution of \$300 was filed by the Salvation Army.

MOTION

That payment of \$300 be authorized to the Salvation Army.

Introduced by Arata Seconded by Spaulding Unanimously carried

CONSIDER FURTHER REQUEST BY THE SALVATION ARMY FOR INCREASE OF ANNUAL APPROPRIATION 4-102

Lieutenant Kenneth Hodder of the Salvation Army appeared before the Council to further discuss the Army's previous request for an increase in the annual allocation from \$300 to \$5000.

A letter from the Army was read, supplementing its letter of Sept. 17, 1958, requesting its appropriation be increased and advising that members of its Advisory Board would be present at this Council meeting to further discuss the matter.

Lieutenant Hodder asked that the original request for a \$5,000 annual contribution be amended to provide for no specific amount but for the annual appropriation to be substantially increased. Any sum mentioned would be based not upon need, but upon a practical assessment of the Army's resources, he stated. Modesto attracts agricultural workers and must accept part of the responsibility for some of the problems arising from the presence of these people. He reported that during the past three months, the Army has served approximately 1800 men. Projected over a year would mean that it would serve with meals, food, lodging, clothing, etc. approximately 7000 men. If the Army was not able to perform this service, at a small per capita expense, the city would have the responsibility in some way of solving the problems which would accrue because of the influx of the agricultural type of labor.

Mayor Hammond pointed out that the city could not be in a position of establishing a welfare agency. The only basis for contribution to the Army's work would be on the saving of expense which would accrue in handling the problem mentioned by Lieutenant Hodder.

The City Manager noted that copies of a report "Salvation Army Request for Allocation of Additional Funds" had previously been distributed to the Council members for study, with a copy to Mr. Hodder. He pointed out that he knew of no legal basis for the city getting into the business of welfare. It is assigned by state law to the county. The City does feel, however, he continued, that there is an area of activity and interest where the Army has been able to assist the city with situations which sometimes arose. The amounts involved must be limited for the city to continue to justify allocation of funds.

Answering a question raised by Councilman Spaulding, Lieutenant Hodder reported that the Army did not wish to have a basis of payment made on police referrals but as far as a future possible basis for Council consideration there is a per capita expense basis of 75¢ per person. This figure could be used as a criteria upon which the Council could make a further appropriation to the Army.

Mayor Hammond considered before the Council could take any action, its legal position should be clarified. After this was done further studies could be undertaken with the Army and Advisory Board to arrive at a more satisfactory solution, if there was one possible, under proper legal channels.

Councilman Arata considered this might leave the door open for other organizations.

Charles Dow, Chairman of the Salvation Army Advisory Board, stated that the legal aspects should be cleared before any further action. After this is cleared and if it is determined legal, he wished to have the opportunity to again appear before the Council to discuss the matter.

MOTION

That the request of the Army will be held in abeyance until the legality is cleared by the City Attorney and the staff be authorized to continue its study on the means of handling the matter.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

FURTHER CONSIDERATION OF PARADISE ROAD MATTER 5-120

With the unanimous consent of the Council, further consideration was given to the matter of the width of Paradise Road.

The City Manager noted that the Planning Director had prepared a report, dated May 20, on "Curbs and sidewalks on Paradise Road-Walnut Grove Subdivision". He pointed out that Subdivider Elliott Navon was holding up building, as requested by the Council, until further Council consideration. He reviewed the situation briefly. The Walnut Grove Subdivision is now under development. Both the county and city approved the widths of Paradise Road as 66 feet and present curb locations. All of Paradise Road was and still is in the county and annexations have included privately owned property only, and the curbs and gutters are still in the unincorporated area.

Elliott Navon gave a brief report on the background of the problem, and pointed out that

- 1- The county approved the tentative map;
- 2- At the time of county consideration of the map prior to annexation, no suggestions or objections were offered by the county on the proposed width of Paradise Road as 66 feet;
- 3- Approval was obtained from the County before the City Planning Commission approved the design of the subdivision;
- 4- On the strength of approval by the county, a portion of the area has been leased to a major oil company. If 18 feet right of way is taken, one fourth of the entire property will be taken. There is a long term lease on this area. One-half an acre will have to be taken from the shopping center for right of way if the road is widened to four lanes. The value of this land is figured at \$20,000 per acre. It would also be necessary to take 18 feet from the residential lots along Paradise Road which would spoil the lots.

Mayor Hammond pointed out that the matter could not be resolved by the city and it would have to be resolved by the County.

Mr. Navon stated since he had complied with all the city and county regulations that he would proceed with his plans for the development of the area.

Mayor Hammond considered that the city-county joint studies should continue on the width of Paradise Road.

Director of Planning Smeath reported that when the city annexed the subdivision, it could have taken all the street or none of it. If the property across the street is annexed (Denver Gant property), the entire street area could be annexed. This width of Paradise Road at this point would then become a city problem.

FURTHER CONSIDERATION OF REQUEST FOR REDUCTION IN FORTUNE TELLING LICENSE FEE 7-05

With the unanimous consent of the Council, further consideration was given to the request of Attorney Al Frad that the fortune telling license fee of \$500 per month be reduced.

The City Manager noted that copies of reports dated May 4 and May 19 entitled "Fortune Telling" had been made available previously to the Council members for study.

Attorney Frad stated that these reports had not included any information on letters which he had given the City Manager reporting the favorable experience of various cities throughout the state where fortune telling is permitted. He read a number of these letters. He contended that the present license fee intended to prohibit fortune telling business in the city. Section 16,000 of the Business and Profession Code of the State of California provides that any legislative bodies of incorporated cities may, in the exercise of their police power and for the purpose of regulation and not otherwise, license any kind of business not prohibited by law including all shows, lawful games and may fix the rate of such license fee. This law does not give the cities the right to prohibit a lawful business, such as palmistry or fortune telling. He read a letter from the District Attorney's office in San Jose pointing out that his client, Mr. Moreno had conducted his business on a high plane at all times for many years.

Mr. Frad contended that there would be no comparison between the present operation of certain card rooms in the "tenderloin area" of the city and Mr. Moreno's operation. The card rooms are not required to pay a high license fee as is required of a fortune teller. He considered that an ordinance providing for payment of a license fee of \$300 annually or \$25.00 per month, payable on an annual basis would be fair and reasonable. Even if the fee was reduced to a nominal amount, the city would receive applications only from legitimate operators because the illegitimate operators would not submit to police procedures such as finger printing or picture taking as is provided in the present regulations. This business is a legitimate business and can be operated properly and will produce a certain amount of revenue for the city. By keeping the license fee at its present amount of \$500 per month, the city is in effect violating the state law by prohibiting a legitimate business from operating. He asked that the Council reduce the fee to an amount which would permit the operation of this type of business on a legitimate basis, and suggested an annual fee of \$300.

Councilman Spaulding considered that the legality of the high license fee was a matter for the courts and not the Council to decide. A number of cities are prohibiting this type of operation entirely, he pointed out.

The Council considered that the legality of the fee was not a matter for discussion and the only thing to be resolved was the advisability of leaving the existing fee or reducing it.

Councilman Adams pointed out that there had been no request filed by the general public for a change in the fee.

Police Chief Bowers commented that the regulations required by the Municipal Code could be circumvented by an itinerant operator. The general trend throughout the state is in the prohibition or restriction of the activity rather than in the regulation. He recommended that the license fee be left as it is or the operation be prohibited entirely.

MOTION

That the license fee not be changed as requested by Attorney Frad.

Moved by Adams Seconded by Spaulding Unanimously carried

CONSIDER MATTER OF PARK SITE ON CALIFORNIA STREET (VETERANS HOUSING AREA) 8-100

Copies of a report on the possible use of the old Veterans Housing Area, owned by the County, and purchase of Silveira property as a park site were distributed. A letter from Modesto City School was read advising that the Board of Education wished to repurchase the park site adjoining the old Franklin School, if the Veterans Housing area is developed as a park.

MOTION

That discussion on the proposal of using the property as a park site and the purchase of Silveira property be held over until the next Council meeting.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

CONSIDER PARK PROPOSAL-MORAN ESTATES SUBDIVISION-USE OF MID LATERAL NO. 2 9-07

A map showing a proposal to develop the M.I.D. right of way on Lateral No. 2 from Coven Avenue eastward to El Vista Avenue was distributed for Council inspection.

Planning Director Smeath reported that the Modesto Irrigation District Board had discussed this proposal and in general it was agreeable to the use of the 75 foot strip for this purpose with details to be worked out in an agreement between the city and the district. As Encina Avenue is not yet extended to ElVista, the District considered that only that portion of the right of way between Fortuna Avenue and El Vista should be considered at this time.

The Planning Commission, Mr. Smeath reported, is at a point now where some determination should be made and recommends to the Council that this general idea as indicated on the map, be approved as a procedure. If approved by the Council the Commission could proceed

generally on this basis with subdivisions in this area. It is proposed that the park area be developed only as the area is subdivided.

The City Manager suggested a determination be made prior to execution of an agreement that it would be possible to develop the entire right of way area. Mr. Smeath considered that this provision should be a part of the agreement with the M.I.D. to-wit: that as areas adjoining the lateral are developed that they would be made available to the city.

Don Curtis, resident of the area, reported that he had already developed and was maintaining the west 300 feet of the area at a nominal cost. He felt that the entire strip could be developed at a small cost to the city.

Director of Parks and Recreation Lowrey pointed out that the area would be relatively useless unless the city acquired additional areas of land. If the city had to rely only on the 75 foot width, there would be very little use from a recreational standpoint.

MOTION

That the proposal is a good idea in principle and the staff be authorized to work out the details for further Council consideration.

Moved by Knoles Seconded by Arata Unanimously carried.

APPROVE AGREEMENT RELATING TO CITY HALL FURNISHINGS 9-70

Terms of an agreement between the city and the L.M. Morris Company, Lee Brothers Stationers, Inc., Modesto Office Equipment Company and Rush Office Equipment relating to a study and the furnishing of the new city hall furnishings and other matters were outlined by the City Manager.

RESOLUTION NO. 59-221

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE L. M. MORRIS COMPANY, LEE BROTHERS STATIONERS, INC., MODESTO OFFICE EQUIPMENT COMPANY, AND RUSH OFFICE EQUIPMENT RELATING TO CITY HALL FURNISHINGS

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

ESTABLISH CITY POLICY ON RIGHT OF WAY ACQUISITION 9-121

Pursuant to Council direction the City Manager presented for Council consideration a statement establishing a Council policy on rights of way as it pertains to the provision of curbs and gutters at city expense and listing the conditions upon which the city would assume the obligation of installation at city expense.

Points brought out in the Council discussion on the proposed policy were:

- 1- A report would be prepared and presented to the Council later on other special types of problems with which the city was confronted

on rights of way acquisitions and installation of curbs and gutters.

- 2- It would be possible to use gas tax funds for improvement projects which could include curbs and gutters, even if the street was not a four lane width.
- 3- That the policy should not be restricted to street improvement projects as there would be need for drainage projects where curbs and gutters are essentially a part of the project and additional right of way would be required.
- 4- That there might be cases on wider streets where a property owner would be required to put in curbs and gutters to obtain financing.

RESOLUTION NO. 59-212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ESTABLISHING A RIGHT OF WAY POLICY AS IT PERTAINS TO THE PROVISION OF CURBS AND GUTTERS AT CITY EXPENSE UNDER CERTAIN CONDITIONS

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

REPORT ON PROPOSED GAS TAX STREET IMPROVEMENT PROJECTS FOR 1959-60
10-70

Director of Public Works Ray presented for Council approval a report on proposed street projects for year 1959-60 to be financed with gas tax funds. The memorandum of agreement, which must first be studied and approved by the State and later officially approved by the Council, he stated, provides for street improvements as follows:

- 1- Project No. 60-Tully Avenue, N 99 Highway to Coldwell Ave.
 (right of way acquisition including relocation of improvements)
- 2- Project No. 66-Improvement of College Avenue from Coldwell to Briggsmore Avenue.
- 3- Project No. 68-Improvement of Roseburg Avenue.

MOTION

That the staff be authorized to submit the memorandum of agreement to the State for approval on the basis outlined.

Moved by Vander Wall Seconded by Spaulding Unanimously carried

APPROVE MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF FUNDS 10-120

Terms of an agreement between the State and City relative to engineering allocation by the State of \$12,000 for the fiscal year 1959-60 were briefly reviewed.

RESOLUTION NO. 59-213

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING BUDGET AND APPROVING MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF FUNDS ALLOCATED UNDER SECTION 2107-5 OF THE STREETS AND HIGHWAYS CODE

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

DISCUSS TREE REMOVAL ON COLLEGE AVENUE ADJACENT TO MODESTO JUNIOR COLLEGE 11-05

The City Manager reported that the Modesto City Schools wished to cooperate with the city on a program for the removal of Sycamore trees on College Avenue adjacent to the east side of the Modesto Junior College Grounds, and would request this tree removal at a later date. The City Manager pointed out that this work could be done without Council approval but since there are quite a few trees involved, he wanted to bring it to their attention for information and comment.

Director of Parks and Recreation Lowrey stated that the removal of the trees would greatly enhance the appearance of the College grounds from College Avenue. Most of the Sycamores involved have been diseased at one time or another and they present a continuing maintenance problem. It is proposed that the city top the trees during the winter months and dispose of the brush providing the Schools personnel handle stump removal. He stated that the Schools have now expanded their original request to include Stoddard Avenue. He pointed out that the trees were interfering with fine trees located on the Campus grounds.

Councilman Adams questioned the removal of the trees until new ones could be planted to replace the Sycamore trees.

Holding up the removal until the possibility of widening the street was determined, was discussed. Mr. Lowrey stated that the reason replanting had not been done was because of the uncertainty of widening the street. He pointed out that Sycamore trees are a continuous and costly problem to the city. These trees are interfering with the Deodore trees on the campus grounds.

It was pointed out that at the time the Schools asked the city to proceed on the project it could be brought up for further consideration.

REPORT ON POLL TAKEN ON McHENRY AVENUE LIGHTING PROJECT 11-53

The City Manager reported that notices had been sent to all (140) property owners on McHenry Avenue from Needham to M.I.D. Lateral No. 3 to determine their interest of a lighting project to be constructed jointly with the widening of this street by the State.

As of this date 63 answers have been received by the city, 40 indicated approval, 23 opposed. Two persons would not be opposed if the light and telephone lines could be put underground. This does not appear possible at this point, and it will be necessary to proceed on the basis that it will not be done.

Mayor Hammond pointed out that the savings afforded by the timing of the lighting improvement district along with the widening project would be substantial and recommended that proceedings be initiated by the city for the required public hearing on the improvement district.

Director of Public Works/^{Ray} reported that the postcards returned favoring the district were fairly evenly distributed over the entire length of the street.

5-20-59 Page 12

The City Manager stated that when final returns were tabulated if any particular section was generally opposed, it could be eliminated from the district, subject to certain limitations.

MOTION

That the staff be authorized to proceed with the preparation of plans for an improvement district to provide lights for the street and make arrangements for the hiring of legal counsel.

Moved by Knoles Seconded by Spaulding Unanimously carried

Councilman Knoles left the meeting at 6:40 P.M. after being excused by Mayor Hammond.

APPROVE APPLICATION TO PUBLIC UTILITIES COMMISSION FOR WIDENING AND IMPROVEMENT OF RAILROAD GRADE CROSSING ON TULLY AT HIGHWAY 99 11-97

RESOLUTION NO. 59-214

A RESOLUTION AUTHORIZING THE SUBMISSION OF APPLICATIONS TO THE PUBLIC UTILITIES COMMISSION FOR AN ORDER AUTHORIZING THE WIDENING OF A PUBLIC ROAD, HIGHWAY OR STREET ACROSS RAILROAD TRACKS OF THE SOUTHERN PACIFIC RAILROAD COMPANY (TULLY ROAD) AND EXECUTION OF APPLICATIONS BY THE MAYOR AND CITY CLERK OF THE CITY OF MODESTO

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

SET DATE FOR HEARING ON PROPOSED ANNEXATION OF ROBERTSON FIRST, SECOND, THIRD AND FOURTH ADDITIONS 11-100

RESOLUTION NO. 59-215

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 ROBERTSON FIRST ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION

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

RESOLUTION NO. 59-216

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 ROBERTSON SECOND ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION

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

RESOLUTION NO. 59-217

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 ROBERTSON THIRD ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION

5-20-59 Page 13

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

RESOLUTION NO. 59-218

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 ROBERTSON FOURTH ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION

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

The time set for the hearing was 8:00 P.M. July 8.

APPROVE RENEWAL OF AGREEMENT WITH STANDARD OIL COMPANY RENTAL OF PROPERTY AT CITY-COUNTY AIRPORT 11-120

RESOLUTION NO. 59-219

A RESOLUTION APPROVING EXTENSION OF AGREEMENT BETWEEN THE CITY OF MODESTO AND STANDARD OIL COMPANY OF CALIFORNIA FOR LEASE OF PORTION OF PROPERTY AT CITY-COUNTY AIRPORT

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

APPROVE REQUEST OF ENSLEN SCHOOL FOR CLOSING A PORTION OF STREET DURING THE DANCING FESTIVAL 11-124

A letter from Ethel Pearson, Principal of the Enslen School was read, asking the city to close one block of Brady Avenue, between Coldwell and Smith Avenues, on May 29 during the hours of 7:30 A.M. to 12:00 Noon during its annual dancing festival. The City Manager recommended approval of the closing of the street.

MOTION

That the closing of Brady Avenue between Coldwell and Smith Avenue on May 29 during the hours of 7:30 A.M. to 12:00 Noon be approved.

Moved by Vander Wall Seconded by Spaulding Unanimously carried

SET DATE HEARING ON ANNEXATION OF SHERWOOD MANOR ADDITION 11-127

RESOLUTION NO. 59-220

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE SHERWOOD MANOR ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

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

The time set for the hearing was 4:30 July 1.

5-20-59 Page 14

APPROVE CAMPUS EDGE SUBDIVISION FINAL MAP 12-01

The City Manager reported that the final map of Campus Edge Subdivision had been filed with the City Clerk, subdivision agreement executed and performance bond in the amount of \$20,000 filed guaranteeing improvements in the addition.

City Engineer Ross Campbell stated that no alleys were provided in the addition.

Planning Director Smeath reported that the Planning Commission at this point was accepting subdivisions either with or without alleys, depending upon request of subdivider and determination of design by the Commission. There has been no final determination on alleys made by the Council.

Mayor Hammond recommended that this matter of alleys be brought up before the Council and Commission for further discussion.

Mr. Smeath reported that the Commission had indicated a desire for a joint Council-Commission visit to some other cities to inspect subdivisions being built without alleys, so that a policy on alleys could be adopted. Modesto is one of the very few cities remaining in the United States where subdivisions are being built with alleys. None of the other cities in San Joaquin Valley provide alleys. The Utility companies and others all agree generally throughout the United States that alleys are bad and most cities do not have them any more. Mr. Smeath pointed out that the city's subdivision ordinance does not require alleys but permits them.

Mr. Smeath pointed out that subdivisions are what is making the city growth and the Planning staff holds that proper community design cannot be attained with alleys. It is a matter far beyond costs only. While there might be some advantages to alleys there are far greater advantages to lack of alleys from the cost to the community, subdividers and property owners.

Councilman Spaulding recommended that before the Council took any action on the policy that the members inspect some subdivisions in other cities.

Mr. Smeath reported that the strip of lots facing Clayton Avenue in the Campus Edge Subdivisions included a narrow right of way and the subdivider has been required to construct a 6 foot concrete walkway, with fences on both sides.

RESOLUTION NO. 59-221

A RESOLUTION APPROVING FINAL MAP OF CAMPUS EDGE SUBDIVISION OF THE CITY OF MODESTO

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

Mr. Smeath suggested an early joint meeting between the Council and Commission to establish the policy since it worked a hardship on the subdividers.

REPORT ON GARDEN REFUSE PICKUP SERVICE IN STOCKTON 12-100

The City Manager reported that the City of Stockton only provides bi-monthly pickup service for garden refuse. Placing of refuse for pickup is strictly enforced. He suggested that when the Council made its inspection tour of subdivisions in Stockton that they also look at this method of pickup service.

LEGISLATIVE MATTERS 12-103

SB1186 and AB2483 Appropriation of \$250,000 from the State Highway Fund for continuing state assistance for railroad grade crossing protection devices.

MOTION

That the City go on record as supporting these bills.

Moved by Adams Seconded by Vander Wall Unanimously carried

Aviation Bills The City Manager to send summary to Council members for action to be taken at the next Council meeting.

AB590 Mandatory unemployment compensation insurance for state and local employees

The City Manager recommended opposition to this bill on the premise that city employees were hired on a permanent instead of seasonal basis. Unemployment problems for state and local employees are practically non-existent.

MOTION

That the City go on record as opposing this bill in principle.

Moved by Spaulding Seconded by Arata Unanimously carried

AB2647 Repeal of Uninhabited Annexation Act.

The City Manager reported this would make it impossible to annex any territory which was undeveloped. He urged that this bill be opposed.

AB158 Mandatory exemption from city license taxes of all state licensed contractors.

The City Manager recommended opposition to this bill and that the contractors continue to pay city licenses as all other persons operating in the city limits.

AB487 Local privilege taxes on possessory interests in tax exempt personal property.

This would permit local agencies to impose a tax on property in the hands of contractors for the federal government. The City Manager recommended Council approval.

SB1023 Privilege tax on municipally-owned gas and electric utilities. Authorize any county, city

or district to impose an annual privilege tax on any local public agency owning any tax-exempt property which it uses in connection with the production, distribution or sale to the public of gas and electric services within the boundaries of the taxing agency.

The City Manager pointed out that SB1023 does not affect the city directly but it is possible that water services might be added next.

MOTION

That the staff be authorized to take the recommended action on the various bills, listed above.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

Senate Constitutional Amendment 20 This would add Section 20 to Article XIII of the State Constitution to provide that any property of the state or of any county, city and county, municipal corporation or district acquired for a public purpose but not used or prepared for use for such purpose, shall be taxed in proportion to its value until it is actually used for the purpose for which it was acquired.

No action was taken on the proposed amendment after Council discussion.

NOTICE OF INVITATION TO ATTEND THE ANNUAL POLICE DINNER MAY 21 AT 7:30 P.M. AT THE LEGION HALL 12-110

The invitation was noted by the Council members.

MATTER PERTAINING TO GOLF COURSE 13-112

With the unanimous consent of the Council, Councilman Arata brought up a matter relating to the Dryden Park Municipal Golf Course. He suggested the possibility of using one of the houses to be moved from the Freeway Route for clubhouse purposes until a new one could be built.

MOTION

That the staff investigate the possibility of acquiring one of the buildings which would be satisfactory for this purpose.

Moved by Arata Seconded by Spaulding Unanimously carried

REPORT ON COUNTY DRAINAGE 13-124

Councilman Adams reported receipt of a copy of the report on County policy on drainage. He stated that he would submit a report on the matter at a later Council meeting. The Clerk was directed to place the matter on the next agenda.

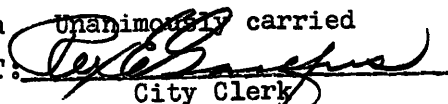
ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Vander Wall Seconded by Arata Unanimously carried

ATTEST:


City Clerk
5-20-59 Page 17

Modesto City Council
May 27, 1959

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, Spaulding, Vander Wall, Mayor Hammond

Absent: Councilmen: Arata, Knoles

Councilman Arata arrived at 7:39 P.M.

During the absence of City Manager Ross Miller, Assistant City Manager Masonheimer acted in his place.

During the absence of City Attorney Allen Grimes, Attorney Wilmar Jensen acted in his place.

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

Rev. Dale Sherwood gave the invocation.

APPROVAL OF MINUTES

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

MAYOR WELCOMES GUESTS

Mayor Hammond welcomed the members of the Modesto Junior College class in Government and instructor Kenneth Baldrige.

APPROVE CLOSING PORTION OF COLLEGE AVENUE DURING GRADUATION EXERCISES AT THE MODESTO JUNIOR COLLEGE 1-27

A request was considered from the city schools to close College Avenue between Stoddard and Coldwell Avenues and west Morris Avenue at Myrtle during the hours of 6:30 P.M. and 9:00 P.M. on June 15, 16 and 17 during graduation exercises of Downey and Modesto High Schools and Modesto Junior College.

Chief Bowers suggested that the Council consider giving administrative authority to approve the closing of these streets during future graduation exercises. This would eliminate the necessity of Council action each year.

MOTION

That permission be granted to the City Schools for the closing of the streets on the dates and times requested and that no formal action be taken to establish this on a permanent basis.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

5-27-59 Page 1

DISCUSSION ON INDUSTRIAL AREA BORDERING PIKE PARK 1-43

Ralph Sherman, 1437 Princeton, appeared before the Council representing residential property owners in the area of Pike Park to further discuss the industrial area bordering this park.

He reviewed the history of the action taken by the Planning Commission and Council, denying a previous request for rezoning a buffer strip on the industrial property facing Pike Park. The basis of the denial was that the owners of the industrial property had purchased the property as zoned and were entitled to protection of their rights. He stated the petitioners were orally assured by the Council on November 28, 1956, when the denial was made: 1) that the Municipal Code required a 29 foot set back in that particular area; 2) that the industrial property owners would be requested to landscape this setback area in keeping with the community and park across the street, and 3) that a 30 foot alley would be dedicated to the city in the industrial area for ingress and egress to the property. Since that time and without warning to the residential property owners, Mr. Sherman stated, the Council has changed the 29 foot set back and established a 15 foot non-landscaped setback and no traffic control restrictions have been established in the area. He reported that some 400 to 800 children play in Pike Park daily. The circulation of large trucks in this area endangers the children.

Mr. Sherman requested the Council to retain the requirement for the 29 foot landscaped setback and require that all commercial vehicles entering or leaving the industrial area use the alley and go out through Highway 99 and Haney Avenue instead of Kearney and Princeton Avenue. He stated that Erickson Plumbing Company was now preparing plans for construction of a building in the industrial area and planned only a 15 foot setback.

An additional request of the residential owners was that the City require that any warehouse or storage facility be fenced to hide the materials stored, similar to that constructed by Industrial Electrical Company on Coldwell Avenue.

Mayor Hammond pointed out that there had been no Council commitment on the depth of set back at the previous discussion. It has been agreed that efforts would be made by the city to work with the owners to assure the most harmonious atmosphere possible in keeping with the residential requirements.

Planning Director Smeath stated that after review of the matter the Planning Commission felt that the industrial zoning should be retained in the area. At that time the zoning regulations provided a complicated method of determining the front and side yards for industrial zones which fronted upon residential zones. The former requirement was that front yards must be at least 10% of the average depth of the lots on a block facing or abutting residential zones, but in no case less than 10 feet nor more than 50 feet. A minimum strip of landscaping was also required. These requirements were considered by the Commission and felt to be unworkable as most of the properties in this block are of varying depths and if the setback was 10% of the depth of the lot there would be severe irregularities in the setbacks. Division of the lots could cause large variations in setback requirements which could create difficulties. The zoning text was changed approximately six months ago to establish a standard 15 foot setback where a C-M (commercial-industrial) zone abutts or faces residential property. No landscaping is required in the C-M

zone, but at the same time the Council adopted an M-P (industrial-park) zone which does require landscaping. One of the intents of the staff was to work out and present to the Commission and Council as early as possible those areas which might reasonably be included in this type of district. This zone does require a strip of landscaping in the setbacks, fencing and inside storage. This zoning does not presently apply to this area. He reported that the area which fronts Pike Park had been changed from the original M-1 zoning to the lighter C-M zoning.

Mr. Smeath stated that Mr. Erickson had agreed to set his building and fence back 15 feet and has informally agreed to landscape and maintain the setback area with flowers and shrubs. He stated that there was a 30 foot alley running through the area which was dedicated to the city and the Coco-Cola Company had planned to use this alley only for trucks for ingress and egress but its building plans had changed. Legally trucks cannot be prevented from using city streets enroute to a destination or service point.

He further reported the staff had contacted the other two property owners east and west of the Coco-Cola property and requested them to agree to similar setbacks and use of the alley rather than using the streets for truck purposes. The two companies have not built yet. Mr. Erickson is planning a public entrance from Kearney Avenue and the matter of using the alley for his trucks can be discussed with him later as the plans are reviewed by the Planning staff.

Councilman Vander Wall asked if there was any restrictions imposed at the time Pike Park was accepted by the Council. Mr. Smeath stated this matter would have to be investigated. He pointed out that the surrounding area has been zoned industrial ever since it was annexed to the City.

Mr. Smeath stated that the staff had recommended that the rezoning to residential, a portion of the vacant frontage of the facing industrial area, on the premise that in the long run it would be costly to the city. This recommendation was made even though it would mean a loss in property value to people who had industrial zoning. The staff also recommended that there be a buffer strip on the back part of the remaining industrial land; that alleys be dedicated and constructed and that Kearney Avenue be closed off and made to tie in with one of the other streets to prevent truck traffic travelling north past the park. The Commission felt that the area had been zoned for industry for a long time and it was needed for industrial purposes. The Council agreed in that recommendation of the Commission.

Mr. Sherman objected to the failure of the staff to notify the residential owners of the change in setback requirements from a minimum of 10% of the lot depth to a standard 15 feet. He pointed out the use of the city streets by large commercial trucks and the proximity of commercial buildings would greatly reduce the real estate value of residential property in the area. Requiring the trucks to use the alley as an access to Highway 99 would prevent them from using Louise and Princeton Avenue as a turning basin, damaging the pavement and creating a traffic hazard for the children using the park and playing in the neighborhood. He felt that traffic was the chief problem involved and that better policing of the area was desirable.

Councilman Spaulding asked if traffic dividers had been considered as a partial solution to the problem, and he suggested the staff make a complete report on the whole problem. He summarized the problems of the property owners and developers as follows: 1) traffic, and 2) possibility of unsightly development in the area. The staff is working with each property owner to alleviate these problems. If anyone is using the streets improperly, it should be reported and an attempt made to reduce the truck driving violations on Princeton and Louise Streets.

In answer to a question Mayor Hammond assured Mr. Sherman that it would not be necessary for the residential property owners to circulate a petition to substantiate their requests. Mayor Hammond asked that a complete report be assembled on all matters discussed.

Mr. Sherman suggested the development be held up pending a solution to the problem.

Mr. Masonheimer pointed out that legally if Mr. Erickson requested a building permit and his plans complied with the requirement of the Municipal Code, the City would have to issue it. Oftentimes voluntary concessions can be worked out between the builder and city in such cases.

Mr. Smeath answered a question raised by Councilman Martin that the text change in setback requirements had been done in a legal manner. The only notice to the public on a text change is through news items and publication of the ordinance in the city's official newspaper.

MOTION

That the staff assemble information on the area as it pertains to the alley condition and responsibility for improvement; setback requirements; results of conversation with builders on plans for development as to landscaping and any of the other factors which could provide Mr. Sherman with some of the answers to his questions; and that the Traffic Department report on the possibility of installing traffic control devices to alleviate the problem.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

Mayor Hammond asked that this information also be made available to Mr. Sherman and any other property owners who might request it.

REQUEST BY MODESTO JUNIOR COLLEGE FOR THE COUNCIL TO EXPRESS ITS OPPOSITION TO PASSAGE OF ASSEMBLY BILL 1000 4-100

A letter from C. Les Pollard, Coordinator of Adult Education Division, Modesto Junior College, was read asking that the Council support Assembly Bill 1000 relating to adult education. The Governor has recommended a reduction in funds for the coming year which would reduce state funds for the Modesto Junior College Adult Education Division by \$54,000.

H. B. Rhodes, Director of Adult Education for the Modesto City Schools and Dean, Division of Adult Education, Modesto Junior College, appeared before the Council in support of the request.

Ken Baldrige also recommended Council support of the measure.

Mayor Hammond pointed out that the Council's policy on adult recreation was that it would be self supporting and this should be true of adult education. If necessary the registration fees of the students should be increased to assure that the program is self supporting.

Councilman Spaulding stated that the adult education program was not a recreational program, and the Council should support it.

Councilman Adams pointed out that a great number of persons were benefited and took advantage of the adult education program because it was not too costly. He thought the legislation should be supported.

Mr. Rhodes stated 13,000 adults attended classes last year and the same enrollment was anticipated for this year. Some 48% of the students are working for their high school diplomas, elementary diplomas or Associate of Arts degrees. It is not a recreation or thrill program. He stated the loss of over \$50,000 means over a third of the revenue from the state will be terminated. This will mean 1) the program will have to be drastically curtailed; 2) that money will have to be raised by increasing the tax rate approximately 5¢, or 3) that the students will have to pay a high tuition cost in addition to the instruction supplies such as paper, books, etc. that they now purchase.

Councilman Arata considered that the Council should not make any recommendation as this is a state matter to be settled by the legislature.

Councilman Martin pointed out that the students attending the classes were from many different cities and rural areas and it should not be a matter which the city Council should endorse when there were duly constituted agencies already sponsoring it.

Acting City Manager Masonheimer pointed out that the Council has interested itself many times in state matters that are of concern to the citizens of this city even though it was beyond immediate application to city government. He referred to Council's action in supporting a State Planning Agency as an example of letting our legislators know of the Council's position.

MOTION

That no action be taken.

Moved by Arata Seconded by Martin

Mayor Hammond declared that the motion carried.

HEARING ON AMENDING SECTION MAP 28 (ABEL PROPERTY) 5-125

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the application of Gene Abel for the amendment of Section Map 28 to reclassify from Two-Family Zone R-2 to Neighborhood Commercial Zone, C-1, all of Lots 27, 28, 29 and 30 in Block 584, being located on the east side of High Streets, north of Morris Avenue.

The City Clerk's certification was introduced, indicating that the notice of the hearing had been published in the manner prescribed

by law, notices delivered to interested parties and the area posted. The Clerk reported that no written protests had been filed.

Mr. Smeath pointed out that both public hearings, scheduled for this meeting, related to the amendment of Section Map 28.

Mayor Hammond declared the hearing open on the proposal initiated by Resolution No. 513 by the Planning Commission to amend Section Map 28 to rezone Lots 1 and 2 in Block 582 and Lots 47 and 48 in Block 585 from Neighborhood Commercial Zone, C-1, to Two-Family Zone, R-2.

The City Clerk's certification was introduced, indicating that the notice of the hearing had been published in the manner prescribed by law, notices delivered to interested parties and the area posted. One unsigned written protest had been received, which was disallowed by the Acting City Attorney.

Mr. Smeath displayed a map of the area and explained the grocery store and parking lot development proposed by the applicant, Mr. Abel, on the northeast corner. It is recommended by the Planning Commission that the commercial zoning be expanded on the northeast corner and that the property located on the southeast and southwest corners be removed from Neighborhood Commercial and returned to the Two-Family Zone, so that there will not be a four corner commercial intersection. He stated that the enlargement of the grocery store would be in the interest and welfare of the area and that the facility was needed to serve the neighborhood. He pointed out that four corner commercial zoning in a residential area is a very serious matter. Both the use and traffic patterns call for the elimination of this type of zoning wherever possible, Mr. Smeath stated.

Mayor Hammond asked if anyone in the audience wished to present any oral protests or make any comments on the first public hearing on the Abel application.

Fred Curtis, 618 Ashby Avenue, spoke in support of the rezoning from a traffic safety standpoint.

Mayor Hammond asked if anyone in the audience wished to present any oral protests or make any comments on the second public hearing--rezoning of properties on the southwest and southeast corners of High Street and Morris Avenue.

H. Byrne, owner of 423 High Street, southwest corner of the intersection, spoke in opposition to the proposed rezoning of this property. He reported on his plans for the leasing of the property for commercial purposes at a future date. A decrease in the value of his property would occur if it was rezoned to residential, he considered.

Mr. Abel reported that he had purchased the property located across the street from his store on the southeast corner of the intersection for a parking facility, but this plan was abandoned due to the traffic hazards to customers crossing Morris Avenue to get to the store. The new plan for expanded commercial zoning on the northeast corner was worked out with the City Planning staff as a compromise solution.

Mayor Hammond closed both public hearings.

A number of the Council members indicated a desire to act on the matters separately so that they could inspect the Bryne property.

MOTION

That the Council does indicate its intention to amend Section Map 28 as applied for by Gene Abel and instructs the staff to prepare the necessary documents.

Moved by Arata Seconded by Vander Wall Unanimously carried

MOTION

That the staff be instructed to work up alternative resolutions and ordinances amending Section Map 28 relating to the southeast and southwest corners of the intersection of Morris Avenue and High Street (amendment initiated by the Commission).

Moved by Spaulding Seconded by Adams Unanimously carried

INVITATION TO COUNCIL MEMBERS TO PARTICIPATE IN FOURTH OF JULY PARADE 8-46

An invitation from Stanislaus County Fourth of July Committee to the Council members to ride in the parade being held on July 4 to celebrate the city's Diamond Jubilee and the Fourth of July was noted. The City Clerk was directed to contact the members at a later date.

APPROVE CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 59-60 8-55

RESOLUTION NO. 59-222

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE PUBLICATION AND PRINTING OF THE OFFICIAL ADVERTISING FOR THE FISCAL YEAR 1959-60

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

The time set for opening the bids was 2:00 P.M., June 15.

APPROVE CALL FOR BIDS FOR LAMP BULBS FOR FISCAL YEAR 59-60

RESOLUTION NO. 59-223

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR LAMP BULBS FOR FISCAL YEAR 1959-60

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

The time set for the opening of bids was 2:30 P.M., June 15.

APPROVE ARRANGEMENTS FOR CITY FLOAT FOR FOURTH OF JULY PARADE 8-60

Mr. Masonheimer noted that the Council members had previously been furnished with a copy of his report on the city float for the Fourth of July Parade. This report indicated that a float could be

obtained for the season from the Valley Decorating Company of Fresno and entered into various parades throughout Northern California as well as the Fourth of July Parade in Modesto at a cost of \$675 to \$700. Such a float would be designed around the motto "Water, Wealth, Contentment, Health" and use the 75th anniversary as a theme.

Sketches and photographs of various types of floats which could be designed were displayed for Council inspection.

The cost for a "one-shot" float without a centralized theme would cost approximately one-half of the cost for a season float or \$300, Mr. Masonheimer reported. Sufficient funds for the float on either basis are included in the Music and Promotion Budget, he reported. City Employees have been contacted with regard to transporting a season float to parades in other cities as a good neighbor gesture. Mayor Hammond pointed out that more emphasis was being placed on this year's Fourth of July parade as it was being combined with the city's 75th Anniversary Jubilee. He felt that it would be in order for the city to obtain a float of this type to be used locally for this one parade and that there need be no participation in celebrations in other cities. Expense of storage, transportation, personnel and insurance involved, attendant to a multiple of parades, would not be beneficial to the city.

Dick Sloan, representative of the Valley Decorating Company, explained the idea of a permanent float for a season. It is more or less a reciprocal agreement. At the time of the city's celebration he stated that he could have ten floats from other cities to participate. He stated that there would be no difference in design or quality on the "one-shot" float, and that he would be able to do the motto and theme as suggested. He stated the float could be taken on a one show basis and that if later on the city wanted it on a seasonal basis the price would just be the difference.

MOTION

That the city avail itself of the proposal of the Company for a one showing float at a cost of about \$300 with an option to keep the float for seasonal use for an additional \$375, plus the cost of incidental items required such as fringe or insurance.

Moved by Mayor Hammond Seconded by Vander Wall Unanimously carried

FURTHER CONSIDERATION OF PETITION FILED BY HACKBERRY AVENUE RESIDENTS ON OPERATION OF ADAMS PLUMBING COMPANY 9-57

A letter from Thomas B. Conway, Attorney for L. W. Adams, operating his plumbing business at 1025 Hackberry Avenue, was read. Mr. Conway advised that Mr. Adams has been attempting to find a new site for his business for a considerable period of time and within the last week had purchased a new site in the County for the purpose of relocating his business. Mr. Conway advised that Mr. Adams intends to relocate his business as soon as he is financially able to do so, but it will be necessary for him to dispose of his present site on Hackberry Avenue. He intends to sell this property for residential purposes and not commercial. Mr. Adams also offered to pay his pro rata share to install curbs and gutters, if the other residents of the 1000 block of Hackberry Avenue would agree to the project.

Mr. Smeath stated that staff reports requested previously by the Council had been sent to each member.

5-27-59 Page 8

Jack Edgar, 1011 Enslin, owner of the property located at 1016-18 Hackberry acted as spokesman for the property owners and read a statement which he filed with the City Clerk.

Jean Nobbe, 1004 Hackberry, asked that the Council secure a signed document from Mr. Adams guaranteeing that he would keep his word to move out within a 12 to 18 month period.

Councilman Spaulding pointed out that Mr. Adams was operating a legal non-conforming use and the Council could not insist he move out. The fact that he has promised to move out is an encouraging one.

Acting City Attorney Jensen stated that any agreement would have to be between Mr. Adams and the property owner and not the city. The letter from Attorney Conway cannot be considered a binding agreement, Mayor Hammond stated, but a letter of intention only.

Councilman Adams recommended that the staff should continue to do everything possible to help Mr. Adams and the property owners resolve these matters along the line of intention expressed in the letter.

Mr. Masonheimer suggested that the owners take up Mr. Adams's offer to share in the cost of the curbs and gutters and that they check with the Public Works Department on the advisability of the installation.

D. A. Crane, owner of property on Hackberry & Fairmont, stated that Mr. Adams was not operating legally at this location because of his expanded activities. Mayor Hammond considered that this would be an avenue which could be pursued if Mr. Adams did not carry out the action in his letter of intention. Mr. Adams should be extended the courtesy of giving him time to comply with the intent expressed in the letter. The city is not in a position to place a time limit as to when he should move.

Mr. Masonheimer pointed out that stating a given situation is a public nuisance and establishing the fact in court and getting an order for abatement are two different things. Sometimes the cases for abatement will go on for years and become expensive. If voluntary compliance can be obtained it would be better than to attempt any legal action either on the part of the city or property owners.

In answer to a question by the property owners Mr. Smeath stated that if the commercial use of the Adams' property is abandoned and residential use is put on, the commercial use would be lost.

AWARD OF BID FOR DEEP WELL PUMP STATION NO. 22 10-116

RESOLUTION NO. 59-224

A RESOLUTION ACCEPTING THE BID OF \$6,107.90 FROM FAIRBANKS MORSE COMPANY FOR FURNISHING ONE DEEP WELL PUMP AND EQUIPMENT FOR PUMP STATION NO. 22

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

5-27-59 Page 9

AWARD OF BID FOR PUMP HOUSE STATION NO. 22 10-125

RESOLUTION NO. 59-225

A RESOLUTION ACCEPTING THE BID OF \$1,525 FROM B. B. FORD FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 22

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

FINAL ADOPTION OF ORDINANCE NO. 309-C.S. 11-05

ORDINANCE NO. 309-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO Y. K. SHIMMON AND BARBARA W. SHIMMON, HUSBAND AND WIFE"

introduced on May 20 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 Vander Wall
Ayes: Adams, Arata, Martin, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: Knoles

FURTHER CONSIDERATION OF EMPLOYEES' ASSOCIATION REQUEST RE: METHOD OF COUNCIL STUDY OF PERSONNEL MATTERS 11-06

Councilman Adams reported on a meeting with representatives of the Modesto City Employees' Association regarding the request for the appointment of a Special Council Committee to consider and investigate problems affecting the working conditions of city employees. The basis of this request, he stated, was a desire for a closer relationship with the Council and more participation by the members in the employees affairs. The Council only hears about the employees problems once a year---during budget hearings. They feel that the Council should hear their side of the problems as well as recommendations from the Personnel Commission and staff. On this basis the employee morale could be helped to a certain extent by the appointment of the Council committee. This would not exactly duplicate the work of the Personnel Commission. One particular matter which the Committee could handle would be to hear the problem with regard to financing of some of the items affecting employees. Management and the Personnel Commission make decisions on merit, leaving the financing to the Council and in this manner a special committee could hear the employees side.

Points brought up in the general Council discussion following this suggestion were:

- 1- It would be unwise in any way for the Council to set up a committee which would dilute the effectiveness of the Personnel Commission;
- 2- Duties of this committee could be clearly outlined and understood by management and the Commission so that there would not be a duplication.

- 3- Employees have the right to present their problems to the Council at any time and the Councilmen are available for invitations to attend employee meetings at any time.
- 4- Mr. Masonheimer considered that there was a need for closer communication between the employees and the Council. He thought the employees were after a little better channel to get the message from the employees to the Council. He pointed out the possibility of such a Council committee becoming concerned with administrative matters such as becoming involved in processing grievances, etc. It might be possible for some of the Councilmen to attend some of the Commission's meetings to obtain a first-hand knowledge of matters discussed.
- 5- The duties of the Commission is to relieve the work load of the Council.
- 6- If a formal committee was set up it would automatically be in conflict with the Commission. There would be a potential of not only overlapping the Commission's responsibility and obligation which are imposed by the Charter and ordinance but also of overlapping some of the administrative responsibility.
- 7- Basically the problem is not having enough direct contact with the Council. Perhaps some arrangement, possibly by invitation, could be worked out where the Council would participate or sit in on some of the problem discussions.
- 8- Perhaps the Council members have not taken advantage of as many opportunities but likewise the employees have not extended invitation to Council members to sit in on their conferences.
- 9- The Council members should in the future avail themselves of the opportunity to attend social affairs, luncheons, meetings whenever invited.

Bill Stambaugh, President of the Modesto Municipal Employees' Association, commented that it was not the intent of the Association to by-pass the Personnel Commission in any manner, but the employees feel that judgment on requests are often made on the cost basis, which is a Council matter and not a Commission matter.

Councilman Adams proposed that the Association be notified that the Council will renew its efforts to maintain a better relationship with the employees and that, ^{when} they have a special problem, they invite the Council to attend the meetings as a means of improving relations.

Mayor Hammond stated that the fact the employees had made this request evidenced a need which the Council should be aware of. He assured Mr. Stambaugh that the Council would work toward the end to fill the gap, but it will depend to a large extent on the Association in extending invitations to the Council as a whole to meet with the employees on special problems. He stated the employees should always feel free to approach the Council with their problems and that they would always be heard.

Mr. Masonheimer suggested that a special time be set aside for the employees to meet with the Council during the budget study sessions to discuss salaries. Mayor Hammond stated that this could be arranged as it was done last year.

The City Clerk was directed to notify the Association of the Council's intent to maintain a better relationship with the employees and that at such time when there are special problems the Association should issue an invitation to the Council to sit in on the meetings.

REPORT ON COUNTY POLICY ON DRAINAGE 12-46

Councilman Adams reported on his study of the County policy statement on drainage. It is planned to work with other areas and cities in the county to prepare a study on the drainage problems.

MOTION

That the County be encouraged to proceed with the study as soon as possible and the County be notified that the city is willing and ready to assist in this study.

Moved by Adams Seconded by Spaulding Unanimously carried

APPROVE CITY PARTICIPATION IN THE CLEAN UP DRIVE 12-59

Harry Quinn, Chairman of Clean-Up Week, reported on the progress of the drive. Public response is excellent. Rubbish cans are being provided by the service clubs; clean up of the residential area is growing; American Red Cross, Salvation Army, Good Will Industries have been contacted to pickup the useable items prior to the drive. The merchandising program will also be a part of the campaign. The Teamsters Union and other organizations have offered to furnish trucks. City help will be needed for routing and the use of the garden refuse dump trucks will be vital. The Garbage companies have offered assistance, one to bury the debris and the others in the picking up of refuse.

Mr. Masonheimer reviewed for Council's information the problems involving the city's participation in the program, 1) possible overtime work for city employees; 2) waiving of dump fees, and 3) sacrifice to some extent of the regular pick-up of garden refuse during the clean-up week. Conversation with the Drive personnel has been on the basis that most of the work will be done by volunteer labor and equipment, with the city augmenting this force and equipment as necessary to get the job done.

Councilman Martin recommended that the Council support the drive with the knowledge that all the difficulties cannot be anticipated, the Council will have to rely upon the staff's judgment.

MOTION

That the staff be authorized to assist the committee on the basis outlined by Mr. Masonheimer to pay overtime and waive dump fees.

Moved by Spaulding Seconded by Arata Unanimously carried

FURTHER CONSIDERATION OF PARK PROPOSAL FRANKLIN-CALIFORNIA 13-05

Copies of a memorandum on this matter sent to the Council members with the agenda on the City Manager's discussion with the County Board of Supervisors was noted.

The Board had instructed the County Counsel to prepare an agreement for the city's consideration which would provide that

the land be transferred to the city for parks, recreational and public library purposes, providing that the city would develop the area, dedicate necessary rights of way for streets and if the land ceases to be used for these purposes, the title would revert to the county.

Mr. Masonheimer pointed out that these discussions were based on the premise the city would acquire the Silveira property located in the middle of the county land. The offer of \$12,500 from Mr. Silveira must be accepted soon or he would expect to subdivide his property.

Mr. Smeath reported that the Planning Department, Planning Commission and Parks and Recreation Department considered this area to be a good site for neighborhood park and recreational purposes, as it was the center of what will be a major residential development.

Mayor Hammond felt the land should remain in public ownership and the agreement with the county should be prepared on the basis that, in line with the city's policy of having neighborhood parks six acres in size, the city would agree to use this amount of the land for park purposes and the rest of the area be used for future public needs and buildings. If this arrangement would be approved by the County, the city could signify its intention to buy the Silveira property. He pointed out that it would be difficult to state at this time that the public building which might be needed in the far future would be a library. Future Councils should have some degree of flexibility on selecting the type of public need for this area and not be tied down to using the property only for park, recreational and library needs.

Mr. Masonheimer pointed out that the restriction would only apply to that part of the land which was donated to the city by the county. It also might be possible the County would agree a portion of the total parcel equal in size to the Silveira property might be used for other purposes, such as a fire house.

Councilman Spaulding considered that the area should be saved for public use, the city is not now financially ready to develop it. Details of the agreement can be negotiated with the County at a later date, the only factor of any urgency now is for Mr. Silveira to know whether he can proceed with subdivision plans or whether the city will purchase his property. He suggested that the Council indicate its intention to purchase the property and indicate to the county that the city intends to do so and leave the details to be worked out later.

MOTION

That the Council 1) notify Mr. Silveira that the city intends to purchase his property and 2) notify the county that the city intends to accept the offer of the former Veterans' Housing area, subject to working out the details relating to the use of the land.

Moved by Spaulding Seconded by Adams Unanimously carried

ACCEPT DEED OF ROAD EASEMENT FROM SOUTHERN PACIFIC COMPANY (WIDENING OF TULLY ROAD) 13-71

RESOLUTION NO. 59-226

A RESOLUTION ACCEPTING DEED OF ROAD EASEMENT FROM CENTRAL PACIFIC
5-27-59 Page 13

RAILWAY COMPANY AND SOUTHERN PACIFIC COMPANY FOR WIDENING OF TULLY ROAD

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

REPORT RE: DISCUSSION WITH BOARD OF SUPERVISORS RE: DENNETT DAM 13-91

Mr. Masonheimer reported that the City Manager had met with the Board of Supervisors and proposed county participation to the extent of 40% of the cost of Dennett Dam. The matter was taken under advisement.

REPORT ON ACTION TAKEN BY BOARD OF SUPERVISORS ON IMPROVEMENT DISTRICT 13-95

Ross Campbell, City Engineer, reported that he and the City Manager appeared before the County Board of Supervisors to ask for informal approval on two proposed improvement districts on the McHenry Avenue project, one for storm drainage (North Central Improvement District) and the other for street lighting. The Board indicated its approval provided there is no expense to the County.

SET DATE FOR HEARING ON ANNEXATION OF CLUBHOUSE ADDITION 13-103

RESOLUTION NO. 59-227

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE CLUBHOUSE ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

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

The time set for the public hearing was 8:15 P.M. July 8.

REPORT ON STREET REWORKING PROGRAM FOR 1959 SEASON 13-107

Director of Public Works Ray reported that approximately 10 miles of seal coating and reworking of oiled streets was planned for the 1959 season.

He pointed out that this represented the normal program, but if the North Central Improvement district proceeds, the work will include curb and gutter on many oiled streets and the city will be involved in running out the oiled surface to the gutter lines. This would change the proposed schedule unless additional equipment and personnel were provided.

CONSIDER RENEWAL OF CONTRACT WITH STATE PERSONNEL BOARD FOR EXAMINING SERVICES 14-10

RESOLUTION NO. 59-228

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE PERSONNEL BOARD FOR THE CONTINUANCE OF EXAMINING SERVICES DURING 1959-60

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

5-27-59 Page 14

APPROVE PROPOSAL OF LAKESIDE TRUCK BODY COMPANY TO CONSTRUCT RESCUE TRUCK BODY 14-14

Mr. Masonheimer reported that the lowest bid received, as a result of informal bids for the construction of a body for a rescue truck, was from the Lakeside Truck Body Company in the sum of \$2062.60. The body is to be installed on a chassis recently obtained through the federal surplus property program.

RESOLUTION NO. 59-229

A RESOLUTION ACCEPTING THE BID OF LAKESIDE TRUCK BODY COMPANY IN THE SUM OF \$2,062.60 LESS DISCOUNT TO CONSTRUCT RESCUE TRUCK BODY

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

Mr. Masonheimer reported that the city would not be eligible for civil defense participating funds for the cost of the body but will for the necessary equipment which goes into the truck.

CLOSING OF PURDUE AVENUE FOR BLOCK PARTY 14-39

Mr. Masonheimer reported that the Parks & Recreation Department had proposed as a part of the National Recreation Month, proclaimed by President Eisenhower, that Purdue Avenue between Notre Dame and Tully Avenue be closed during the hours of 4:30 P.M. and 9:00 P.M. for a Block Party.

Director of Parks and Recreation Lowrey reported that this was to promote a neighborhood type of recreation. This was the first time it has been tried in the Modesto area although it is quite common in other communities. The idea is to promote a family type of recreation and to emphasize that June is Recreation Month. The city's only participation is to assist the residents in planning the projects and providing a minimum amount of equipment. The more voluntary action and local planning the more successful the party will be. He stated the Council may receive other requests for street closing if this Block Party is a success.

MOTION

That this block be closed on the date and time requested.

Moved by Adams Seconded by Spaulding Unanimously carried

REPORTS FROM PLANNING COMMISSION 14-70

Mr. Masonheimer reported that there were no reports.

LEGISLATIVE MATTERS 14-72

SB789-----relating to financial assistance for airports.

Mr. Masonheimer reported that this bill had been modified and now provides that \$2500 will be provided to each public airport in the state from the gas tax funds which result from the purchase of gasoline by aviators who do not claim the refund. He stated that a question may arise over the distribution of the funds for the Modesto City-County Airport but that question could be resolved later.

5-27-59 Page 15

SB582-----relating to aircraft registration.

It was reported this bill had been modified and now provides for the registration but not the licensing of aircraft. The proposed fee is \$3. The purpose of this registration is to carry out the remaining portion of the act, the aircraft in lieu tax law. This would provide for state assessment and collection of taxes on aircraft similar to the system now in effect for the collection of taxes on automobiles. It would appear, he stated, that uniform assessment and collection would be more desirable from an equity point of view than the wide variations in county assessments and the evasion tactics now practiced by a few owners. Mr. Masonheimer pointed out the Council had opposed this bill and unless further action is taken, that record would remain. No action was taken by the Council.

AB1565-----Aircraft Financial Responsibility Act.

This bill also has been modified, Mr. Masonheimer stated, but still provides for the establishment of financial responsibility after the accident has happened. The Council is on record as opposing this bill and will remain so unless further action is taken. No action was taken.

AB919-----Metropolitan Fire Protection Authorities.

Mr. Masonheimer reported that the bill would be on the Assembly floor for consideration May 28. He noted that the Council had been furnished with copies of a League of California Cities report on this bill. The staff feels that this is a vicious kind of legislation which tends to take control of the nature and level of fire services from the people and vest it in an appointive board which is not responsible to an electorate. He indicated he would inform legislative representatives of the Council's action by telegram, if the Council wished to make an expression.

MOTION

That the Council go on record opposing AB919 and the staff be authorized to inform legislative representatives by telegram.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 14-124

Councilman Spaulding asked that Councilman Arata's previous suggestion the staff investigate the possibility of purchasing a building from the State Division of Highways to be removed from the freeway for use as temporary clubroom facility at the Dryden Park Municipal Golf Course be investigated as soon as possible and a report made to the Council.

Councilman Spaulding asked that his previous suggestion on closing the Council agenda at an earlier time to permit the Council members more time for study and investigation be placed on the agenda for the next Council meeting for discussion and decision.

REPORT ON AFTER-SCHOOL RECREATION PROGRAM 15-16

Mr. Masonheimer noted that the members would receive copies of the report at a later date and if they wished to raise any questions it would be placed on the agenda again.

5-27-59 Page 16

REPORT ON GROUP HEALTH INSURANCE EXPERIENCE AND NOTICE OF PREMIUM CHANGE 15-20

Mr. Masonheimer reported that the Connecticut General Life Insurance Company had carried the city employees' group health insurance for a period of one and one-half years. There have been several instances of severe illness and accidents and the company's loss ratio exceeds the premium paid by 16%. The Company has advised that the rates must be increased by 20%, effective the first of July.

The Broker of Record has been asked to check with other companies to see what other prices might be available and the staff has checked with other companies. Without exception the information received indicates that the proposed increase is in line. The staff feels that the increase in premium is warranted because of the experience which has checked from the City's own records. It is felt that the city's experience will be improved because of administrative limitations being proposed and because many of the inherited conditions have now been cleared. The new rate is guaranteed for 12 months and if the experience is more favorable the company has agreed to reduce the rates.

REPORT ON STREET DEFICIENCIES 15-65

Mr. Ray reported that state law required the staff to submit by June 1 a report to the Council on city street deficiencies. Due to the late hour the Council agreed that the report be submitted to each Councilman during the week for study, and that the matter be placed on the agenda for the next meeting.

CONSIDER DATES AND TIME FOR CONSIDERATION OF 1959-60 BUDGET

The Council agreed to adjourn this meeting until Tuesday, June 2 at 4:30 P.M. and meet in adjourned session to consider the 1959-60 preliminary budget.

HOLD OVER CONSIDERATION OF APPOINTMENTS TO PERSONNEL COMMISSION 15-92

At the request of Councilman Adams this matter was held over until the next meeting.

APPROPRIATION TRANSFER OF FUNDS FOR FURNISHINGS AND EQUIPMENT STUDY 15-97

With the unanimous consent of the Council, Mr. Masonheimer presented for Council approval an appropriation transfer of \$4,000 from Special Capital Outlay Reserve to City Hall & Parking Garage Fund for the special study previously approved by the Council.

RESOLUTION NO. 59-230

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,000 FROM SPECIAL CAPITAL OUTLAY TO CITY HALL AND PARKING GARAGE FOR THE PREPARATION OF AN OFFICE FURNISHINGS PLAN FOR THE NEW CITY HALL

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned until 4:30 P.M.
Tuesday, June 2 to consider the 1959-60 preliminary budget.

Moved by Vander Wall Seconded by Arata Unanimously carried

ATTEST:


City Clerk

5-27-59 Page 18

The Council of the City of Modesto met in adjourned regular session this date at 4:30 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1959-60.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Martin, Spaulding, Vander Wall, Mayor
Hammond

Absent: Councilmen: Adams, Knoles

Councilman Adams arrived at 4:37 P.M.

For the information of the new Council members, the City Manager reported on the method used in preparing the annual preliminary budget and the Council procedure in considering it.

Budget Message. Pages I- VI

Questions raised by the Council and cleared by the City Manager were:

Page II, per cent of increased (12.69) was based on present salary rates. A separate report on salaries will be made. The increase is due to 1) some increases in personnel proposed in the budget and 2) salary increases already authorized, general salary increase authorized Jan. 1, 1959 and step increases.

Page III, Productivity and the Work Load

As departmental budgets are considered, the City Manager stated, special problems on work load will be reviewed. He pointed out that while the population in the city has increased by 120% the city only has 40% more employees. This is due to 1) better organization made possible under the Council-Manager system, 2) type of better equipment has increased productivity and 3) the excellent employees. In certain cases, some work load relief is being proposed.

The City Manager stated that depreciation was charged only on automotive equipment.

Summary of 1959-60 Budget by Funds

Pages 2 and 3- Estimated funds to be received shown on these pages were explained by the City Manager.

Mayor Hammond reviewed the Council's policy on keeping the ad valorem tax rate low. Reasonable property taxes are the basis upon which people are able to create jobs and productivity in the community. By maintaining a lower property tax base and increasing revenue from sales tax and business license tax, it encourages industry to locate in this area.

Page 5- Estimate of secured tax collections based on 1958 assessments was reviewed.

- Page 7- Estimate of interfund transfers was reviewed.
- Page 9- Summary of Revenue estimates, other than current property taxes was reviewed.
- Page 11- Revenue estimates other than current property taxes. A report on estimated sales tax revenue is received from the State, Director of Finance Bird answered a question raised by Councilman Martin. The State estimates there will be a 4% increase for this fiscal year.

The City Manager noted that building inspections was practically self supporting. A further report on income from business licenses will be made after a full year under the new ordinance.

- Page 13- Water revenue. The City Manager stated this operation has always paid dividends. Estimated revenue is \$466,000. and total budgeted amount for the department is \$303,493. He pointed out that the system served only a portion of the city and yet all the people in the city benefit by the dividends. If the city had the same proportion of revenue from all of the water sold in the city it would increase the income materially.

The City Manager reported the estimated revenue from the golf courses was based on the premise that the new 18 hole course would be ready by October 15 and that at that point the play on the present course would drop and pick up on the new one. Before this is finalized a detailed report will be given to the Council.

The method used by the state in dividing motor vehicle license fees was reviewed by the City Manager.

Councilman Martin considered that the estimated revenue of the major items (sales tax and business license fees) was low. The City Manager pointed out that to be safe the revenues could not be estimated too high. This year revenue estimates have been "tighter" than ever before in previous budgets. There must be some revenue left over at the end of the fiscal year because the revenues during the first four months of the fiscal year are insufficient to pay operating costs. The carry over next year will probably also be less than previously.

Mayor Hammond noted that county participation in recreation was running at the same level for the past four years (page 11). The County is not assuming its responsibility for the large number of fringe area citizens using the city's recreation facilities. The City Manager reviewed the city's efforts to obtain increased county participation in the recreation program. Vigorous pleas with data and justification for increased participation by the county have not been successful. The County has pointed out that more and more of these people are being annexed to the city. The after school recreation program is financed partly by the Schools. Increased financial participation per school is being investigated.

In conformity with the Council policy more and more of the adult recreation programs are being placed on a self supporting basis. The swimming pool program is self supporting.

Mayor Hammond stated that items listed on Page 11, starting with building inspections down through copy fees should be more or less supporting.

The City Manager stated that these were checked periodically and it might be possible that some changes in fees will be proposed by the staff.

Director of Finance Bird stated that an amendment to the city's agreement with the state for the collection of sales tax provided for advance payment of \$10,000 during this fiscal year which will not be received during the next fiscal year. The estimated revenue for the 1959-60 year reflects this condition.

Page 15- No questions raised. The City Manager reported on on-street meter revenue----75% to parking fund and 25% to the general fund for repairs, replacement, and enforcement.

Page 17- No questions.

Page 19- Park fees - subdividers pay \$100 per net acres into a city fund to help provide park and recreational facilities. The City Attorney stated that the Council should recognize that there is some question as to the legal authority on this payment and the city might be faced some day with the refund of these fees.

Page 20- The City Manager noted that the revenue for In Lieu Parking Fund was larger this fiscal year because the city would pay the parking fund for 16 parking spaces in connection with the new city hall. A further report will be made on this for Council approval before the end of this fiscal year.

Page 21- No questions.

Page 23- Comparative Summary 1959-60 budget, no questions.
& 25-

CITY COUNCIL - Page 29

Account 207-conference expense-\$600. Budgeted for members to attend a Bi-annual Mayor-Councilmen Institute conducted by the League of California Cities. This would permit four members to attend.

CITY MANAGER - Page 31

The City Manager pointed out that this departmental budget should be considered finally with the Civil Defense and Personnel Departments, as both of these functions are assigned to the Manager. Additional help has been requested and before any final decision is made on this request, he wished to submit a further report.

Answering a question raised by Mayor Hammond, the City Attorney stated that discussion of appointment of additional personnel could not legally be done in executive session. The City Manager stated that a summary would be submitted later on various alternate ways the Council could consider the provision of additional administrative help for this department.

He asked that the Council consider some means of relieving him and various other department heads from certain duties by the provision of adding additional help in a lower bracket. Starting immediately a stenographic pool is being established to be used by all

departments to relieve some of the routine work being presently handled by administrative personnel. It is possible that Bill Masonheimer can be relieved of his duties in the Personnel Department and Bernice Mitchel handle the Department with some additional assistance on routine matters.

Councilman Spaulding asked if it would be possible to hire young people graduating from school on an intern or training basis on a relative low salary. The City Manager reported this was possible and is being considered.

The City Manager pointed out that the Civil Defense program must be considered as long as the cold war continues and at present there is no relief in sight. By having this organization, the city can take advantage of many things which pay cash dividends also. The federal government participates in the cost of radio equipment, and surplus equipment can be bought under the program.

Councilman Arata suggested that a study and report be made on the savings which would result from the more efficient operations by moving into the new city hall, such as savings in travelling between the various offices.

Account 504-Radio Conversion--\$55 Mr. Bird reported that this account could be excluded from the budget as it is being taken care of in the 1958-59 fiscal year budget.

MOTION

That item 504-radio conversion in the sum of \$55 be deleted from the City Manager budget, and the Director of Finance be authorized to make the necessary adjustment.

Moved by Arata Seconded by Spaulding Unanimously carried

CITY ATTORNEY 6-52

The City Attorney asked that his supplemental request for an Assistant City Attorney be considered later in order that he might prepare a memorandum for the Council members giving the background for the request.

Mayor Hammond commented that the requests for additional personnel should be carefully considered until after the move into the new city hall as there will be savings in personnel. He asked the City Attorney to include in his report a review of his request for additional help plus a report on the city's legal expenses for the past year.

Account 235-Services, Prof. & Others The City Attorney reported that a portion of the increase in this budget item was to cover the increased charge for special counsel, a portion to cover the increased amount of criminal work the office has handled, and a portion to cover the holiday pay claims case.

He reported that the Police holiday pay claim case is now on appeal in the District Court of Appeal. After this decision is received, it is expected that the losing side will probably ask the California Supreme Court for a hearing.

Account 505-Law Library Additions-\$750 This account was reviewed by the City Attorney. He explained that this item was included in Capital Outlay because the items purchased are of permanent value, whereas books, supplements and periodicals are not so classified.

Account 505-IBM Typewriter The need for this equipment was reported on by the City Attorney as a replacement item.

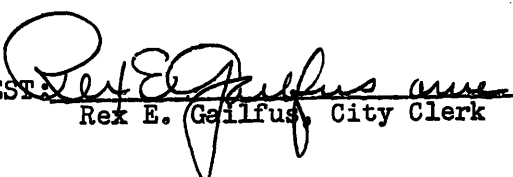
ADJOURNMENT

MOTION

That this meeting be adjourned until 4:30 P.M. Thursday, June 4 to give further consideration to the preliminary budget.

Moved by Spaulding Seconded by Arata Unanimously carried

The meeting was adjourned at 6:07 P.M.

ATTEST: 
Rex E. Gailfus, City Clerk

Modesto City Council
June 3, 1959

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, Vander Wall, Mayor Hammond

ABSENT: Councilmen: Adams, Knoles, Spaulding

Councilmen Spaulding and Adams arrived at the meeting at 4:03 P.M.

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

Rev. Charles L. Edwards gave the invocation.

APPROVAL OF MINUTES

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR WATER MAINS IN CARVER ROAD 1-22

RESOLUTION NO. 59-231

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER MAINS ON CARVER ROAD BETWEEN ORANGEBURG AVENUE AND PUMP STATION NO. 22 AND CAMPUS EDGE SUBDIVISION NO. 1

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

The time set for the opening of the bids was 2 P.M. June 15.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR WATER MAINS IN HILLVIEW ACRES AND MAZE BOULEVARD 1-27

RESOLUTION NO. 59-232

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER MAINS IN HILLVIEW ACRES AND MAZE BOULEVARD

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

ORDINANCE AMENDING CODE TO CLARIFY ADMINISTRATION PROCEDURES 1-29

ORDINANCE NO. 310-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-3.102 OF ARTICLE 1 OF CHAPTER 3 OF
6-3-59 Page 1

TITLE II AND SECTION 2-5.04 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO ADMINISTRATION"

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

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

ORDINANCE AMEND CODE RELATING TO INSURANCE REQUIREMENTS FOR OPERATORS AT MODESTO CITY-COUNTY AIRPORT 1-43

ORDINANCE NO. 311-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.108 OF ARTICLE I OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO INSURANCE REQUIREMENTS FOR COMMERCIAL OPERATORS AT THE MODESTO CITY-COUNTY AIRPORT"

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

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

ACCEPT RESIGNATION OF HENRY H. LAWS FROM THE BOARD OF ZONING ADJUSTMENT 1-60

Henry H. Laws submitted a letter of resignation, effective immediately, from the Board of Zoning Adjustment due to pressure of business and personal health.

RESOLUTION NO. 59-233

A RESOLUTION ACCEPTING THE RESIGNATION OF HENRY H. LAWS FROM THE BOARD OF ZONING ADJUSTMENT

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

MOTION

That the Mayor be authorized to furnish a certificate of service to Mr. Laws for his services to the city.

Moved by Vander Wall Seconded by Adams Unanimously carried

APPROVE AGREEMENT FOR ANALYSIS OF FIRE PROTECTION FACILITIES 1-68

RESOLUTION NO. 59-234

A RESOLUTION APPROVING AGREEMENT FOR ANALYSIS OF FIRE PROTECTION FACILITIES BETWEEN THE CITY OF MODESTO AND U. S. FIRE PROTECTION ENGINEERING SERVICE INC.

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

REQUEST COUNTY CANCEL TAXES ON CITY PROPERTY 1-72

RESOLUTION NO. 59-235

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY AND COUNTY TAXES ON PROPERTY OWNED BY THE CITY OF MODESTO AND AUTHORIZE THE COUNTY ASSESSOR TO CANCEL THE 1959-60 ASSESSMENT AGAINST THE PROPERTY (DURAND PROPERTY)

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

FURTHER CONSIDERATION OF REZONING OF PROPERTY LOCATED AT THE INTERSECTION OF MORRIS AND HIGH STREETS 1-75

Further consideration was given to the proposed rezoning of property located at the intersection of Morris and High Streets.

The Council adopted the following motions to indicate its wishes on the rezoning:

MOTION

That the Council indicate its intention to approve the proposal initiated by the Planning Commission to amend Section 28 of the Zoning Map to rezone Lots 47 and 48 in Block 585 owned by Gene Abel from Neighborhood Commercial Zone, C-1, to Two Family Zone R-2. (Southeast corner of intersection)

Moved by Spaulding Seconded by Vander Wall Unanimously carried

MOTION

That the Council indicate its intention to approve the proposal initiated by the Planning Commission to amend Section 28 of the Zoning Map to rezone Lots 1 and 2 of Block 582 (Bryne property) from Neighborhood Commercial Zone, C-1 to Two Family Zone R-2 (Southwest corner of intersection)

Moved by Adams Seconded by Spaulding

Councilmen Arata and Vander Wall expressed opposition to this proposal on the grounds that it would depreciate the value of the property.

Mayor Hammond declared that the motion carried.

Mayor Hammond pointed out that Mr. Bryne had purchased the property before it was rezoned commercial and the property was still being used for residential purposes. This would not create the hardship it would if the property had been purchased for commercial uses. The zoning map should be reviewed periodically and changes made where it would not work hardships.

Councilman Spaulding considered that this was an instance of very poor zoning--four corner narrow commercial zoning in a residential area which creates heavy traffic and parking problems.

6-3-59 Page 3

Councilman Adams suggested that the Planning Commission be asked to make a study of various locations in the city where similar zoning has been established and is not being used for commercial purposes.

ORDINANCE NO. 312-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

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

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

Horace Bryne spoke in opposition to the rezoning of his property.

AUTHORIZE APPLICATION TO P.U.C. FOR FUNDS FOR CONSTRUCTION OF RAILROAD CROSSING AT ORANGEBURG AVENUE 2-93

RESOLUTION NO. 59-236

A RESOLUTION AUTHORIZING AN APPLICATION FOR STATE AID FOR CONSTRUCTION OF RAILROAD CROSSING PROTECTION SIGNALS AT TIDEWATER SOUTHERN RAILROAD CROSSING NO. 75-27-3 AND ORANGEBURG AVENUE

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

The amount requested was \$1,705.00.

APPROVAL CALL FOR BIDS FOR TRAFFIC SIGNAL CONTROLLER REPLACEMENT 2-115

The City Manager reported that three of the traffic signal controllers, one at 14th and H, one at College and Needham and one at 7th and H Streets, were approximately 30 years old. Failure in operation at numerous times have caused traffic problems. He estimated the cost to replace the three controllers to be of the order of \$1700.

MOTION

That the staff be authorized to prepare specifications for the three controllers and present to the Council for approval and call for bids.

Moved by Arata Seconded by Martin Unanimously carried

CITY HALL MATTERS 3-06

Rubber tile flooring vs asbestos vinyl tile originally proposed on all floors except the Council Chambers and entrance hall would cost an additional \$5000. Rubber tile would be quieter, easier maintained and longer lasting. Samples of the two tiles were exhibited to the Council.

MOTION

That the staff submit a further report next week on the

merits of rubber tile vs asbestos vinyl tile.

Moved by Adams Seconded by Arata Unanimously carried

Cork tile for Council Chamber and entrance hall

MOTION

That the installation of cork tile in the Council Chamber of the new city hall be approved.

Moved by Adams Seconded by Vander Wall Unanimously carried

Concrete vs wood barriers in the parking area

The additional cost of the concrete barriers (cast in place) in the parking area would be approximately \$1400. This would provide a permanent installation and be more satisfactory. No objections were voiced to the concrete type barriers. The City Manager stated the staff would proceed on this basis.

Change order necessary to relocate the radio transmitter receiver

Mr. Masonheimer reported on the plan for relocation of the radio transmitter receiver to the elevator tower. The change order would cost \$300 to provide space for the receiver and emergency power to the generator and a built in conduit for the antenna lead to the roof. This would improve the reception materially. No objections were offered and the staff stated it would proceed on this basis.

Stairway on parking garage

The City Manager reported that this matter was not cleared yet. A report is being prepared for transmission to the Council at a later date.

REPORTS FROM PLANNING COMMISSION 3-116

Further report on industrial area near Pike Park

With the unanimous consent of the Council a further staff report was submitted on this matter.

Planning Director Smeath displayed a sketch of the area showing the location of the new construction proposed by Erickson Plumbing Company. He reported on the following questions raised by the Council at the previous discussion:

1- Deed restrictions relative to use of land adjacent to the Park.

There are no such deed restrictions on the property.

2. Review of former and present set back provisions and reasons for the change.

The former regulations provided for an average of 10% of the depth of the lots, which would have been 32 feet on Princeton and 29 on Kearney. This requirement worked a hardship in many other locations throughout the city and were not reasonable. Maintenance of set-back area was not required and parking, railroad tracks etc. could be placed in the area. The value of the front setback was nominal and in some cases harmful. The new requirements require a 15 foot setback

where C-M or M-1 zoned area fronts on a street, the opposite side of which is zoned residential or is a part of a block another part of which block frontage is residential. In the M-P zone only there is a requirement that the setback be landscaped.

3- Review of provisions relating to the alley and its improvement.

The alley dedication was accepted by the Council at a time when there was no requirement for surfacing. However, all of the property owners except Tay-Holbrook, have been contacted by the Planning staff and have verbally agreed to surface the alley to city standards for commercial alleys at an early date. Mr. Richard Lyng will work with this company. These property owners want assurance from the city that the water and sewer lines will be installed before the alley is improved.

4- Traffic problem.

The report prepared by the Director of Parking and Traffic was reviewed. The report indicated that a Diverter, to eliminate traffic from going straight through, would not be a good solution. This would increase traffic on the east west streets, such as Princeton or Louise. The curtailing of the use of Kearney would materially increase traffic on Tully Avenue. Enforcement could handle the parking of trucks on Princeton at the Park. The development of the alley would minimize the truck traffic past the residences. Commercial Vehicle Prohibited signs could be erected to remind the trucks that they are not on trucks routes.

5- Plans of Erickson Plumbing Company for development of its property.

The City Attorney stated that these plans can be carried forward although the lot was illegally split by the former owner, Western Plumbing Company. Mr. Smeath reported that an entrance from Kearney was planned but parking will be located along the alley. The setback area will be landscaped and masonry walls, 6 feet high with a 2 foot chain link fence on top will be installed on Kearney Street and a chain link fence on the north side of the property. (The City Attorney asked that the height of the fence be checked to be certain it would comply with the 6 foot code requirement.)

The City Manager stated that Western Plumbing Company had split its lot, located on the northeast corner of the industrial area, without approval by the subdivision committee of the Planning Commission as required by the Municipal Code. The lot split has shut off the company from access to the alley. He stated that the Western Plumbing Company would be asked to go through the regular subdivision proceedings for such parcels. The Commission should also be asked to make a study of the types of uses now reasonably available for this property.

MOTION

That the Western Plumbing Company be required to start regular proceedings before the Planning Commission and the Commission be asked to consider the entire problem and make a report and recommendation to the Council.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

Mr. Smeath reported that the staff had been working on this matter until a late hour today and had not contacted all of the residential neighbors in the area. He had talked with their spokesman, Mr. R. Sherman

and brought him up to date with all the staff's studies. Mr. Sherman was unable to attend this meeting but had indicated that the staff's recommendation was the best they could expect and it would be satisfactory.

Mayor Hammond stated that the people who develop this commercial property must understand that the truck situation is critical and must watch their own trucks as well as those who serve them to prevent the using of surrounding residential streets. If experience indicated that stricter regulations are necessary, they should be imposed. He considered that the only practical measure which could be considered at the present time would be to install signs prohibiting trucks from using the residential streets.

REPORT ON LALOMA SIGNALS 5-115

The City Manager reported that another problem had been encountered on the LaLoma traffic signal installations. The present plans call for driveways on both intersections which face directly into the intersection, LaLoma Avenue and Santa Cruz Avenue. The staff is working on a change in the plans.

DENY REQUEST OF MRS. GLENN STEPP FOR SIDEWALK VARIANCE 5-116

Mrs. Glenn Stepp filed a request for a variance to permit a sidewalk construction of colored concrete block to remain in front of her property located at 1521 Stetson Avenue.

The Council's policy on granting sidewalk variances was reviewed.

Director of Public Works Ray reported that the blocks were installed without a permit, and the owner had been asked to remove them by June 1. Mrs. Stepp had asked that the Council consider her request for a variance from the code regulations. Mr. Ray recommended that the request be denied, and the blocks removed from the right of way and the ground be restored to a safe condition.

Mrs. Stepp considered that the ground was safer with the block than it had been during the past years.

Mayor Hammond suggested to Mrs. Stepp that she contact her neighbors regarding putting in permanent concrete sidewalks.

Councilman Spaulding pointed out the liability problem for both the city and Mrs. Stepp if the blocks were permitted to remain in the right of way.

Mrs. Stepp agreed to conform with the city regulations, remove the blocks and install a sidewalk to conform with the city's specifications if given sufficient time. The City Manager stated the staff would work with Mrs. Stepp to carry the project to completion within a reasonable time.

RESOLUTION NO. 59-237

A RESOLUTION DENYING REQUEST OF GLENN STEPP, 1521 STETSON AVENUE FOR A VARIANCE FROM THE SIDEWALK PROVISION OF THE MODESTO MUNICIPAL CODE

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

6-3-59 Page 7

GRANT ENCROACHMENT PERMIT TO BEARD LAND AND INVESTMENT CO. 7-01

Director of Public Works Ray reported on the request filed by Beard Land and Investment Company for an encroachment permit on the west side of 10th Street between B and C Streets. It would provide for a 11" concrete step 4' in length extending an existing stairway. The step in the stairway would be immediately adjacent to an MID power pole and would be protected from traffic to some extent.

He recommended that the permit be granted upon a revokable basis; removal by owner of structure and return of street to its original condition at owners expense; owner hold the city harmless from any and all damages, costs and charges and defend any lawsuits and furnish insurance policy in amounts not less than \$100,000/\$200,000 and \$10,000.

RESOLUTION NO. 59-238

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 Martin Seconded by Arata
Ayes: Adams, Arata, Martin, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: Knoles

AUTHORIZE REFUND OF OVERPAYMENT OF BUSINESS LICENSE TAX TO BOUDREAU MACHINE COMPANY 7-26

Director of Finance Bird reported on the claim filed by Boudreau Machine Company for refund of overpayment of business license tax. An audit of the company's record by the city staff indicate an overpayment of \$359.92 instead of \$387.51 requested. He recommended approval of refund of this sum.

RESOLUTION NO. 59-239

A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF MILL LICENSE TO BOUDREAU MACHINE COMPANY

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

GRANT PERMIT TO CALIFORNIA FRYER FESTIVAL COMMITTEE FOR USE OF LEGION PARK ON JUNE 13 FOR ANNUAL FESTIVAL 7-32

Jack Haugen appeared on behalf of the California Fryer Festival Committee and requested use of Legion Park on June 13 for its annual festival, on the usual conditions.

RESOLUTION NO. 59-240

A RESOLUTION GRANTING A PERMIT TO THE CALIFORNIA FRYER FESTIVAL COMMITTEE, INC. FOR THE USE OF LEGION PARK ON JUNE 13, 1959 FOR ITS ANNUAL FESTIVAL.

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

REPORT ON PROPOSED ADDITION TO SEWER SERVICE AREA 7-76

The City Manager reported that the Public Works Department had made an analysis on the feasibility of extending the city sewer service limits to an area of approximately 37 acres located in the vicinity of McHenry and Floyd Avenues. The use and potential of sewer lines between this area and the plant have been explored. In a few cases it has been determined that additional land can be served by adjustment in the facilities yet to be built.

Director of Public Works reviewed his report dated June 3, 1959, on "Possible extension of Sewer Service Limits to Include an Area of Approximately 37 acres in the Vicinity of McHenry and Floyd Avenues", a copy of which is on file with the records of this meeting. The conclusions in the report were that it would be desirable to include the area east of McHenry, south of Kavanagh for sewer service. It is the staff's opinion that the trunk sewer on Briggsmore Avenue will be adequate to provide for the additional area of approximately 37 acres. Also that this can be accomplished without the addition of a pumping station but merely the enlargement of one which is already required. It is proposed to serve the Randy property and the other properties in that neighborhood from the subtrunk sewer constructed on Coddling Drive and its extension in order to provide sewer service to Montgomery Village No. 1 and 2. Mr. Randy and his engineer are being supplied with this information.

MOTION

That the staff be authorized to proceed on the basis outlined by the Director of Public Works.

Moved by Adams Seconded by Arata Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 8-32

Councilman Arata suggested that during the construction of the new California Bank Building on the southeast corner of 12th and J Streets, consideration be given to widening the street to conform with the rest of the street. The City Manager reported that some studies had been made on this particular section.

MOTION

That the staff be authorized to check the matter with the owner and work out something.

Moved by Arata Seconded by Vander Wall Unanimously carried

REPORT ON STREET DEFICIENCIES 8-45

A report on existing city street deficiencies required by Section 2156 of Chapter 1494 of the Streets and Highway Code was filed with the Council by the City Manager, and ordered filed with the City Clerk. The total deficiencies indicated in the report was \$12,933,000.

REPORT ON ADMINISTRATIVE TRAINING-POLICE AND FIRE DEPARTMENTS 8-60

The City Manager reported on the special training program planned for the Police and Fire Departments. The Police Department program is already under way and the Fire Department is ready to start. The program is for training personnel on the administrative level. The courses are prepared by the International City Manager's Association, and carried on by competent instructors.

6-3-59 Page 9

Police Chief Bowers reported that 27 officers would take the course which would be extended over a 13 to 15 week period.

LEGISLATIVE MATTERS

SBL488-----relating to police training programs. This bill would levy assessment on certain fines to support police training in cities which meet minimum requirements for recruitment and personnel.

MOTION

That the Council go on record as supporting this legislation.

Moved by Adams Seconded by Spaulding Unanimously carried

The City Manager reported that the financial responsibility bill relating to private plane operators would be up for further hearing June 4 before the Ways and Means Committee.

MOTION

That the City Manager be authorized to go to the hearing in Sacramento and make a presentation of the city's position.

Moved by Arata Seconded by Vander Wall Unanimously carried

REPORT BY CITY MANAGER ON TRIP TO WASHINGTON 9-02

The City Manager briefly reported on his recent trip to Washington D. C. representing the American Municipal Association, to a public hearing before the Senate Anti-Trust and Monopoly Sub-Committee on the question of monopoly and restriction in the establishment of fire insurance rates. He reported to the Sub-Committee on the work of the American Municipal Association in the field of fire insurance grading and ratings.

SET DATE FIELD TRIP ON ALLEYS 9-62

Arrangements were made for some of the Council members to attend a joint Council-Commission field trip to Stockton to inspect subdivisions being developed without alleys. Tuesday morning June 9 from 8:00 A.M. to noon was set as the time for the trip. Mr. Smeath stated a staff report on alleys would be completed for distribution to the Council members shortly.

Mayor Hammond stated the Council's policy on alleys should be cleared as early as possible to assist the subdividers and city staff in planning subdivisions and the location of utility poles.

Additional trips would be planned for those members who would be unable to attend this trip.

FURTHER CONSIDERATION OF CLOSING TIME FOR COUNCIL AGENDA 9-100

MOTION

That the City Attorney be instructed to prepare an ordinance amending the Municipal Code providing for the closing of the Council agenda at 2:00 P.M. Friday prior to the Wednesday meeting.

Introduced by Spaulding Seconded by Arata Unanimously carried
6-3-59 Page 10

The City Manager stated that the public would be alerted by the press that the closing time might be changed. Before final adoption of the ordinance the public would have the opportunity to make any comments regarding the proposed closing time.

APPOINT RALPH E. WATSON MEMBER OF THE PERSONNEL COMMISSION 10-83

RESOLUTION NO. 59-241

A RESOLUTION APPOINTING RALPH E. WATSON A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION.

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

REPORT ON GOLF COURSE CLUBHOUSE 10-88

With the unanimous consent of the Council, the City Manager reported that the Municipal Golf Club had appointed a Clubhouse committee. A further report will be made to the Council on this matter at a later date.

PROTEST TO REMOVAL SALE LICENSE FEE - J. S. WILLIAMS CO. 9-97

Virgil Medlin appeared before the Council on behalf of J. S. Williams Company, 804 10th Street, protesting the license fee of \$100 required by Section 4-7.1402 (b) of the Modesto Municipal Code for a Removal of Business Sale. He pointed out that the company had been in business for many years in the city, was only moving to a new location within the city and not closing out and that no new merchandise was being acquired for the sale. The sale now being conducted was similar to its previous clearance sales.

Mayor Hammond suggested that possibly the ordinance should be reviewed because it was not intended to affect bona fide established business concerns operating in the city.

The City Attorney pointed out that there was no way the ordinance could apply to outsiders only. It all depends on how the sale is advertised. The regulations do not apply to a reduction of inventory sale or a general sale but as soon as a sale is advertised as a going out of business, fire or altered goods sale or removal from the premises, or disposition or termination of business, it falls under the provisions of going out of business regulations.

MOTION

That this matter be referred to the staff to work out the problem with the company and bring a report back to the Council.

Moved by Mayor Hammond Seconded by Arata Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Martin Seconded by Vander Wall Unanimously carried

The meeting was adjourned at 6:30 P.M.

ATTEST:

Ray E. Galfus
 City Clerk

6-3-59 Page 11

The Council of the City of Modesto met in adjourned regular session this date at 4:30 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1959-60.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Spaulding, Vander Wall, Mayor
Hammond
Absent: Councilmen: Knoles and Martin

CITY CLERK AND AUDITOR--Page 35

110-Regular help \$17,178. The increase shown is based on the present salaries, effective January 1, 1959.

301-Office Supplies. The City Clerk was asked to present a report on the reason this item had doubled in cost since the 1957-58 budget. Mayor Hammond pointed out that it might be possible to curtail some of the procedures on reports to reduce this cost.

Councilman Adams asked that the City Manager include this same item in his report for the over-all city operations.

Mayor Hammond considered that the Council should review the things which it required periodically with the idea of reducing reports to afford savings from both the time and material angle.

FINANCE DEPARTMENT--Page 37

Mr. Bird reported that the main increase in salaries represents the typist and filing supervisor at secretarial level for the centralized filing and typist pool. There is no increased personnel proposed. Normal step increases are also included.

Mayor Hammond noted the substantial increase in office supply item. Mr. Bird stated that the department had cut down on some paper work and expected to do more in the future. The estimate represents needs on present methods for the coming year. He cited an example on increase in cost of office supplies----improvement districts have been increased to seven districts and these supplies are costly. Three more districts during the next year are anticipated. These require billing twice a year and special records for control of cash collected for payment to the bond holders.

302-Books and Periodicals \$215. Proposed expenses were explained by Mr. Bird.

505-Camera & Light Meter \$150. The City Manager stated that it was proposed to use this equipment in all city departments, with the exception of the Police Department which has a special type of camera equipment. This will centralize the equipment for ease of handling, as the use will not be intensive enough for each department to have its own camera.

Bill Stambaugh reported on the method used for determining the replacement of manual and electric typewriters.

PERSONNEL DEPARTMENT--Page 39

207-Conference Expense \$580. Mr. Masonheimer stated that the increase in this item was due to plans for the attendance of the Commission and personnel department staff members to the International Conference of the Public Personnel Association being held in San Francisco.

Councilman Arata considered that Mrs. Bernice Mitchell could be placed in charge of the department so that Mr. Masonheimer could spend more of his time in the City Manager's Department. The City Manager believed that something could be worked if she would be given additional clerical assistance. Mr. Miller stated that he would present this matter in connection with his report on the City Manager's department.

302-Books and Periodicals \$600. The increase was attributed to additional costs involved in sending human relation lesson booklets to supervisors, safety materials, personnel booklets.

The City Manager stated that a report would be presented on the city's training and safety situation. Additional work is needed in both of these fields.

The City Manager asked if it would assist the Council in its deliberations on the budget to have precise lists of the costs included in some of the items. No action was taken on this suggestion.

221-Mtc. & Rpr. office equip. \$172. Mr. Masonheimer reported that since the preparation of the preliminary budget two pieces of equipment have been transferred into the Personnel Office. An additional sum of \$29 for this item will be needed, making a total of \$201.

MOTION

That item 221-mtc. and repair office equipment be increased from \$172 to \$201 and the necessary change be made in the budget.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

PLANNING DEPARTMENT--Page 41

If the city is going to continue with the present rate of growth and activity, more help will be needed in this department, the City Manager pointed out.

Councilman Arata asked if the planning staff was spending too much time on county planning matters.

The City Manager stated that most of the activity in the field of subdivisions and new development of land starts in the county but winds up in the city. Both the Engineering Department and Planning Department must spend considerable time on new developments located outside the city limits. The state law requires the county to refer planning matters to the city Planning Commission of certain types if located within three miles of the city.

Mayor Hammond considered that less time should be spent by the planning personnel on assisting subdividers on laying out new subdivisions. They have their own engineering staff to lay out these

6-4-59 Page 2

subdivisions and city personnel should only check out the matter of subdivisions complying with the city's growth pattern, and public safety matters.

Mr. Smeath stated that each subdivider is interested in subdividing his property for his own interest. The areas are usually small. The subdivider and his engineer are thinking in terms of what can my property best produce in lots. The planning staff does not try to plan subdivisions but try to tie each subdivision 1) to city standards, 2) tie into adjacent properties and neighborhood patterns. Senior Planner Fey is the only employee working on subdivisions.

Mr. Smeath reported that the department had prepared a study on hours spent by planning personnel on various types of work, during the past year, which would be made available to the Council. It would be advantageous to the city if more personnel time could be spent on subdivisions. When a subdivider comes to the planning department the subdivision is fitted in with the surrounding neighbor plan and major streets. Two or three free hand quick sketches of the base map are made but no precise drawings. The subdivider will do the engineering and precise drawings and bring them back if necessary.

235-Services-Prof. & Other A portion of the proposed increase relates to the contract with the U. S. Bureau of Census for block statistics report (\$2,475).

207-Conference Expense Increase proposed to pay expenses of Commission members to various conferences on planning in the state. Additional personnel requested was explained by Mr. Smeath, (\$3,073). Increase in regular salaries cover raises granted during January of the previous year and normal step increases.

Additional personnel is needed for the preparation of maps for the three studies approved by the Council, Central Business District study, Tidewater Southern Railway relocation and Neighborhood study.

ADVANCE PLANNING DIVISION--Page 43

Although the continuation of the program is not yet finalized, Mayor Hammond pointed out, it would be well to leave the item in the budget for further consideration.

CITY HALL BUILDING--Page 45

The preliminary budget represents six months operation in the present city hall building and six months in the new one. Additional care will be needed to maintain the new building and the cost cannot be fully determined at this time. Studies on maintenance of the new building indicate that it is very important that the city "get off to a good start on the maintenance of the city hall and particularly as it relates to floors".

Councilman Arata asked if it would be better to contract out the maintenance care of the new building. The City Manager stated this would be investigated thoroughly. Cost of utilities for the new building will be considerably more than in the old one.

The City Manager noted that the moving of the Parks and Recreation Department would release space at the Community Center which could be leased.

Disposition of present city hall

The City Manager stated that the staff was investigating the possibility that the present city hall might be used as a police headquarters on an interim basis. A report will be made on this matter.

Map on proposed zoning of area south of Tuolumne River was displayed for Council information by the Planning Director.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned until 4:30 P.M. Tuesday, June 9.

Moved by Arata Seconded by Vander Wall Unanimously carried

ATTEST: 
Rex E. Gailfus City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:30 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1959-60.

The Acting City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Knoles, Martin, Spaulding, Vander
Wall, Mayor Hammond

Absent: Councilmen: None

POLICE DEPARTMENT--Page 51

The City Manager stated that the preliminary budget includes salaries for authorized personnel. Supplemental request calls for 5 additional Patrolmen I and 2 Patrolmen II, and uniform allowance for policemen, which can be considered at the time salaries are discussed. The \$35,000 increase in regular salaries proposed for 59-60 represents normal step increases and positions authorized but not filled immediately after Council approval, due to recruiting problems.

208-Business expense \$6,230. The basis for figuring extraditing prisoners was outlined by Chief Bowers---based on the number of felony cases for the past 5 years which have been extradited (15). The state pays for the extradition expenses for the return of felony prisoners. Cost for the return of misdemeanor prisoners within the state must be paid by the city.

240-Contractual services \$26,800. 1) fee of \$1920 per year for services of the county identification bureau, 2) \$1800 for transportation of prisoners to the county road camp, and 3) balance of \$23,000 for maintenance of city prisoners in either the road camp or county jail.

The City Manager reported on state legislation now under consideration which would permit the city to have first option to use prisoners at the road camp for any city project.

Police Chief Bowers reported that a study of the arrest records indicates that more people are going to jail instead of paying fines which would increase the city's jail costs. The "common drunk" ruling affected this in some respect in that for some time the city was not allowed to arrest on the state charge and had to arrest on the city ordinance charge. This meant that the city had to maintain the prisoners.

The City Manager referred to page III of the budget message relating to the staff's recommendation last year that the city Council offer its full cooperation to the County in the development of a rehabilitation center as a means of reducing both the drunk arrest load and the volume of related petty crimes. He recommended that this offer be again submitted to the County. He suggested that the subject might be taken up with the City-County committee and that the Council indicate to the Board of Supervisors and some of the other cities in the county its willingness to work with them to find a better solution to this matter.

Mayor Hammond pointed out that it should be a matter of deep concern to the citizens of the community that the police budget continues to increase each year to such a large degree. The logical place to start a discussion on a rehabilitation center would be the City-County committee.

Police Chief Bowers was asked to furnish the Council with a report on the police cost on a per capita basis over the last five years.

MOTION

That the staff be instructed to seek the avenues to best handle this problem with the county and other cities.

Moved by Hammond Seconded by Vander Wall Unanimously carried

308-Tools, shop, fld. Supplies \$2850. Director of Finance Bird reported on the consolidation of accounts involved in this item.

429-Other special charges \$4750. Account for personnel training was outlined by Chief Bowers.

Supplemental request for additional personnel. Police Chief Bowers justified his supplemental request for additional personnel on the basis of a man hour study of demand for police service. The number of arrests, citations and service cases handled over the years and normal increase which the community has been experiencing has been projected. Based upon factors explored in other departments on the amount of time necessary to perform these duties, by simple mathematics it has been determined that it is going to take "x" number of men to perform "x" services.

Councilman Spaulding suggested that the Council could come up with a better answer if it had a report before the meeting as to why the supplemental requests are being made by each department. Mayor Hammond suggested that Police Chief Bowers include in his report the reasons why he is requesting the additional personnel and what the community can expect if these positions are not approved, and what services will not be provided.

FIRE DEPARTMENT--Page 47

The City Manager pointed out that the regular budget included salaries for personnel required in the new station on Orangeburg Avenue. Due to the grading program now coming up, provisions should be made to start this personnel in training at an earlier date.

Supplemental Request---Primarily involves maintenance of buildings, the City Manager stated. He asked if the Council members would consider the arrangement of a tour of inspection to the various departments to see some of the matters which will be up for consideration in the budget. This suggestion met with the approval of the members.

130-Overtime \$3000. Provides for the payment of overtime for off duty firemen called back for fires of a general alarm type.

DISASTER AND CIVIL DEFENSE--Page 47 (3-96)

Mayor Hammond asked why this department could not be incorporated in one of the other departments-possibly the Police Department. The

City Manager pointed out that this department was the responsibility of the Manager and under the state law the city is required to do certain things in order to follow through on the disaster and civil defense. No other department would have the authority to carry through. Procedures used and methods by which equipment is made available must be watched constantly. He reported on savings affected by the city on materials and equipment made available by the state and federal government purchased through this program. During the years 1954 through 1958, the city has received back from the federal government over \$15,000 for sharing of the cost of communications, (radio) equipment, etc. The city has completely replaced and modernized radio equipment in all of the operations except the fire department. This program also makes the city available for the purchase of surplus equipment for civil defense program at a price about 15% of the fair market price.

The Police Department could handle this department, of course, the City Manager stated, if someone could be assigned to it but it would take him considerable time to become familiar with the background of the operations.

Councilman Arata considered that the Assistant Manager should spend more of his time on work in the City Manager's office instead of spending it in Personnel and Disaster and Civil Defense.

The City Manager stated that it was not a question of where the salary should be charged but the Manager must stay on top of the program in order to keep it alive.

Mr. Masonheimer stated that his regular operations overlapped in civil defense. All of the coordinating work which he did with the Police Chief, relating to the Reserve Police Unit is Civil Defense. The same is true on the purchase of surplus property and preparation of applications for participating funds whether for radio for Public Works Department or for the Police Department. Whether it is called civil defense or regular normal operations, is incidental. A good third of his time was put in activities which relate directly to civil defense. Some of it is training, writing letters on civil defense matters or letter on coordinating the purchase of Reserve police uniforms. Originally this was included in the City Manager's Department but transferred to separate department for better accounting purposes.

The City Manager considered that the percentage of salary charged to this department could easily be changed if the Council so indicated.

Mayor Hammond considered that the percentage was satisfactory.

Mr. Masonheimer reported that the radio equipment in the Police Department was all new within the last five years and 50% paid for by the federal government. A good part of the Fire Department equipment is old but everything placed in their budget in the way of expansion has been added to with 50% participating funds. The local government system will be completed after bids are awarded on the equipment coming up for Council consideration on June 10. This will provide 19 mobile units for vehicles and pieces of equipment in the Parks and Public Works Departments which can be used for routine operations and will be available for emergency uses in disaster conditions.

Councilman Martin advised that he was a member of the National Advisory Committee.

Councilman Knoles stated that after having returned from the Naval War College on Global Strategy, he hoped that the city's civil defense was good. He stated he would report on his trip at a later date.

Councilman Martin considered that the salary charged in this budget was a minimum amount.

PARKS AND RECREATION-RECREATION DIVISION--Page 55 (5-30)

110-Regular salaries. Reflect the step increase and normal increase granted January 1, 1959, and the staff is up to capacity at the present time, Mr. Lowrey reported.

Mayor Hammond stated it was difficult to determine by inspecting the budget whether the adult recreation activities were self supporting.

Mr. Lowrey stated it would be necessary to make a separate report on these programs showing the revenue received and cost of each program separately. Revenues cover everything the city expends with the exception of the facilities provided and time spent by the recreational director.

Mayor Hammond stated that these adult programs should be scrutinized frequently to be certain that they continue to be self supporting, primarily because the recreational requirements for the city were growing at such a rapid pace. In this area particularly, it should be certain that the city is not offering an additional service without the necessary revenue from those who are enjoying it.

The City Manager stated that the Council would be furnished with a report showing the operating costs of the various adult recreation programs and revenues received.

Mayor Hammond stated that the Council's policy provided that the facilities should be furnished free but the operating expenses amortized by fees and contributions from participants of the adult programs.

MADDUX YOUTH CENTER--Page 57 (5-65)

Mr. Lowrey reported that so much vandalism to the vending machines had occurred that the companies had removed them. It is now proposed to buy materials and resell these. A portion of the amount budgeted for rent of equipment is to provide for an ice cream electrical-refrigerated box. Account 337-resale supplies for \$2,500 will be offset by the sale of merchandise. Only that amount of merchandise which could be sold in a short period of time will be maintained and the cash received will be turned in daily to the Finance Department.

Mayor Hammond considered that since the Center had been in operation for a number of years that it should be reappraised to determine if it fulfilled a need in the community. He considered that this type of activity should be a church function or a YMCA program instead of a city program. He considered it to be a duplication of community activity.

Councilman Spaulding considered that it did fulfill a community need but instead of discussing it as a budget matter that it should be considered separately at some other time than a budget session.

Mr. Lowrey noted that a fairly comprehensive report on its operation had been submitted a few months ago to the Council. Any other reports desired by the Council will be given at any time, he stated.

Councilman Knoles stated that the original intent of the Center was to provide a place for people without church affiliation and without proper homes. However, it would be well to reevaluate the program in line with the experience during the past four years of operation.

The City Manager asked that the Council advise the staff on the type of information they desire at the time they wish to reevaluate the program.

PARKS AND RECREATION DIVISION--Page 59 (5-116)

The City Manager pointed out that this department would be getting bigger each year as the city expands and acquires more parks and trees to maintain. He commended the department on the tree program and the Council on the equipment furnished to do the work. A lot of basic work is being done now which will minimize the operating costs in later years.

Mr. Lowrey reported that the basic work now underway is requiring considerable more maintenance for the younger trees than has been performed in past years.

One additional tree trimmer and two maintenance men special positions and one additional maintenance man position (6 months) are included in the budget. The 6 months maintenance man is being hired for maintaining the city hall as of January 1. After the planting is in good growing condition it will only require care for two hours per day, the balance of his time will be spent on tree planter boxes in the central business district. More time is being allocated for city parking lots.

Account 430-Taxes \$135. Mr. Bird reported that a mistake had been made in this sum as \$65 would be adequate.

MOTION

That item 430-Taxes be reduced from \$135 to \$65 and the necessary adjustments be made in the budget.

Moved by Arata Seconded by Vander Wall Unanimously carried

Councilman Arata asked about the tree trimming program. Mr. Lowrey reported that difficulties were occurring on Sycamore trees but so far it cannot be determined what is causing them to die in the tops. The dry weather this year might be causing this. Almost 5000 trees were trimmed and 8000 young trees maintained during the month of May. He reported on the procedures used in trimming trees -- work handled by the heavy maintenance crew and the mobile utility crew. Even the additional personnel requested will not meet all the present needs. The city could not afford to hire the number of men necessary to solve the street tree problem in Modesto---the number of new trees being planted and the area being annexed. When LaLoma area was annexed the city inherited 2200 trees over night. Some of the other cities are

6-9-59 Page 5

contracting much of this work, Mr. Lowrey reported, but that it was his opinion the city could do it more economically. Some cities require that a charge is made for trimming trees in front of houses and some cities require that the property owners plant the tree under the jurisdiction of the city. This creates problems because the city does not have full control over the trees. Problems in spraying and control of pests is a major matter when different types of trees are planted on one block.

He believed that the city's tree program might be more costly now but in the future it would diminish. The city has adopted an administrative policy that requires contractors, owners, etc. where business is being developed in the downtown area, to pay for tree removal, if the tree would not be removed by the city as a potential hazard. This has saved the city a considerable amount of money.

FIRE DEPARTMENT - Page 59

504-Radio Conversion \$650. At the time the agenda was prepared the city was negotiating with a company for this conversion but since then has found out that \$6970 will be needed for radio conversion.

Mr. Masonheimer reported that much of the equipment in the Fire Department is in excess of 10 years of age and it has not been manufactured so that it can be converted to the narrow band or flip channel operation that F.C.C. will require in the coming fiscal year. Originally the city estimated that ten mobile units in the main base station would have to be replaced. The manufacturer of the equipment advised this would not be necessary because the equipment could be converted but when it came time for the company to produce the parts, it advised that it could not be done. In lieu of the salesman's \$610 offer, the city will have to replace the equipment at a cost of \$6970. This is replacement of existing equipment and the cost will not be shared by the federal government. Unless this work is done the F.C.C. will require that the city cease operating this radio system.

MOTION

That item 504-Radio Conversion be changed from \$610 to \$6970 and the necessary adjustments be made in the budget.

Moved by Vander Wall Seconded by Spaulding Unanimously carried

PARKS AND RECREATION-MODESTO COMMUNITY SERVICE CENTER-Page 61 (6-106)

Mayor Hammond stated that the only question he wished to raise was whether or not this building would be self-supporting from an operating standpoint after the Parks and Recreation Department moved to the city hall in January.

The City Manager stated that it was reasonably certain that it could be kept on a self-supporting basis even though the department moved out. The Girl Scouts are interested in renting these quarters and the Boy Scouts wish to expand their quarters across the hall for additional rental. This would leave only three rooms which are not fully occupied. The general meeting room is being continuously used. A day time rate will be requested from the Council shortly, Mr. Lowrey stated, as there are many requests to rent it during the day time.

Mayor Hammond pointed out that it was questionable whether the city should be providing this type of service for the general public. This program needs an appraisal which could be considered at a later date.

6-9-59 Page 6

Further study should be made on item 226-Laundry and Cleaning \$40 by the staff and cleared later with the Council, the City Manager stated.

Golf Course Budgets

The City Manager stated that a report would be prepared by the staff before the Council considered these budgets to roughly indicate the amount of subsidy which the city would be required to give to these courses during the change over to the new course.

ADJOURNMENT

MOTION

That the meeting be adjourned to 4:30 P.M. June 11.

Moved by Vander Wall Seconded by Arata Unanimously carried

ATTEST: Anne M. Collins
ANNE M. COLLINS, ACTING CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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, Vander Wall,
Mayor Hammond

Councilmen Arata arrived at 7.50 P.M.

Absent: Councilmen: None

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

Rev. Arthur Brohm gave the invocation.

APPROVAL OF MINUTES

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

LETTER FROM LIONS CLUB RE: LUNCHEON HONORING FORMER MAYOR MARKS

An invitation was read from the Modesto Lions Club to the Council to attend its meeting on Monday, June 29 at 12:15 noon in the Fable Room of the Hotel Covell, honoring former Mayor Harry Marks.

LETTER FROM CALIFORNIA RELAYS 1-36

A letter from the California Relays was read requesting the Council to increase the city's contribution for this activity from \$1250 to \$2000 in the 1959-60 budget.

MOTION

That this request be considered in the budget session scheduled for Tuesday, June 16 at 5:00 P.M., that the Clerk so advise the Association and that other items in the Music and Promotion Budget be considered.

Moved by Vander Wall Seconded by Knoles Unanimously carried

LETTER FROM SALVATION ARMY 1-76

A letter from the Salvation Army was read, expressing appreciation for permission to hang banners across the city streets advertising Salvation Army Week.

COMMUNICATION FROM DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL 1-80

A letter was read from the Department of Alcoholic Beverage Control acknowledging receipt of the city's resolution protesting the granting of an on-sale liquor license for George's Place, located on North 99 Highway.

ACCEPT OFFER OF NATIVE DAUGHTERS TO DONATE A CLOCK TO BE INSTALLED
IN THE GENERAL MEETING ROOM AT THE COMMUNITY SERVICE CENTER 1-86

A letter was read from the Sewing Club of the Native Daughters offering to donate a clock to the city to be installed in the general meeting room of the Community Service Center.

RESOLUTION NO. 59-242

A RESOLUTION ACCEPTING THE OFFER OF THE NATIVE DAUGHTERS OF THE GOLDEN WEST SEWING CLUB OF THE MORADA PARLOR NO. 199 TO PAY THE COST OF A CLOCK FOR THE MAIN MEETING ROOM AT THE MODESTO COMMUNITY SERVICE CENTER

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

REQUEST OF STANISLAUS COUNTY TUBERCULOSIS AND HEALTH ASSOCIATION TO
PARK VAN ON CITY STREETS 1-99

This request for the use of two parking spaces in front of 808 Ninth Street on Tuesday, all day July 14 to park the Chest X-Ray Unit, was considered by the Council.

Councilman Martin considered that matters like this should be handled by the staff and not placed on the agenda for Council action. If necessary procedures should be established by the Council to permit such matters to be handled directly by the staff.

MOTION

That the staff be directed to handle the request.

Moved by Vander Wall Seconded by Adams Unanimously carried

GRANT PERMIT TO KIWANIS CLUB TO USE LEGION PARK ON JULY 4

The Council considered a request from the Kiwanis Club of Greater Modesto for the use of Legion Park for a public beef barbecue on Saturday, July 4 on the same basis as previous requests.

RESOLUTION NO. 59-243

A RESOLUTION GRANTING A PERMIT TO KIWANIS CLUB TO HOLD A BEEF BARBECUE IN LEGION PARK ON JULY 4, 1959

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

Councilman Adams asked if this was another case of a matter which could be handled administratively.

Councilman Martin stated that there were a series of matters appearing on the Council agendas which he considered could be handled by the administrative staff, subject to appeal to the Council, such as the temporary closing of streets, the reservation of parking spaces, use of city parks and other city facilities, etc. A policy could be adopted by the Council which would cover a number of similar items which are not controversial and still not deprive the citizen of the opportunity to come to the Council if he was not satisfied with the staff's action.

6-10-59 Page 2

Mayor Hammond pointed out that the Council during the past years had been reducing the number of routine matters requiring Council action and authorizing the staff to handle them. It is possible that others matters could be added to this list.

The City Attorney stated that a report could be submitted on this matter with recommendations for Council procedure to set policies, amend the Municipal Code or any other action.

MOTION

That the City Attorney be requested to submit a report listing items on past agendas which might have been handled administratively and suggesting methods and procedures for accomplishing this in the future.

Moved by Martin Seconded by Vander Wall Unanimously carried

Councilman Arata arrived at this time, 7:50 P.M.

REQUEST FOR PERMISSION TO PARK "HOOSEGOW" ON CITY STREETS DURING DIAMOND JUBILEE CELEBRATION FOR WHISKERINO JAIL 2-42

Ben Blackman, appeared before the Council, representing the Junior Chamber of Commerce, to request permission to use one parking space on Tenth Street between I and J Streets and one parking space on Tenth Street between J and K Streets, between the dates of June 24 and July 4 to place the "Hoosegow" for those who did not participate in the Wiskerino Contest, a part of the Diamond Jubilee Celebration. The "jail" will be placed in one parking space for one week and then moved to the other space for a week.

MOTION

That this matter be referred to the staff to make the necessary arrangements to permit the use of these spaces for the time requested.

Moved by Martin Seconded by Arata Unanimously carried

REPORT ON LICENSE REQUIREMENT FOR "CLOSING OUT SALES" 2-62

Pursuant to Council request, Director of Finance Bird prepared a report on the background of the city's regulations of "closing out" sales, a copy of which is on file with the records of this meeting.

Virgil Medlin, representing the J. S. Williams Company, 808 10th Street, now holding a "removal" sale again spoke in protest to the regulations and requested that they be changed so that a long established firm, such as this company, would not be required to conform with these regulations.

The report was reviewed by the City Manager. He stated that the Downtown Merchants Association had considered this problem at its meeting held on June 10, 1959. The Association indicated that further studies would be made on the matter and the Council would be given any new suggestions which might result from these studies. If the Council wishes to consider changing the regulations, the City Manager stated, the staff could review it with the Association again.

Mayor Hammond pointed out that the determining factor was the manner the sales was advertised. Since the ordinance was in effect

6-10-59 Page 3

at the request of the Merchants Association, it should be reviewed with the Association. It was suggested Mr. Medlin might like to meet with the Merchants' Association on this matter.

Councilman Martin pointed out that this was an example of government trying to form an opinion about a particular type of business and pass a judgment on it, the most dangerous kind of thing the Council could do.

MOTION

That the staff be requested to work with the Merchants Association and report back to the Council on recommendations to best solve the problem.

Moved by Spaulding Seconded by Knoles Unanimously carried

Councilman Spaulding pointed out that the city could offer no relief to the J. S. Williams Company at this time, because the law was in effect and the fee was legally assessed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR SUB-TRUNK SEWER TO SERVE HILLVIEW ADDITION 3-45

RESOLUTION NO. 59-244

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF SUB-TRUNK SEWER ALONG M.I.D. LATERAL NO. 4 TO HILLVIEW ACRES SUBDIVISION

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

The time set for the opening of the bids was 2:30 P.M., June 22, 1959.

HEARING ON BUDGET FOR FISCAL YEAR 1959-60 3-62

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the preliminary budget for the fiscal year 1959-60.

The City Clerk's certification that the hearing had been published in the manner and time prescribed by the law was introduced. He reported no written communications had been received.

Mayor Hammond asked if anyone in the audience wished to make any comments on the proposed budget. No comments were made.

MOTION

That the hearing be continued to 5:00 P.M. June 17.

Moved by Arata Seconded by Vander Wall Unanimously carried

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR LIGHTED WIND TEE AT CITY-COUNTY AIRPORT 3-90

Director of Public Works Ray reported that the cost of the wind tee would be shared by the FAA, county and city. FAA has requested

6-10-59 Page 4

that bids be called for at this time in order that the contract can be executed prior to the end of the present fiscal year, in order to use available federal funds. The grant offer has not yet been received or executed by the city or county. FAA has assured that the offer should be forthcoming shortly. The County has been notified of the situation by the City staff. .

RESOLUTION NO. 59-245

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF LIGHTED WIND TEE ADDITION AT MODESTO CITY-COUNTY AIRPORT

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

The time set for opening the bids was June 22 at 2:15 P.M.

HOLD OVER CALL FOR BIDS FOR CONSTRUCTION OF CHICAGO AVENUE 3-102

Mayor Hammond ordered that this matter be held over.

CALL FOR BIDS ON THREE TRAFFIC SIGNAL CONTROLLERS 3-105

RESOLUTION NO. 59-246

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING THREE TRAFFIC SIGNAL CONTROLLERS

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

The time set for opening the bids was June 30 at 2:00 P.M.

CALL FOR BIDS FOR SEEDING THE DRYDEN PARK MUNICIPAL GOLF COURSE 3-110

RESOLUTION NO. 59-247

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR SEEDING AND FERTILIZING OF FAIRWAYS AND TEES AT DRYDEN PARK MUNICIPAL GOLF COURSE

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

The time set for opening of bids was 2:00 P.M. June 22.

Director of Parks and Recreation Lowrey reported on the progress being made to complete the course by October 1.

CITY MANAGER REPORTS ON DAMAGE DONE TO CITY PROPERTY 4-05

The City Manager reported on the city's program in handling damages to city property. Material assistance is given by alert citizens who observe damage being done to city property, in reporting license numbers. If the damage is a malicious act, the persons are

cited and billed for the damage. If the claim is not voluntarily paid, it is handled through the Small Claims Court. If the damage was done on a non-malicious basis, the persons are still required to pay for the damage, but the criminal liability is not present.

Councilman Arata recommended that a person caught flipping a cigarette butt into an open window of a car parked or travelling along the streets, should be vigorously dealt with when apprehended. Numerous fires have been started in cars in this manner, he stated.

AUTHORIZE CALL FOR BIDS FOR RADIO EQUIPMENT 4-30

Assistant City Manager Masonheimer reported that the call for bids for radio equipment covered 9 mobile units, an auxiliary base station and a portable test unit. This will furnish the city a Local Government radio system consisting of a main base station, or transmitter-receiver unit, an auxiliary transmitter unit and 19 mobile units. About five of the portable units from the reserve shelf at the Police Department will be transferred for use of the Local Government system, as soon as frequency modifications can be accomplished.

The bids are to be opened at 2:00 P.M. July 6. Funds will be included in the 1959-60 budget and purchase will be contingent upon federal participation.

RESOLUTION NO. 59-248

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR RADIO EQUIPMENT

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

FINAL ADOPTION OF ORDINANCE NO. 310-C. S. ADMINISTRATIVE PROCEDURE
4-49

ORDINANCE NO. 310-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-3.102 OF ARTICLE 1 OF CHAPTER 3 OF TITLE II AND SECTION 2-5.04 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO ADMINISTRATION"

having been introduced on June 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 Martin
Ayes: Adams, Arata, Martin, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 311-C.S. AMEND CODE RELATING TO
INSURANCE ON AIRCRAFT 4-57

ORDINANCE NO. 311-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.108 OF ARTICLE I OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO INSURANCE REQUIREMENTS FOR COMMERCIAL OPERATORS AT THE MODESTO CITY-COUNTY AIRPORT"

introduced on June 3 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 Spaulding
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, Vander Wall, Mayor
 Hammond
 Noes: None Absent: None

AMEND CODE RELATING TO PREPARATION OF AGENDA 4-60

As directed by the Council the City Attorney presented for consideration an ordinance which would provide that the closing time for the Council agenda would be 2:00 P.M. Friday preceding the meetings on Wednesday.

ORDINANCE NO. 313-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.03 OF CHAPTER I OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL AGENDA"

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

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

APPROVE EXTENSION OF AGREEMENT WITH CONSULTANT ENGINEER HARRY JENKS FOR CONSULTING SERVICES FOR THE SEWER PLANT 4-79

RESOLUTION NO. 59-249

A RESOLUTION APPROVING EXTENSION OF AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY JENKS FOR CONSULTING SERVICES TO JUNE 30, 1960

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

APPROVE RIGHT OF WAY AGREEMENT WITH FLORENCE SAETHER FOR WIDENING OF MCHENRY AVENUE 4-90

RESOLUTION NO. 59-250

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND FLORENCE SAETHER FOR WIDENING OF MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT ON BEHALF OF THE CITY

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

ACCEPT CONSTRUCTION OF CURBS AND GUTTERS AT PIKE PARK FROM STANDARD MATERIALS INC. 4-96

RESOLUTION NO. 59-251

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CURBS AND GUTTER IN PIKE PARK BY STANDARD MATERIALS, INC.: AUTHORIZING FINAL PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Spaulding Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Spaulding, Vander Wall, Mayor
Hammond

Noes: None Absent: None

APPROVE APPROPRIATION TRANSFER TO COVER COST OF FIRE GRADING SERVICE
4-110

RESOLUTION NO. 59-252

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,500 FROM GENERAL RESERVE TO FIRE GRADING FOR COST OF FIRE GRADING SERVICE

Introduced by Arata Seconded by Martin

Ayes: Adams, Arata, Knoles, Martin, Spaulding, Vander Wall, Mayor
Hammond

Noes: None Absent: None

REPORT ON TRANSFER OF FUNDS TO COVER ADDITIONAL UTILITY COSTS IN
PUBLIC WORKS DEPARTMENT 4-111

The City Manager reported transfer of funds which would be necessary between departments to pay for additional utility costs in the Public Works Department.

- 1- \$5,000 for utilities to keep the sewage disposal plant operating. The low run off in Tuolumne River has kept the deck aerators operating this season longer than usual.
- 2- \$4,200 for utilities to keep the street lights in operation. This is a reflection of the new subdivision development. For example, just recently 18 new lights have been put in service in Montgomery Village No. 1 and Montgomery Village No. 2.

These transfers can be made administratively within budgets but this report is being made so the Council may be informed of the problem and its solution, the City Manager stated.

FURTHER CONSIDERATION OF DISPLAY OF CITY FLOAT IN PARADE 5-1

Further discussion was held on the possibility of renting the float to be entered into the Fourth of July and Diamond Jubilee Celebration on a seasonal basis instead of for the one parade only.

A letter from the Modesto City Employees' Association was read offering the services of the city employees to transport and display the float in designated parades throughout the northern part of the state.

The value to the city of renting the float on a season basis was again discussed by the Council. The possibility of using the vacant Phoenix Avenue Fire station to store the float was discussed. The City Manager stated that storage space could be found in any event. The reciprocity angle was discussed and its value to the city in having

6-10-59 Page 8

other cities enter floats in the Fourth of July parade and the city to be represented in other cities during the summer season. Mr. Masonheimer reported the decision would need to be made prior to June 26, 1959, the date option to take the float on a seasonal basis expires.

MOTION

That the decision on the length of time the float is to be leased be cleared at the Council meeting of June 24, and the staff clear the question of a storage place for the float.

Introduced by Vander Wall Seconded by Knoles Unanimously carried

SET DATE FOR HEARING ON PROPOSED ANNEXATION OF MONTGOMERY VILLAGE ADDITION 5-100

Resolution No. 527 adopted by the Planning Commission recommending the Council consider the annexation of Montgomery Village to the City was noted by the Council.

RESOLUTION NO. 59-253

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE MONTGOMERY VILLAGE ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION.

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

The time set for the hearing was 8:30 P.M. July 22.

INCREASE SWIMMING POOL RATES 5-114

Director of Parks and Recreation Lowrey's report on a recommended change in seasonal and daily admissions fees and in party rental fees at both the Modesto and Downey High School swimming pools was discussed.

MOTION

That the proposed changes in rates be approved and the City Attorney be authorized to prepare the necessary document to effect these changes for Council approval.

Moved by Spaulding Seconded by Martin Unanimously carried

CONSIDERATION OF AGREEMENT WITH INDIAN RIVER CORPORATION FOR IMPROVEMENT OF CHICAGO AVENUE 6-19

This matter was held over for further staff clearance.

REPORT ON REQUEST FOR EXTENSION OF CITY SEWER SERVICE TO PROPOSED SUBDIVISION AT NORTHEAST CORNER OF COFFEE ROAD AND ORANGEBURG AVE. 6-20

Director of Public Works Ray reported on the request filed for city services to a 10 acres tract located along the extension of Orangeburg, east to Coffee Road, proposed for subdivision. This would

6-10-59 Page 9

involve considerable extension of the sub-trunk sewer line on Coffee Road in order to serve the subdivision. If approved there then would be the question of whether or not the city would provide water service. There is private water service in the area, he reported. The estimated total cost for the sub-trunk sewer line extension will be about \$17,500 and that all property served by the line would share in the cost. The extension at this time to serve this particular tract is estimated to be \$8,360. This particular subdivision would pay about \$1250 of this sum, representing his share of the total cost of the sub-trunk construction. This would mean on the basis of four lots to the acre that the return on the city's investment would be about 7½%.

The Department recommends approval of provision of the sewer service to this tract since prior approval was given by the Council on a smaller subdivision located west of this area. The city also has an agreement to serve the commercial area located on the north-west corner of Orangeburg and Coffee. He reported there is also some interest expressed by other property owners in the immediate area for sewer service.

In respect to water service, Mr. Ray stated, the subdivisions to the north are being served by the Del Este Water Company and it has a main line on Coffee Road. If the area on the south is being served by this company, it is recommended that the city not plan to serve this particular subdivision with municipal water. A further report will be made on the serving of water before final action by the Council would be necessary. The cost of extending water to this tract has not been estimated.

Councilman Arata suggested that a study be made on the possibility of charging higher sewer rates where city water is not furnished.

MOTION

That the staff be authorized to proceed on the basis that sewer service will be furnished this area.

Moved by Adams Seconded by Vander Wall Unanimously carried

CITY HALL MATTERS 6-86

RESOLUTION NO. 59-254

A RESOLUTION AUTHORIZING A TRANSFER IN THE AMOUNT OF \$23,250 FROM THE SPECIAL CAPITAL OUTLAY FUND TO THE IN LIEU PARKING FUND FOR PARKING SPACES AT THE NEW CITY HALL AND AUTHORIZING THE NECESSARY BUDGET ADJUSTMENTS

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

The City Manager reported that funds are to provide for 16 parking spaces at the new city hall to be reserved for official use and in lieu payment for the remaining 31 of the total of 47 spaces required for a commercial building comparable to the city hall. This places the city in the position of following the policy relating to the furnishing of off street parking that is required of private developers.

6-10-59 Page 10

CHANGE NAME OF ROSS STREET TO G STREET 6-110

The City Manager reported that Resolution No. 526 adopted by the Planning Commission recommended to the Council that the name of Ross Street be changed to G Street.

RESOLUTION NO. 59-255

A RESOLUTION CHANGING THE NAME OF ROSS STREET TO G STREET IN THE CITY OF MODESTO

Introduced by Martin Seconded by Vander Wall

Ayes: Adams, Arata, Knoles, Martin, Spaulding, Vander Wall, Mayor
Hammond

Noes: None Absent: None

LEGISLATIVE MATTERS 6-120

The City Manager reported that the staff was following through on bills and amendments in the legislature according to policies established by the Council.

MATTERS FOR THE GOOD OF THE COMMUNITY

Councilman Knoles reported that while he was visiting in Newport, Rhode Island, recently, the Providence morning paper on Sunday morning following the California Relays held in this city carried a story with a date line---Modesto, California. Councilman Vander Wall reported that the New York Times had carried a headline story on the event.

Mayor Hammond briefed a letter received from the California State Chamber of Commerce relating to a business meeting to be held in Turlock on June 22 to discuss the annual highway project recommendations to be submitted to the State Highway Commission.

Councilman Arata asked that the staff submit its report on the installation of parking meters on the block in front of the Dunne Paint Store on Tenth Street. The City Manager stated a study was underway and a report would be presented at an early date.

INVITATION TO PUBLIC TO ATTEND COUNCIL MEETINGS 7-30

The City Manager asked for Council guidance on the matter of continuing the mailing of 50 invitations per week to the registered voters in the city, inviting them to attend Council meetings. The citizen response to the invitations which have been sent out weekly for the past four years has been very discouraging.

Councilman Spaulding recommended that the postcard invitation be discontinued. He suggested a plan to ask the head of every service club or local organization to appoint from their organization a legislative representative who would attend the Council meetings and report back to his club on important matters considered at the meetings.

Councilman Spaulding stated he would personally be willing to visit a number of the service clubs and invite them to send representatives to the Council meetings.

MOTION

That the postcard invitation to attend Council meetings be discontinued.

Moved by Martin Seconded by Vander Wall Unanimously carried

It was agreed that individual Councilmen would contact the service clubs to determine if they would be interested in appointing a representative to attend the Council meetings.

The City Clerk was asked to place this matter back on the agenda in two weeks for further discussion.

REPORT ON COUNTY OWNED PARCEL OF PROPERTY AT TUOLUMNE AND SEVENTH STREETS 7-125

The City Manager reported that the county was making a review of the land it owns to determine whether certain parcels might be made available for other uses. A parcel of land owned by the county, located on the southwest corner of Tuolumne and Seventh Streets, is no longer needed by the County. The County has inquired whether the city would be interested in acquiring this land for city purposes.

The Council considered that if this land did not affect the realignment of Tuolumne Blvd. with the Freeway the city would have no need for it.

MOTION

That the staff be authorized to advise the County that the city had no need for this property and suggest the State be contacted by the County to determine if the land would be needed in the Freeway project.

Moved by Spaulding Seconded by Arata Unanimously carried

REPORT ON PRESENTATION OF PARK AND RECREATION DEPARTMENT SUMMER PROGRAM BROCHURE 8-27

Copies of the brochure prepared by the Department of Parks and Recreation listing the recreation activities for the summer were distributed to the Council members.

REPORT ON PROPOSED TRIP TO STOCKTON TO INSPECT SUBDIVISIONS BEING DEVELOPED WITHOUT ALLEYS 8-45

An invitation was issued to all Council members to attend a trip planned for Friday, June 12 to inspect subdivisions being developed in Stockton without alleys.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF MAY

The City Manager distributed copies of the city's financial statement for the month of May to each Council member.

Mayor Hammond adjourned the meeting at 9:20 to hold an executive session to consider names of persons proposed to fill the vacancy on the Board of Zoning Adjustment.

Mayor Hammond reconvened the Council meeting at 9:30 P.M.

6-10-59 Page 12

RESOLUTION NO. 59-256

A RESOLUTION APPOINTING CHARLES W. SEGUIN A MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT

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

ATTEST: 
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:30 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding to consider the preliminary budget for the fiscal year 1959-60.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Knoles, Martin, Vander Wall, Mayor Hammond

Councilmen Arata and Spaulding arrived at 5:04 P.M.

Absent: Councilmen: None

PUBLIC WORKS-ENGINEERING & ADMINISTRATION-Page 67 (1-04)

A general Council discussion was held on whether the number of employees included in the budget would be sufficient to handle the work in the department.

Director of Public Works Ray stated that the staff was adequate for a normal year but recent months have been abnormal for this department. Eight or nine subdivisions are in the process of being presented for checking. Each of these developments involves a lot of other activities which are not directly connected. The staff has been designing and developing 3 new water wells, pump, sand traps and pressure tanks and all controls involved. Sewers for these areas must be designed. Every one of these types of growth result in a myriad of activities in this department as well as other city departments. Plans on the North Central storm drainage district have just been completed. Assessment rolls and specifications must be completed on this district before a hearing can be held. Another storm drainage district is also underway. Not being able to acquire qualified designing help, because those people are scarce and other people can pay larger salaries, the city may have to go on a six day week for some period of time in order to take up the slack.

Consideration is being given to changing the position of Project Assistant and Land Agent, which is now vacant, to the position of Assistant to the Director of Public Works to relieve some of the administrative load. Overtime work has been necessary on many occasions recently to carry the load of work.

Councilman Adams stated that the Council should recognize the need for extra help so that the department would not get bogged down. It will be necessary for the staff to work with the State on the installation of the four year college in this area and there should be no question of lending this assistance. After all vacancies in this department are filled if Mr. Ray still feels that extra help or overtime work is needed to keep the work up to date, the Council should make some provisions for this help and payment of overtime work.

223-M & R Equip. Other \$1,272. The increase is caused by the maintenance of the new mobile radio equipment, including conversion of existing equipment in the amount of \$200.

Mr. Bird stated that there would be some adjustment on this item before final adoption by the Council.

6-11-59 Page 1

overtime work
 Mayor Hammond considered that this/was a problem which should be considered by the Council as the actual need arose and not at this time.

The City Manager pointed out that funds budgeted for overtime work for the present year would have to be increased as the need was urgent. How long this need will continue is difficult to state, it might run for 2 or 3 months or a shorter time. A further report will be made in 60 or 90 days on this matter. If the present staff could be used on an overtime basis to catch up on some of the work it would be better than to hire additional engineering personnel.

Councilman Martin stated that he would not like to leave the impression that the Council would increase the salary budget without justification of the need.

The City Manager stated that so there would not be any misunderstanding, it should be made clear at this time, that the city will be spending more money and at a faster rate during the next few months than is proposed in the budget. The work in front of the department cannot be done without spending more money than proposed. It cannot be done in the same number of hours by the same number of personnel. The budget figure was prepared about 90 days ago and finalized 60 days ago. Since this time the volume of subdivisions, engineering and improvement districts proposed cannot be done with the same amount of help proposed earlier. There are some other uncertainties out of which it might be possible to take care of this situation. The overtime figure in the budget will not cover the costs incurred in order to catch up with the mass of developmental work. An estimate of the overtime load can be made at this time but it would be a futile gesture because it might also be out of date in 60 days. The best way to handle it would be to come to the Council later for some adjustment.

PARKS AND RECREATION-GOLF COURSE--Page 63 (2-122)

The City Manager distributed copies of a report on alternatives taken into account by the staff in determining the estimated revenues for the next fiscal year on the two golf courses. The report indicated the number of rounds on the Dryden Park Municipal Golf Course for the period Oct. 15, 1959 through June 30, 1960 to be 29,000; revenue at the present rate \$25,190 and estimated operating deficit \$20,021. The revenue from the course for the same period on a new proposed rate would be \$29,912 and the operating deficit \$15,299. Revenues and deficits based on 25% and 33 1/3% increase in play were given.

Based on the two year average of rounds of play, the estimated revenue on the 9 hole municipal golf course for the period July 1, 1959 to Oct. 15 would be \$9,267 and for the balance of the fiscal year based on 20% of present play \$4,501, with a deficit of \$20,374. Based on 25% of present play the estimated revenue from Oct. 15 to June 30, 1960 would be \$5,626, estimated deficit \$19,249 and on 33 1/3% the revenue would be \$7,494 and deficit \$17,381.

If both courses are retained and operated as golf courses, Director of Parks and Recreation Lowrey estimated an expenditure on the new course of \$13,000 for equipment. Even if the 9 hole course is operated as a park some of the equipment listed in the budget for the 1959-60 fiscal year would have to be retained. \$19,000 is the estimated cost for operating it as a park, including labor, equipment, etc.

Councilman Arata pointed out that the play would materially increase on both courses when the new 18 hole course opened as many players are turned away over the week ends because the course has been filled.

The City Manager noted that on Page 11, the estimated revenue from the 9 hole golf course was shown as \$15,000 and the new 18 hole course as \$30,000. He asked if the Council wished to change these amounts. No objections were voiced on these estimates.

The present and proposed rate schedules were discussed. Councilman Martin raised a question on the proposal to continue the weekend rate of \$1.50. Mr. Lowrey pointed out that a study of the rates charged throughout the area indicate this to be the standard rate. The work done by the golfers in getting the 18 hole course underway was also taken into consideration. One year's experience in operating the 18 hole course is also needed to determine the operation costs.

The City Manager pointed out that many of the volunteer workers were non-golfers and that \$2200 had been paid in advance green fees for which they were given credit in rounds of play on the new course, which would decrease the first year's revenue.

Checking of fees charged at other courses is still underway, Mr. Lowrey reported.

The possibility of providing passes to some of the golfers who had assisted materially in the development work of the 18 hole course was suggested by the City Manager. Mr. Ray reported that the Public Works Department had kept a fairly complete list of the volunteer workers.

Mayor Hammond stated that the idea behind the volunteer work was to provide a golf course at an earlier date and not to get a reduced rate of play.

Councilman Martin considered the proposed increased rates too low.

Mayor Hammond considered that the estimated figures prepared by the staff should be accepted by the Council, be cognizant of the expected deficit, discuss with the Golf Clubs the proposed increases in rates and at the end of one year's operation the operating costs and revenues be again reviewed.

It is proposed that the new rates would go into effect on the new course only at the time it is opened for play and that the present rates be maintained on the 9 hole course, Mr. Lowrey stated.

Councilman Martin considered that the 50¢ differential in the week day and week end rates should be retained.

One of the suggestions made, the City Manager stated, during the interim period a short course be established on the 9 hole course and the balance of the 9 hole course be used for park purposes. Some preliminary studies have been made on this suggestion by the staff. Mr. Lowrey reported that one type of facility which is becoming very popular in other cities is a lighted par 3 course. A tabulation of rates charged in various cities will be presented to the Council before final decision is made on the proposed new rates, Mr. Lowrey reported.

6-11-59 Page 3

Mayor Hammond considered that the logical date for changing the rates would be the starting of the new course.

MOTION

That the staff check with the golf group to the end of setting new rates to be started when the new course is opened, and bring back a report to the Council.

Moved by Martin Seconded by Knoles Unanimously carried

The City Manager reported on the excellent work being done by Greenskeeper Don Baker on both the new and old courses. He proposed that some special assignment basis be worked out to permit the payment of extra salary to Mr. Baker. Consideration might also be given to the possibility of increasing the salary if two courses are to be supervised by him.

Mayor Hammond asked that a report be furnished the Council on this matter.

A further report will also be submitted on the status of the Pro, when the new course is opened, the City Manager stated.

Page 65-Dryden Park Municipal Golf Course (5-50)

Mr. Lowrey reported on the number of personnel required and their duties to maintain the course as compared to other cities.

The importance of the first year's maintenance of the new course was stressed by the City Manager.

Item 310-Gardening and Hort. Sppls. \$5,530. For the first two years there will be heavy fertilization of the greens until they are well established.

MOTION

That item 225-Laundry and Cleaning (page 61) in the sum of \$40 included in the Modesto Community Service Center budget be reduced to \$24, and the necessary change be authorized in the preliminary budget.

Moved by Vander Wall Seconded by Arata Unanimously carried

MOTION

That item 223 M & R, Equip.-Other in the sum of \$354 (page 59) Parks budget, be increased to \$516 to care for the maintenance of three additional radios.

Moved by Arata Seconded by Vander Wall Unanimously carried

Page 69-Public Works Inspections (5-110)

The adequacy of inspections with the present staff during the spurt in building was briefly discussed.

The City Manager pointed out that this department was practically self-supporting by the permits and fees paid.

Page 71-Electrical (6-20)

The purchase of a new 20 KW transformer was explained by Mr. Ray. One spare transformer for street lighting purposes is kept available at all times by the city (item 504).

Item 320-Street lights and electroliers \$7,500. This item covers the purchase of lamp replacements principally.

Item 130-Overtime \$1,140. Payment for standby crews was discussed briefly.

Page 73-Airport (7-54)

Additional help needed in the expanded airport included in the budget was noted by the City Manager.

Item 503-Storm Drains. Plans for the construction of new drains between the old and new runways was explained by Mr. Ray.

ADJOURNMENT

MOTION

That this meeting be adjourned until 4:30 P.M. Tuesday, June 16.

Moved by Arata Seconded by Vander Wall Unanimously carried

ATTEST: 
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:30 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Pro Tempore Spaulding presiding to consider the preliminary budget for the fiscal year 1959-60.

The Acting City Clerk called the roll and there were

Present: Councilmen: Arata, Knoles, Martin, Vander Wall, Mayor Pro
Tempore Spaulding

Absent: Councilmen: Adams, Mayor Hammond

PAGE 50-PUBLIC WORKS-WATER (1-01)

The City Manager reported briefly on the city's No. 1 water system, so rated by the National Board of Fire Underwriters, which is being maintained to high standards, both as to supply and distribution. In case of power failure some of the wells are equipped with gas auxiliary engines.

The Director of Public Works Ray pointed out that

- 1- Estimates of cost for well and Pump Station No. 21 being developed now at McHenry Village were made a number of years ago. There is insufficient funds budgeted to complete the work due to the increased costs of equipment and labor. In order to complete the work during this fiscal year a transfer in the budget of \$3,200 will be needed.
- 2- Pump Station No. 22 being constructed in Garrison Park was budgeted for this fiscal year but will not be completed. It will be necessary to rebudget this work in the 1959-60 fiscal year. The sum of \$4375 is needed.
- 3- \$7000 has been requested in the 1959-60 budget for service supplies. Since the budget preparation, services have expanded at the rate of 60 per month (90 one month) and it will be necessary to increase this item \$2000 making a total of \$9,000.

MOTION

That a new item 503-New Well Pump Station No. 22 in the sum of \$4,375 be included in the 1959-60 preliminary budget and that item 504-New Service Supplies be changed from \$7,000 to \$9000, and the budget be adjusted accordingly.

Moved by Vander Wall Seconded by Arata Unanimously carried

PAGE 77-PUBLIC WORKS-STREETS (1-53)

Increase in item 110 regular salaries and wages was explained by the Director of Public Works---increase of one maintenance man and 1 laborer, step increases and increases allowed January 1, 1959.

Item 235-Services, Prof. & Other \$4,460. Cleaning of vacant lots is done by contract, paid by the city and reimbursed by the property owners.

Item 503-Curbs and Gutters \$11,200. The City Manager stated that the City was building curbs and gutters on both streets and parks to conform with surrounding property. It is also proposed to construct curb returns and alley approaches in areas where storm districts will be installed.

Item 216-Rent of Equipment \$1,500. To be used for rental of trucks and equipment during peak loads of work. It has been increased due to the North Central Storm Improvement District.

PAGE 79-PUBLIC WORKS-SEWERS (1-107)

One additional maintenance man is included to provide two 2 man crews, one operating the rodding machine and other making inspections, raising and lowering manholes and repairing sewer lines. This is a self-supporting operation as all of the costs of this operation are paid from sewer service charges.

PAGE 81-PUBLIC WORKS-SEWAGE DISPOSAL (1-115)

The City Manager suggested a tour of the facility by the Council members who had not yet inspected the plant.

Mr. Ray reported that due to the dry winter, Tuolumne River had been low and the city had been required to operate certain portions of the plant at an additional cost of \$5,000 over the amount budgeted. If the same situation occurs this coming winter, the 1959-60 budget request will be inadequate.

Item 312-Chem. Drug. Lab Supplies \$10,300. This item was prepared before issuance of the crop reports and was based on expenditures for 1958-59, Mr. Ray stated. However, with the large crop anticipated this year, this is a similar situation that may throw the budget estimates off. Waste treatment at the plant depends largely upon the work being done at the various canneries and frozen food plants.

Mayor Pro Tempore Spaulding was called from the meeting at 5:00 P.M. With the unanimous consent of the Council, Councilman Vander Wall conducted the meeting until Mayor Pro Tempore Spaulding's return at 5:05 P.M.

PAGE 87-MUSIC AND PROMOTION 2-57

The City Manager distributed a report on the city's contributions, since 1951, to the Modesto Band; Industry, Business Chamber of Commerce; Fourth of July Celebration; Modesto Relays, Special Trade Events and Miscellaneous promotions. The maximum allocation for music, publicity and promotion permitted by the Charter is 5% of the property tax levy in one fiscal year.

Tom Moore, representing the California Relays and Modesto Junior Chamber of Commerce, appeared before the Council to further discuss its request for an increase from \$1250 to \$2000 for the 1960 Relays. He reported on the world wide publicity received for the City of Modesto from the Relays. Increased costs for transportation of outstanding athletes, and widening of the program to bring more and better athletes to the meet are items which are involved in the request for increase in the city's allocation. Methods for raising funds for the meet were outlined by Mr. Moore.

MOTION

That the appropriation for item 440 Modesto Relays in the sum of \$1,250 be increased to \$2000 and the budget be adjusted accordingly.

Moved by Martin Seconded by Vander Wall Unanimously carried

PAGE 83 - GARDEN REFUSE SERVICE

The City Manager reported this budget includes the increase of a full crew necessary to cover the area and volume of garden refuse pickup service. The City of Stockton only provides pick up service twice a month instead of weekly as Modesto is now doing. This procedure could be investigated and further consideration given on reducing the city's service to a semi-monthly basis. The background of the service was reviewed by the City Manager. A further report will be made by the staff on the service after its studies on the semi-monthly basis.

PAGE 85 - PARKING AND TRAFFIC (3-57)

Item 110-Salaries and Wages. The reduction is due to the fact the striping on the streets is being done next year by a laborer and maintenance man instead of a painter and a laborer.

PAGE 87 - MUSIC AND PROMOTION

The tabulation report on past contributions was reviewed by the City Manager. He pointed out that the contribution of \$11,000 for the Chamber of Commerce, was budgeted as in the previous years pending reorganization and final determination of the Chamber.

PAGE 89 - MISCELLANEOUS UNCLASSIFIED

Item 411-Compensation Insurance \$29,500. This figure will probably be increased 1) due to extra help authorized and 2) if any pay raises are authorized.

Item 431-Commission/Tax Collection \$5,000. This item was decreased from last year's budget as the cost for collection of the sales tax is not shown. This is shown as a net figure and the cost of collection is not indicated.

Item 421-Special Survey \$2000. Cost involved in central filing study. (Further report to be made on this item by the Director of Finance.)

Item 425-Retirement Contribution \$116,000. This sum may be changed if the retirement system is integrated with the social security. An audit by Coates, Herfurth and England, consulting actuaries, will be made after the division election June 26 which may increase or decrease the sum. It will also vary if additional salary increases are granted or additional personnel hired.

Item 423-Salvation Army The representatives will be present at a later date to further discuss its request for additional contributions.

PAGE 67 - PUBLIC WORKS, ADMINISTRATION AND ENGINEERING

MOTION

That item 223 M & R Equip.-Other in the sum of \$1272 be changed to \$1816, and the budget be changed accordingly.

Moved by Vander Wall Seconded by Martin Unanimously carried

PAGE 93 - LIBRARY (4-75)

The City Manager reviewed the terms of the agreement between the county and city for the joint operation of the McHenry Public Library, and any branch libraries.

Recently the County Board of Supervisors agreed to provide the services for a Westside branch, starting January 1, 1960, if suitable arrangements could be made by the city for quarters. The staff will make an analysis as to how best this can be accomplished and report later to the Council.

The Library has purchased a portion of the city's property located on 15th Street and the staff has been authorized to work out a plan for the purchase of the property adjoining the present library building on 14th St., the City Manager reported.

PAGE 95 - PARKING & TRAFFIC (PARKING FUND) (5-25)

The City Manager commended the Director of Parking and Traffic on his program for "getting the city a parking program with a minimum amount of fuss and frustration".

Councilman Arata stated that the city must keep in mind a program to acquire some of the properties now leased by the city before the properties are sold for other uses.

The City Manager stated that a number of other cities were increasing their on-street meter rates, particularly in the "hot" areas. A report will be made on this matter later. Consideration could also be given to a future program for a bond issue to finance the purchase of some of the leased lots, which could be retired with parking fees.

Director of Parking and Traffic Carmody pointed out he differed on the bond issue program and believed the "pay as you go" basis was more desirable. He commented that item 490-Service Charges-\$3,912 was low and should be increased. The City Manager stated the staff was not yet clear on this item and there would need to be some adjustment on it.

Mr. Carmody was asked to send copies of his report, dated April 6, on Status of Parking lot leases and future capital requirement to the Council members. He recommended the saving of \$50,000 per year from parking revenue to meet the future requirements for parking lots as leases expire, and limit capital investments to \$5,000 to \$8,000 annually. He considered that a small lot should be developed again this year at a cost of approximately \$8,000 for a 24 to 40 car lot. Copies of Mr. Carmody's article on off street parking program, published in a magazine six months ago was to be sent to the Council members also.

The City Manager pointed out that the city could also consider selling the air rights over the parking lots. A number of cities are

leasing the space over the lots for construction of office buildings and reserving the street level space for off-street parking. A further report will be made on this after studies by the staff. Mr. Carmody stated that the city was seeking larger parking areas with this possibility in mind, both the 9th Street and 10th Street lots were leased on this possibility. Smaller lots would not be economical unless mechanical parking was installed and the parking fee might be too high for the city at the present time.

Mayor Pro Tempore Spaulding asked that a matter be placed on the agenda at a later time to discuss the possibility of amending the Municipal Code relating to penalty charge for sending in parking tickets left on windshields for over parking without enclosing the \$1.00 fee.

PAGE 97 - BOND REDEMPTION AND INTEREST REQUIREMENTS (6-129)

Funds are provided which must be used for the payment of bond obligations.

ADJOURNMENT

MOTION

That the meeting be adjourned to 4:30 June 18, 1959.

Moved by Vander Wall Seconded by Arata Unanimously carried

ATTEST:


ANNE M. COLLINS, ACTING CITY CLERK

Modesto City Council

June 17, 1959

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-I.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, Spaulding, Vander Wall, Mayor Hammond
Councilman Knoles arrived at 4:15 P.M.
Absent: Councilmen Adams, Martin

The pledge of allegiance to the flag was given by all present.
Rev. Charles W. Williams gave the invocation

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of May 27 and June 3, and the same being available for public inspection and there being no objections, the minutes were approved.

REQUEST OF VETERANS OF FOREIGN WARS INSTALL FOURTH OF JULY CONCESSION ON CITY PARKING LOT 1-15

A letter was read from the Veterans of Foreign Wars requesting permission to use a parking space on the city's parking lot located on the northeast corner of 12th and I Streets for a concession stand during the Fourth of July celebration.

Action taken by the Council last year on the granting of concession stands on city parking lots was reviewed by City Manager Miller:

1. The staff be authorized to process all requests filed by charitable or non-profit groups to place concession stands on city parking lots, not to exceed 3 lots on the parade route, on a first-come first-served basis;
2. The city be held harmless;
3. The organizations make their own arrangements for electricity;
4. Food sold must be inspected;
5. The area used must be cleared up properly and all materials removed by 10:00 P.M. of July 4.

He suggested that the Council remove the necessity for the staff to present this matter each year and it be authorized to issue these permits on the basis outlined.

MOTION

That permits may be issued by the staff each year to these organizations to operate concession stands on the Fourth of July parade route on parking lots on the above conditions.

Moved by Arata Seconded by Vander Wall Unanimously carried

6-17-59
page 1

TELEGRAM FROM G. C. STEWART, CERTIFICATE OF TRAFFIC SAFETY 1-28

A telegram from G. C. Stewart, Executive Vice President of the National Safety Council was read advising that outstanding achievement certificates had been awarded this city for its school traffic safety education and public traffic safety education on basis of traffic inventory program.

The City Clerk was directed to acknowledge receipt of the telegram.

LETTER FROM INSTITUTE OF TRAFFIC ENGINEERS RE: CERTIFICATE OF RECOGNITION FOR MODESTO 1-38

A letter was read from the Institute of Traffic Engineers advising that Modesto had been voted a certificate of recognition for its work in traffic engineering in 1958 and that a certificate would be presented later.

The City Manager pointed out that this was made possible by the support of the Council and was a credit to the entire city.

The City Clerk was directed to acknowledge receipt of this communication.

APPROVE AGREEMENT WITH INDIAN RIVER CORPORATION FOR IMPROVEMENT OF CHICAGO AVENUE 1-52

Terms of the agreement for the improvement of a portion of Chicago Avenue, between Paradise Road and Sutter Avenue, were reviewed by the Director of Public Works.

RESOLUTION NO. 59-258

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND INDIAN RIVER CORPORATION FOR THE IMPROVEMENT OF THAT PORTION OF CHICAGO AVENUE BETWEEN PARADISE ROAD AND SUTTER AVENUE IN THE CITY OF MODESTO

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

RESOLUTION NO. 59-259

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF CHICAGO AVENUE (BETWEEN PARADISE ROAD AND SUTTER AVENUE)

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

The time set for the opening of the bids was 2:00 P.M. June 29.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR SAND TRAP FOR PUMP STATION NO. 22 1-69

RESOLUTION NO. 59-260

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING OF ONE SAND TRAP AT PUMP STATION NO. 22

6-17-59
page 2

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

Bids to be opened at 2:15 P.M., June 29, 1959

AUTHORIZE INSTALLATION OF WATER MAINS WITH CITY FORCES 1-76

The City Manager reported that no bids had been received for the installation of water mains in the Hillview Acres Subdivision on Maze Blvd., or for water line on Carver Road. The engineer's estimated cost for the water mains in Hillview Acres Subdivision is \$7,499.50 and the line on Carver Road, \$1,892.50. He recommended that the work be done with city forces.

The Council declared and determined that in its opinion, based upon the estimates approved by the City Manager, the work in question could be performed better and more economically by the city with its own employees.

RESOLUTION NO. 59-261

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS IN HILLVIEW ACRES AND ON MAZE BOULEVARD BETWEEN MID LATERAL NO. 3 AND HILLVIEW ACRES

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

RESOLUTION NO. 59-262

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS ON CARVER ROAD BETWEEN ORANGEBURG AVENUE AND PUMP STATION NO. 22 AND CAMPUS EDGE SUBDIVISION NO. 1

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

ACCEPT BID OF INDUSTRIAL ELECTRICAL COMPANY FOR LAMP BULBS 1-90

RESOLUTION NO. 59-263

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL COMPANY FOR LAMP BULBS FOR FISCAL YEAR 1959-60

Introduced by Spaulding Seconded by Vander Wall
Ayes: Arata, Knoles, Spaulding, Vander W ll, Mayor Hammond
Noes: None Absent: Adams, Martin

ACCEPT BID OF MODESTO BEE FOR LEGAL ADVERTISING FOR FISCAL YEAR 1959-60 1-105

The City Clerk reported on the two bids received and recommended that the bid of the Modesto Bee be accepted, although it was slightly higher than the bid submitted by the Modesto Tribune, because the daily publication would permit legal documents to be published and adopted at an earlier date than a weekly publication.

The Council declared and determined that the acceptance of the bid of the Modesto Bee was necessary for the public interest and welfare to permit the advertisement of legal notices and publications on a daily basis.

6-17-59
page 3

RESOLUTION NO 59-264

A RESOLUTION ACCEPTING THE BID OF THE MODESTO BEE FOR OFFICIAL ADVERTISING FOR THE FISCAL YEAR 1959-60

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

FINAL ADOPTION OF ORDINANCE NO. 312-C.S. AMEND SECTION MAP 28 2-15

ORDINANCE NO. 312-C.S. entitled

" AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

Introduced on June 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 Knoles
Ayes: Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: Adams, Martin

FINAL ADOPTION OF ORDINANCE NO. 313-C.S. COUNCIL AGENDA CLOSING TIME 2-15

ORDINANCE NO. 313-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.03 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL AGENDA"

Introduced on June 10, 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 Vander Wall
Ayes: Arata, Knoles, Spaulding, Vander Wall, Mayor Hammond
Noes: None Absent: Adams, Martin

APPROVE TERMINATION OF LEASE WITH JIM HERRON, ET UX 2-25

Director of Public Works Ray reviewed with the Council a staff suggestion for opening up Northern Boulevard in connection with the improvement of College Avenue and the termination of the city's lease with Jim Herron for the rental of dwelling at 1728 College Avenue, which had been acquired for road purposes.

This property can be utilized, 1) it will fall in with the development of College Avenue and permit the city to provide for curb returns at this particular intersection; 2) it has a private well and septic tank and is not connected to the city sewer, immediately adjacent to one of the city's large deep wells. The staff has been concerned for sometime about the possibility of contamination to this well from the septic tank.

The course of Northern Boulevard west of College Avenue is not yet planned and it is recommended that this street only be graded and oiled at this time. The removal of the block house on this property must be done. An estimate for the city's cost would be approximately \$2,200 for removal and street construction. The improvement would provide a northern opening for the subdivisions located between Granger Avenue and MID lateral No. 3

6-17-59
page 4

The street would be approximately 170 feet in length.

MOTION

That the staff be authorized to send notice to Mr. Herron to terminate the lease in time to accomplish the improvements outlined by the Director of Public Works.

Moved by Knoles Seconded by Arata Unanimously carried

HEARING ON PROPOSED REZONING OF PROPERTY ON TULLY ROAD 2-72

Mayor Hammond announced that the hour of 4:30 P.M., had arrived, the time set for the public hearing on the application of Joe Nunes, Jr. for an amendment to Section 18 of the Zoning Map to reclassify from Single-Family Zone, R-1, to Multiple Family Zone, R-3, property located on the west side of Tully Avenue, south of MID lateral No. 3.

The City Clerk's certification was read, that the notice of the hearing had been published in the manner prescribed by law; notices mailed to property owners in the area; and that no written protests had been received.

Resolution No. 520 adopted by the Planning Commission on May 5, recommending to the Council the amending of the zoning map, was noted by the Council. It was also noted that complete reports of the finding of the Commission had been previously sent to the Council members for study. Director of Planning Smeath displayed a map of the area and briefly reported on the Commission's recommendation.

Mayor Hammond asked if anyone had any comments to make or protests to file. He declared the hearing closed.

ORDINANCE NO. 314-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.(JOE NUNES, JR.)"

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

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

ESTABLISH NEW SWIMMING POOL RATES FOR 1959 SEASON 2-100

As directed by the Council, the City Attorney presented for Council consideration, a resolution changing the rates, effective June 22, 1959, for the use of the swimming pools at Modesto High School and Downey High School.

RESOLUTION NO. 59-265

A RESOLUTION ESTABLISHING RATES FOR THE USE OF THE SWIMMING POOLS AT THE MODESTO HIGH SCHOOL AND DOWNEY HIGH SCHOOL DURING THE SUMMER VACATION SEASON WHILE POOLS ARE BEING OPERATED BY THE CITY OF MODESTO

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

6-17-59
page 5

APPROVE AGREEMENT WITH JEAP COMPANY FOR SANITARY SEWER TO SERVE NEW APARTMENT DEVELOPMENT ON ORANGEBURG AVENUE 2-110

The City Attorney presented for Council approval, agreement between the City and J and P Investment Co., et al for construction of sanitary sewer on Orangeburg Avenue to serve its new 52 unit apartment development in the rear of the Safeway Store on McHenry and Orangeburg Avenues. Terms of the agreement were reviewed by the Director of Public Works. Until the area is annexed to the city, the company will pay \$3.00 per month per each dwelling unit and after annexation the regular city rate provided by the Municipal Code. The area will be served by Del Este Water Company for water.

RESOLUTION NO. 59-266

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE JEAP COMPANY FOR CONSTRUCTION OF SANITARY SEWER TO SERVE NEW APARTMENT DEVELOPMENT ON ORANGEBURG AVENUE

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

INSTALLATION OF CURB AND GUTTER ON ARNETT PROPERTY

The Director of Public Works reported that pursuant to Council direction and at the request of some of the property owners in the vicinity, the department had notified property owners in the vicinity of High and Helen Streets, not having curb and gutters, that the installation should be completed or that the City would construct them under the authority provided by law. All other property owners have complied with the request except Elmer T. Arnett, owner of vacant lot described as a portion of lot 9 and all of lot 10, Block 628. In order to complete the installation it is recommended that the Superintendent of Streets be authorized to post the property and give notice requiring construction as provided by law.

MOTION

That the staff be authorized to prepare the necessary resolution.

Moved by Spaulding Seconded by Vander Wall Unanimously carried

The City Manager reviewed the city's program on improvements in areas and action taken when isolated property have not conformed with the balance of a block or area.

CURB CUT POLICY

As directed by the Council, the City Attorney presented for consideration an ordinance amending the Municipal Code which would eliminate the deposit for curb replacement fee in the commercial and industrial area, in the amount of \$3.00 per ft.

The City Manager stated that many complaints had been made on the requirement of this fee. The amendment proposed that curb cuts which are no longer required for reasonable vehicular access to the property served shall be replaced by the property owner. A record will be kept of all curb cuts granted after the ordinance becomes effective and when replaced the owner would be required to pay the cost. The curb cuts in the commercial and industrial area prior to the effective date of this ordinance will remain responsibility of the city on the basis that replacement deposits have been paid.

ORDINANCE NO. 315-C.S. entitled

6-17-59
page 6

"AN ORDINANCE AMENDING SECTION 7-1.105 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE REPLACEMENT OF CURBING"

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

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

Determination of conditions justifying curb cut replacement

The City Manager reviewed the report on the city's curb cut replacement program and policy, a copy of which had been previously distributed to the Council members. He related this policy to the request of Don Davis, 1502 10th Street, who had requested that a curb cut no longer used for vehicular access to the property, remain for loading convenience.

Direction from the Council is needed, he pointed out, on whether or not a curb cut, no longer needed for vehicular access, but which the owner desires to retain for other reasons, should be permitted to remain. If deviations are to be made from the policy then requests for such deviations can be brought to the attention of the Council. The City Manager recommended that if additional loading facilities are required at the Dunne Paint Store, 10th and O Streets, operated by Mr. Davis, the specific area required be designated as a loading zone.

Mr. Davis asked that the curb cut at his store be permitted to remain for his convenience and that of the Balch & Taylor store next door so that equipment and merchandise can be loaded into cars from the driveway. Balch & Taylor have no legal access to its building from the rear and use the driveway in front to load linoleum, floor polishers, and sanders in and out of trucks. If it would be possible to leave the driveway and establish a loading zone also it would be agreeable, Mr. Davis stated. He asked that the matter be cleared so that parking meters could be installed to remove the all day parkers from in front of the other stores on the block.

Expressions from the Council members indicated approval of the retention of the driveway in question. On being asked, Mr. Carmody pointed out, that there was not a heavy parking demand in the area and a two hour parking limitation was being installed to discourage all day parkers.

The Council discussed the problems involved when property owners objected to the filling in of curb cuts. It was considered that due to the few cases involved that the Council would review each such case on its merits, and that permitting some cuts to remain would not be in conflict with the provisions of the new ordinance just adopted.

Mr. Carmody pointed out that it would not be legal to establish a loading zone in front of the driveways. The simplest way to approve Mr. Davis' request would be to permit the driveway remain and no change be made in the parking regulations in front of these stores. The City Manager pointed out that it would not be legal to park in front of the driveway. He suggested that the staff work with Mr. Davis on some means of regulating the parking since this matter could be handled administratively.

MOTION

That the staff be authorized to proceed on the basis requested by Don Davis---the curb cut to remain and no change be made in parking regulations in front of these stores.
Moved by Arata Seconded by VanderWall Unanimously carried
6-17-59 pg. 7

CONTINUATION OF HEARING ON BUDGET 4-60

Mayor Hammond reopened the public hearing on the preliminary budget for the fiscal year 1959-60. He asked if anyone wished to comment on the proposed budget. No comments were made and he ordered the hearing closed.

The City Manager reviewed the actions taken and the departmental budgets cleared by the Council at the adjourned Council meetings. All but a few departmental items (Service Division and Supplemental requests) have been cleared. The budget can be finally adopted on June 24 and be effective prior to the beginning of the fiscal year and the few remaining matters be cleared after the adoption along with the Capital Improvement budget.

APPROVE TERMINATION OF AGREEMENT WITH MODESTO COMMUNITY ATHLETIC ASSOCIATION 4-80

Terms of the termination agreement for police service at the Modesto Reds Baseball games were reviewed. The City Manager pointed out that the Association would still be responsible for the charges prior to this season.

RESOLUTION NO. 59-267

A RESOLUTION APPROVING TERMINATION AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO COMMUNITY ATHLETIC ASSOCIATION FOR FURNISHING OF SPECIAL POLICE PROTECTION SERVICES FOR THE BASEBALL GAMES

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

ACCEPT OFFER OF THE UNITED STATES FOR GRANT OF FEDERAL FUNDS FOR THE DEVELOPMENT OF THE CITY-COUNTY AIRPORT 4-88 (WIND TEE AND ADDITIONAL LAND)

RESOLUTION NO. 59-257

A RESOLUTION ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA FOR A GRANT OF FEDERAL FUNDS FOR THE DEVELOPMENT OF THE MODESTO CITY-COUNTY AIRPORT

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

ADOPT BUDGET AND APPROVE MEMO OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

At the request of the City Manager, the item was ordered held over until the next meeting.

APPROVE APPROPRIATION TRANSFER 4-103

The City Manager presented for Council approval, three appropriation transfers relating to the 1) McHenry Avenue project \$7,000; 2) New well and pump station No. 21, \$3,200; 3) Service Division, equipment parts \$3,000.

6-17-59
page 8

RESOLUTION NO. 59-268

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

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

CITY HALL MATTERS

The City Manager reported that the staff was still clearing the type of tile for the floors, wood paneling, stairway and furnishings. A report will be submitted next week.

LEGISLATIVE MATTERS 5-10

The City Manager reported that the trend had increased this Legislative session to establish conditions which would affect the City Council's authority to control city employment conditions. This is not as serious for Modesto, a charter city, as for general law cities but it is still serious because in some cases the law would apply. Laws relating to compensation insurance for example, would increase the costs to the city if they had been adopted. Harry Sham, Airport Manager, has been instrumental in "killing" some of the aviation bills opposed by the City Council on the basis of principle involved. Two of these bills failed adoption and one opposed by the city was adopted.

Mr. Sham reported on meetings which he had attended opposing SB582 requiring registration of aircraft, which is already being done by the federal government and thus would have been a duplication. AB1565 would authorize the state to give operating privilege and be equivalent to another licensing in addition to the license already required by the federal government.

REPORTS FROM THE PLANNING COMMISSION 5-55

Planning Director Smeath distributed copies of a statement approved by the Planning Commission at its meeting of June 15 in regard to the continuation of comprehensive and cooperative planning, a copy of which is on file with the records of this meeting. Consideration would be given to the statement by the Council after a study by its members.

MATTERS FOR THE GOOD OF THE COMMUNITY 5-67

With the unanimous consent of the Council, Councilman Spaulding presented two matters relating to the Diamond Jubilee Celebration.

1. He reported that Police Chief Bowers (present in the audience) appeared to enjoy too much having his picture taken with the Can-Can girls at a recent luncheon meeting;
2. He introduced a resolution requiring Council members to grow beards for the Whiskerino contest or to forfeit \$5 per meeting at which they appeared without beards--the funds to be used for the rejuvenation of tired Councilmen.

RESOLUTION NO. 59-269

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

REPORT ON REQUEST FOR ADDITIONAL PERSONNEL IN POLICE DEPARTMENT
 DISTRIBUTED TO COUNCIL MEMBERS 5-62

Copies of the report were distributed to the Council members to be considered with the fiscal 1959-60 budget.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Spaulding Unanimously carried

The meeting was adjourned at 5:25 P.M.

ATTEST


City Clerk

Adjourned Council Meeting
June 18, 1959

The Council of the City of Modesto met in adjourned regular session this date at 5:20 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1959-60.

The City Clerk called the roll and there were

Present: Councilmen: Knoles, Spaulding, Vander Wall, Mayor Hammond

Absent: Councilmen: Adams, Arata, Martin

DISCUSSION PRIOR TO COUNCIL MEETING

Prior to the Council meeting the City Manager informally reviewed the background on contributions to Music and Promotion. Equipment proposed for purchase in Public Works - Service Division was discussed.

Page 89 - Miscellaneous Unclassified

Item 421 Special Surveys-----\$2,000. The City Manager reported that this was budgeted to make funds available to start the revision and remodeling of the central filing system for the new city hall.

Page 97 - Bond Redemption and Interest Requirements

A new page was presented to correct the clerical errors. (Increased total requirement for city hall bond and interest fund of \$10,000, making total \$73,275.

MOTION

That corrections noted on revised page 97 - Bond Redemption and Interest be approved and the necessary adjustments to the budget be made.

Moved by Vander Wall Seconded by Spaulding Unanimously carried

Page 95 - Parking and Traffic

The City Manager reported on a change which would be necessary to increase item 490 - Service Charges from \$3,912 to \$8,200. The items included in this sum would be water, meter maintenance on parking lots, utility crew, electrical crew to care for signs and lights, sweeping, payment to Parks Department for maintenance of shrubbery, and landscaping, payment to Finance Department for collection of meter fees. A full time man to do the necessary work would be a saving and eliminate the need for four different departments being involved in the maintenance of the parking lots and if this were worked out adjustments in this budget and those of other departments would be needed later.

6-18-59 Page 1

MOTION

That item 490 - Service Charges in Parking & Traffic budget page 95 be increased to \$8,200 and the necessary adjustments in the budget be made.

Moved by Spaulding Seconded by Knoles Unanimously carried

Page 99 and Page 101 - Service Division

It was generally agreeable with the Council that all alternatives on the purchase of the grader should be checked out and cleared by the Council before the equipment is purchased.

Mr. Ray stated that since 1955 the city had increased its equipment from 180 pieces to 214, an increase of 34 pieces. The mechanic staff has not increased in proportion. To do an adequate job it will be necessary to secure the services of an additional mechanic.

MOTION

That item 110 - Regular salaries and wages be increased \$4,404 for one additional equipment mechanic I and the necessary adjustments be made in the budget.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

INTRODUCE GUEST OF COUNCIL

With the unanimous consent of the Council, the City Manager introduced Paul Smith, representative of the U. S. Fire Protection Engineering Service Inc., guest of the Council, who is making a study of the city's fire facilities.

COUNCIL TO ADOPT BUDGET AT NEXT REGULAR MEETING

The City Manager stated additional information would be provided to the Council on the supplemental budgets not yet cleared.

MOTION

That the staff prepare for Council consideration at its regular meeting of June 24, the necessary documents to approve the budget as corrected.

Introduced by Vander Wall Seconded by Knoles Unanimously carried

Mayor Hammond complimented the staff on the excellent preparation of the budget.

Street resurfacing program 5-55

Mr. Ray stated that there were unexpended funds in the 1958-59 fiscal budget for the resurfacing of streets. It is proposed to start the contractor to work June 22 with the expectation that he could continue on with the work proposed in the 1959-60 budget as one operation. There would be less problems for both the contractor and the public if this program could be followed. The Council offered no objections to this procedure.

6-18-59 Page 2

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Vander Wall 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 of the McHenry Public Library, 14th and I Streets, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Knoles, Martin, Vander Wall, Mayor Hammond

Councilman Arata arrived at 7:39 P.M.

Absent: Councilmen: Adams, Spaulding

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

Rev. J. Paul Miller gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Adjourned Council meeting of June 2, 1959, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM ALVARA DOMINGUEZ V., CONSUL OF MEXICO 1-19

The letter listed the members of the Mexican Patriotic Committee in the City of Modesto and asked that the Council cooperate with the committee on the celebration of the Mexican patriotic holidays. The Committee would cooperate with the city on Independence Day.

Mayor Hammond was authorized to express the city's appreciation for this cooperation and to offer to work with them on their committee for the celebration of the Mexican patriotic holidays.

INVITATION FROM NAVAL RESERVE ELECTRONICS BATTALION 2-32

The invitation to attend the change of command ceremonies being held in Modesto on June 25 was read. Councilman Leslie G. Knoles will take command of the battalion at this ceremony and Frank Reynolds, city employee, will take command of one of the battalion's division.

NOTE OF APPRECIATION FROM CALIFORNIA RELAYS 1-55

A note of appreciation was read from Parade Chairman of the California Relays Parade Morey Applebaum for the city's participation in the Relays.

PETITION RELATING TO TRAFFIC SIGNALS ON COFFEE ROAD NEAR DOWNEY HIGH SCHOOL 1-57

A petition signed by 226 persons requesting that traffic control signals be installed on Coffee Road in front of the Downey High School before the 1959 fall semester was considered.

MOTION

That the staff bring the petition to the attention of the School Board and County and be authorized to work with the

Board of Supervisors and other interested groups and individuals to make a recommendation to the Council for consideration.

Moved by Arata Seconded by VanderWall Unanimously carried

ACCEPT BID OF GEORGE REED FOR SUB-TRUNK SEWER TO HILLVIEW ACRES ADD. 1-80

RESOLUTION NO. 59-270

A RESOLUTION ACCEPTING THE BID OF \$10,853.40 FROM GEORGE REED FOR CONSTRUCTION OF SUB-TRUNK SEWER ALONG MID LATERAL NO. 4 TO HILLVIEW ACRES SUBDIVISION

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

AUTHORIZE CONSTRUCTION WIND TEE WITH CITY FORCES 1-87

Director of Public Works Ray reported that no bids had been received on June 22 for the construction of a wind tee at the City-County Airport. The FAA stated that it will be permissible to provide for this installation by force account with Council approval. He recommended that this action be taken. Materials will be ordered, but delivery will not be made until August, installation can be made by City personnel or local contractor, either of which will be approved by FAA. He estimated the cost to be \$3,287.

The City Manager recommended that the work be done with city forces. The Council found and determined that no bids had been received, that the City Manager had recommended the work be done by city forces and that the work could be done more economically by the city.

RESOLUTION NO. 59-271

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR CONSTRUCTION OF WIND TEE AT THE MODESTO CITY-COUNTY AIRPORT

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

AUTHORIZE SEEDING OF DRYDEN PARK MUNICIPAL GOLF COURSE BY CITY FORCES 1-117

Director of Parks and Recreation Lowrey reported that one bid had been received on June 22 for the seeding of Dryden Park Municipal Golf Course from E. L. Dunn and Sons in the sum of \$9,990. The staff's estimate for the work is \$597.

The City Manager recommended that the bid be rejected and the work be done by city forces, in view of the cost element.

RESOLUTION NO. 59-272

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE SEEDING AND FERTILIZING OF FAIRWAYS AND TEES AT DRYDEN PARK MUNICIPAL GOLF COURSE

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

FINAL ADOPTION ORD. 315-C.S. AMEND CODE RELATING TO REPLACEMENT OF CURBING 2-01

ORDINANCE NO. 315-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-1.105 OF ARTICLE I OF CHAPTER I OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE REPLACEMENT OF CURBING"

introduced on June 17, 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 Vander Wall
 Ayes: Arata, Knoles, Martin, Vander Wall, Mayor Hammond
 Noes: None Absent: Adams, Spaulding

CLEAR MATTERS RELATING TO DIAMOND JUBILEE AND FOURTH OF JULY CELEBRATION
2-05

A request from Stanislaus County Fourth of July Celebration Committee to

- 1- Barricade I Street, between 11th and 12th Streets from 9:30 A.M. through 3:30 P.M.;
- 2- Use the city's reviewing stand with a canvas top, to be placed on I Street, close to the cannon in the Courthouse Park by city personnel on Thursday, July 3;
- 3- Use a public address system at the reviewing stand;
- 4- Use the City Ball Park the evening of July Fourth for entertainment and fireworks subject to suggestions previously discussed by Parade Chairman Cal Purviance and Assistant City Manager Bill Masonheimer. The city to supply a stand-by fire truck (along with the County). The American Legion to furnish auxiliary police for patrol and added protection.

Conditions which the Council required last year were reviewed and approved.

- 1- That the parade route be cleared by the Police and Parking and Traffic Departments;
- 2- That the use of Del Webb Field to display fireworks be approved on the conditions:
 - (a) That the weather conditions will not create any fire hazard to the surrounding area;
 - (b) That the city be held harmless from and against any and all costs, damages and liability arising out of the use of the field;
 - (c) That the committee assume the responsibility for cleaning the field after its use;
 - (d) That the city be reimbursed for any damages which might occur to the field, the Municipal Golf Course, and Dryden Park Municipal Golf Course;
 - (e) That arrangements be cleared by the Parks and Recreation and Police Departments.

6-24-59 Page 3

The City Manager stated that it was planned to burn off some of the area prior to the celebration and if possible have a standby fire truck across the river from the Ball Field.

RESOLUTION NO. 59-273

A RESOLUTION APPROVING REQUESTS OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION BEING HELD IN THE CITY OF MODESTO, JULY 4, 1959

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

The City Manager was authorized to work out necessary details without coming back to the Council for authorization unless some critical matters from the legal standpoint arose.

The City Manager suggested to members of the Municipal Golf Club who were present on another agenda matter that they might wish to assist the city in keeping people off of the two golf courses during the fire works celebration.

CONSIDER MATTER OF CITY FLOAT FOR FOURTH OF JULY PARADE 2-40

The Council further considered the possibility of leasing the float which is to be entered by the City of Modesto in the Fourth of July Parade for the entire season so that it could be sent to other activities in Northern California. The City Manager reported that storage arrangements could be made and city employees would transport the float to the various parades. The additional cost would be \$300 for the seasonal basis.

The matter was discussed by the Council generally. Councilman Arata pointed out the value of the reciprocity angle, especially if there were to be parades within the San Joaquin County. He considered that the City of Modesto should be conducting a campaign to get the employees who will be working in the new plants, to be established in San Joaquin County, to live in Modesto and commute to their jobs. He suggested that the Chamber of Commerce be enlisted in this campaign.

MOTION

That the float be leased only for the Fourth of July parade.

Moved by Mayor Hammond Seconded by Martin

Mayor Hammond declared that the motion carried.

PROGRESS REPORT ON PROVISION OF GOLF COURSE CLUB HOUSE 2-92

Gene Leluch, 509 North Morton Blvd., representing the Modesto Men's Golf Club introduced Eddie Curran, who presented views of the Modesto Men's Golf Club and the Women's Golf Club relating to the construction of a clubhouse at the Dryden Park Municipal Golf Course.

Mr. Curran stated the Club wished the Council to consider the construction of a clubhouse on a lease-purchase program.

The points in favor of such a plan were:

- 1- That the moving in of a used building as a temporary building would cost approximately \$6,000 to \$10,000 which would be a complete loss when the new building was constructed later on;
- 2- That it would legally be possible under certain conditions to construct the building on a lease purchase plan;
- 3- That the construction of a clubhouse (lease purchase plan) at this time would increase the revenue as more golfers would play if there is an attractive clubhouse;
- 4- That there would be an increased bargaining basis with concessionaires;
- 5- That with the rising cost of construction it is possible that there would be a 10% savings in cost if it was built this year.

Mr. Curran stated that he had contacted local contractors and banks and they had intimated interest in this plan. The banks indicated they would be more interested in financing a five year or less term deal. If the city pays rent on a clubhouse and then purchases the building at a fair market value, due to the savings afforded from increased construction cost or putting up a temporary clubhouse, the costs would be practically the same if the construction was delayed for five years. The Women Golfers have set aside from \$1200 to \$1500 received from various activities for clubhouse furnishings. A committee of five, Lou Casazza, Harold Millerman, Eddie Curran, Jim Petucci and Gene Leluch, from the Golf Club have spent a week in looking around and drawing plans. Usually an architect's fees for similar type buildings runs to 8%. A rough sketch has been drawn by one of the members who is an architect to be considered for the city. After approval this sketch can be finalized by an architect for approximately 25% of what it would normally cost, thus saving the city approximately \$3,000 on plans alone.

Mr. Curran reported that the City Manager had suggested an alternate plan----that the basement or bottom floor of a two story clubhouse be constructed and later on the top floor be added. The Clubs are more in favor of a complete clubhouse on a lease-purchase plan.

Copies of a memorandum from the City Attorney on the legality of a "lease with an option to purchase plan" were distributed. City Attorney Grimes briefed the report. He pointed out that the basic problem was the constitutional debt limitation provision which prohibits a city from spending any more in one year than it makes. This prevents cities and other governmental agencies from entering into installment purchase contracts. It is not possible to enter into a contract to acquire a building, such as a clubhouse, and pay for the building in installments over a number of years and at the end of this time have the building become the property of the city unless at the time the contract was entered into all of the funds are on hand. As a result of this law various plans have been devised to try to accomplish the purpose without being in contravention to the constitutional debt limitation provision. One of these means has been the lease with an option to purchase plan. Essentially this means envisages a year to year lease with option to buy the improvement at a designated time at its then depreciated value. The prohibitions of the constitution are avoided as the agreement must entail only a year to year obligation on the part of the city, wherein each year's rental payment has a

reasonable correlation to the value received by the city in the particular year and the option granted allows the city to make a unilateral determination as to whether or not it wishes to purchase the improvement during a particular year at the then depreciated value of the improvement. The lease with option to purchase has two obvious practical limitations:

- 1- It is useless if the seller wants the city to be bound for more than one year; and
- 2- It is not usable where the city received all the consideration in one year and there is no correlation between the payments, the payment periods, and the useful life of the improvement.

The report set forth the limitations and conditions which must be met or satisfied in order for a bona fide lease-purchase agreement to be entered into.

The City Attorney pointed out in his report that it was well settled that in the event of the expenditure of public funds illegally, such funds may be recovered upon suit by a taxpayer and the officers responsible may be compelled to pay the same into the treasury of the city. If the Council were to enter into a lease-purchase agreement relating to the clubhouse, it is conceivable that if challenged the agreement could be held to violate the constitutional debt limitation provision thus being an illegal contract and payment of funds thereunder would be an illegal expenditure under the foregoing rule. In view of this possibility, if it is the ultimate decision of the Council to enter into a lease-purchase agreement, he recommended that after the agreement is reduced to writing and executed by the parties involved that legal proceedings be instituted to determine the validity of the agreement through judgment of the court before performance or any other action is undertaken under the agreement.

Councilman Martin stated that there was only one substantive difficulty, the ability to find someone to finance the project without assurance that it will ever be purchased. The rest of the plan becomes difficult but possible if carefully done.

Mayor Hammond considered that the proposition needed more study before a Council decision is made. The plan does merit all possible consideration. There may be some other avenues explored also. If there is a better solution than the Council's original plan---that a temporary clubhouse be established---it will be thoroughly explored. The City Manager stated that plans for a clubhouse had to be delayed until the city had acquired additional land which has now been done. The Course will be in play if present plans mature by October, 1959. The suggestion previously made by the Council that the staff investigate the possibility of acquiring a house which will be removed from the freeway site for use as a temporary clubhouse has been done. All buildings are being sold by the state on an auction basis; the better ones are being kept by the owners and the prices being paid for the buildings and repairs necessary make it uneconomical to acquire for club house purposes.

Lease purchase basis does offer one method of acquiring a clubhouse. There are some disadvantages but there are some real advantages, 1) "you get it", 2) the city could rent it and ultimately purchase it, 3) "you get it" at present costs and 4) it will be a source of revenue. He suggested that 1) no matter what was done there will not be a clubhouse by Oct. 1, but in any case there must be some type of starting facility.

Mr. Curran stated that some courses sell a ticket at a different location and a watchman is kept at the course to check to see that everyone has a ticket. Anyone who wants to play the new 18 hole course could purchase his ticket at the clubhouse on the 9 hole course, register and take his ticket over to the new course.

It is possible, the City Manager continued, that only toilet facilities be furnished at the new course for a temporary period. Plans for a clubhouse should be secured as soon as possible. He suggested as a procedure that the city work with the golf club members on a means of getting at least preliminary plans, which could be approved by the Council, and determine whether it would be possible to build on a lease-purchase basis or on a stage basis. Plans are important at this time because water, power and sewer lines must be installed prior to construction. While these plans are being prepared, the financing angle can be checked. It would be best to have only part of the construction completed during the first year rather than to put any money into a temporary structure, possibly in the wrong place.

Councilman Arata stated that after further investigation he agreed that the moving of a temporary structure on the course might not be economical and funds should be expended for a permanent structure instead.

Mr. Curran stated that on the 18 hole course, the city should have a toilet facility at the far end away from the clubhouse and it could be installed on a permanent basis and not lose any money. Speaking for the Clubs, he stated, they would like to see the Council use all efforts possible to construct the clubhouse under a lease-purchase agreement.

Councilman Arata suggested that the Club committee work with the staff on a plan which could be carried to completion. He stated that his previous suggestion on the temporary structure had been made on the basis that it would not be placed on the course where the permanent building could be built but placed at a location where it could be used to house a caretaker at a later date.

MOTION

That the staff work with the Golf Club committee to determine a plan for the construction of a clubhouse.

Moved by Arata Seconded by VanderWall Unanimously carried

MOTION

That Councilmen Arata (Chairman), Martin and Knoles be named as a Council committee to work with the staff and Golf Club committee on a plan for the construction of a clubhouse at the Dryden Park Municipal Golf Course.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

The City Manager noted that a copy of an offer received from another party interested in this matter offering to invest his own money had previously been sent to the Council members. This offer should be taken into account in the discussions and considerations.

REPORT ON PROPOSAL FOR INTERIM SALARY INCREASE FOR GREENSKEEPER DURING THE CONSTRUCTION OF NEW COURSE 5-80

The City Manager recommended that additional salary be paid Don Baker, Greenskeeper during the construction of the new Dryden Park Municipal Golf Course as he was not only working on this course but also on the Municipal Course. The Personnel Commission also joins in with this recommendation that during this construction period Mr. Baker be placed on a temporary basis and be given the same pay as a Construction Inspector--\$556 instead of \$481 which he is now receiving. At the end of the construction period Mr. Baker's salary would revert to that of greenskeeper. A decision will be made independently on any increase in salary as he will be responsible for 27 instead of 9 holes.

MOTION

That the placing of Don Baker on the special assignment basis during the construction period outlined by the City Manager, starting June 1 at a salary of \$556, be approved.

Moved by Arata Seconded by VanderWall Unanimously carried

INSTRUCT SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS TO PROPERTY OWNER BLOCK 628, SOUTH HALF OF LOT 9 AND ALL OF LOT 10

RESOLUTION NO. 59-274

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

July 8, 1959 at 7:45 P.M. was the time set for the hearing before the Council of protests to the order.

ADOPT BUDGET FOR FISCAL YEAR 1959-60

ORDINANCE NO. 316-C.S. entitled

"AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1960, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS"

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

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

APPROPRIATION TRANSFER FUNDS FOR SUB-TRUNK SEWER IN HILLVIEW ACRES SUBDIVISION 6-31

RESOLUTION NO. 59-275

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM GENERAL RESERVE TO SANITARY SEWER EXTENSION FOR CONSTRUCTION OF SUB-TRUNK SEWER IN HILLVIEW ACRES

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

Councilman Arata left the meeting at 8:50 P.M.

APPROVE MEMORANDUM OF AGREEMENT GAS TAX ALLOCATION FOR MAJOR CITY STREETS 6-40

RESOLUTION NO. 59-276

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

APPROVE RENEWAL OF COMPREHENSIVE INSURANCE 6-47

RESOLUTION NO. 59-277

A RESOLUTION APPROVING RENEWAL OF COMPREHENSIVE LIABILITY POLICY

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

ACCEPT CONSTRUCTION PUMP HOUSE NO. 23 BY B. B. FORD 6-76

RESOLUTION NO. 59-278

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSE NO. 23 BY B. B. FORD: AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

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

AUTHORIZE RELEASE OF SUBDIVISION BOND FILED ON ULRICH SUBDIVISION 6-80

The City Manager reported that the improvements had been completed on the Ulrich Subdivision and recommended the release of the subdivision bond to Gladys Ulrich which had been filed to guarantee the completion of the improvements.

RESOLUTION NO. 59-279

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED BY GLADYS L. ULRICH TO GUARANTEE IMPROVEMENTS IN ULRICH SUBDIVISION

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

CITY MANAGER FILES COPY OF STATEMENT MADE ON BEHALF OF THE AMERICAN MUNICIPAL ASSOCIATION 6-83

A copy of the statement of Ross Miller, City Manager, Modesto, California, on behalf of the American Municipal Association before the Subcommittee on Anti-Trust and Monopoly Legislation Judiciary Committee, United States Senate, Friday, May 29, 1959 in Washington D.C. on the Subject Fire Insurance Grading and Rating was filed with the records of this meeting.

A copy of the statement made by Arthur Saltzstein, Administrative Secretary to Mayor Frank P. Zeidler, Milwaukee, Wisconsin, at the same meeting was also filed.

Mayor Hammond commended the City Manager on behalf of the Council and the citizens of the community on the presentation of his statement.

APPROVE REQUEST OF CITY OF OAKDALE FOR RENTAL OF TURF AERATOR 6-90

The City Manager reported on the City of Oakdale's request for the rental of the city's turf aerator for use on the turf of its parks. He recommended that a rate of \$12.00 be charged with the City of Oakdale to furnish insurance.

MOTION

That the rental of the equipment to the City of Oakdale on the basis outlined by the City Manager be approved.

Moved by Martin Seconded by Vander Wall Unanimously carried

The City Attorney pointed out that one basic principle to be kept in mind with city equipment is that it is purchased for municipal purposes and must be used for this purpose.

REPORTS FROM PLANNING COMMISSION 6-110

Consider possible rezoning of Western Plumbing Supply Co. property

The Commission has reviewed this and in view of all the circumstances had agreed not to initiate proceedings to require the rezoning of the property as an alley will be put in to provide access to the property.

Report on Quaresma property on West Roseburg & Tully Road

The Commission voted unanimously not to initiate proceedings to change the zoning on the basis that three corners are now zoned and developed commercially and the property owner has submitted plans for development of the property for commercial purposes.

APPROVE AGREEMENT WITH BANK OF CALIFORNIA RE: OFF STREET PARKING SPACES 6-120

Terms of the agreement were outlined by the City Attorney.

RESOLUTION NO. 59-280

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BANK OF CALIFORNIA, NATIONAL ASSOCIATION, FOR OFF-STREET PARKING SPACES

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

6-24-59 Page 10

CONSIDER AGREEMENT WITH PG&E FOR SUPPLYING GAS TO PUMP STATION NO. 21
(McHENRY VILLAGE AREA)

Director of Public Works Ray reported that the charge of the Pacific Gas & Electric Company for supplying gas to pump station No. 21 located at the McHenry Village was \$1073, plus a monthly fee of \$6.26. The staff is investigating the use of propane gas instead as it would be more economical. A check will be made with the Board of Fire Underwriters to determine what effect the use of propane gas would have on the city's fire grade. He recommended that this matter be held over until the next Council meeting.

Mayor Hammond ordered the matter to be held over as recommended.

REPORT ON PROPOSAL FOR SIGNALIZATION AND IMPROVEMENT OF COLDWELL,
WOODLAND AND 99 HIGHWAY INTERSECTION 7-22

A sketch of the proposed signalization for this intersection was displayed by Director of Parking and Traffic Carmody. The City Manager stated that improvement would be a joint enterprise with the County and state, (one-half state; one fourth city and one fourth county). The total cost would be approximately \$92,000. including channelization, signalization and a straightening out of the road. He asked for Council authorization to check out the matter with the county and state further to determine if any changes could be made to reduce the cost and still accomplish the purpose and report back to the Council.

MOTION

That the staff be authorized to confer with the county and state to see what solution could be arranged and report back to the Council.

Moved by Vander Wall Seconded by Knoles Unanimously carried

CITY HALL MATTERS 7-50

Flooring, panelling, and the stairway at the parking lot on the new city hall building remain to be cleared by the Council, the City Manager reported. Plans for the possible construction of a stairway on the north part of the parking lot were outlined by Mr. Carmody. An additional stairway would cost approximately \$3,000, and would cut down three parking spaces so that they would not be useable for regular American cars but could be designated for small foreign cars.

The elimination of three parking spaces would increase the over all costs materially. A further check will be made and report made to the Council. The possibility of a spiral stairway might be considered.

LEGISLATIVE MATTERS

No matters to be reported.

CLEAR MATTERS IN REGARD TO McHENRY AVENUE PROJECT 7-95

The City Manager reported that a number of settlements were being completed.

MATTERS FOR THE GOOD OF THE COMMUNITY 7-99

Mayor Hammond pointed out as provided by Resolution No. 59-269, adopted by the Council on June 17, that during the time of the Diamond

Jubilee Celebration any member of the Council who attended a meeting without a beard or other facial hirsute growth shall be fined the sum of \$5.00 by his fellow Councilmen for each such occasion. He noted that Councilman Martin had not abided by this Council action and should pay a fine.

Councilman Martin contributed his fine with the statement that it was being paid by his wife who had volunteered to furnish the fine "because it was worth it".

Collection of money in Police Department

With the unanimous consent of the Council, Councilman Martin presented a clipping from the Wall Street Journal relating to collection of money in police departments by charging a fee for various reports furnished citizens. The clipping was turned over to the staff for further checking.

REQUEST FOR VARIANCE TO PERMIT BLACKTOPPING AREA 10-N STREETS 7-117

Al Robbins, 112 Bonita Circle, representing Griswold & Wight, requested that the Council grant a variance to permit the extension of existing blacktopping in the parking area on N Street to the curb line on their used car lot being operated on the southwest corner of Tenth and N Streets.

The company has installed concrete in the parking area on the 10th Street side at a cost of \$350. He displayed photographs of the lot showing the blacktop area on N Street which the contractor proposed to cut back so that it could be slanted down to the curb line and thus eliminate an existing hazard. The cost for this would be \$75 as compared to \$1,000 for concrete which is required by the city code. He pointed out that the pedestrian traffic on this area was minor at all times. He considered that it would improve the property by eliminating the weeds and help the merchandising of the company's cars.

Mayor Hammond reviewed the Council's policy on granting of variances.

Mr. Ray stated that it was not legally possible for the company to repair the existing blacktop area as they proposed to do the work. Some of the curb is about six to eight inches below the blacktop. The edge is rough and is a potential tripping hazard now and as it is proposed to be corrected it will still be a potential hazard. The company proposed to go back about 12 inches and dub the asphalt off down to the top of the curb which would mean a steep slop, asphalted, as proposed. The city knows its liability problems on this type of improvement. If it was a matter of patching holes it could be taken care of administratively under the code. The balance of the block between 9 and 10th Streets has a complete concrete sidewalk. Since inspection of the hazardous condition, he stated, it would be necessary, as required by the Municipal Code, for him to give notice to the owners to correct this condition.

MOTION

That the staff work with Griswold and Wight to try to find an equitable solution on this problem and report to the Council.

Moved by Knoles Seconded by VanderWall Unanimously carried

REPORT ON CITY'S ANNUAL REPORT IN THE AMERICAN MUNICIPAL NEWS 9-100

The City Manager reported that an article in the May 30, 1959 edition of the American Municipal News commended the City of Modesto on its "good public relations in distribution of its Diamond Anniversary issue annual report".

He reported receipt of many requests from various cities throughout the country for copies of this report.

REPORT ON PROPERTY TAXES PAID UNDER PROTEST 9-120

The City Manager reported that certain firms had paid their 1958-59 taxes under protests, Tidewater Southern Railway, \$1568.52, Southern Pacific Co., \$7200 plus, and Pacific Fruit Express, \$884, plus.

REPORT ON LEGISLATION AMENDING STATE RETIREMENT SYSTEM 9-127

The City Manager reported that a bill had passed both the State Assembly and Senate and was ready for the Governor's signature which would provide for the amendment of the State Retirement Act to include survivors benefits for state employees and contracting agencies, (when approved by Council action).

The City employees are presently involved in procedures which would amend the city's contract to integrate state retirement benefits with Social Security benefits.

This bill would make it possible for those city employees who are still under the retirement system only, after the integration election, to elect this coverage. Costs involved and coverage afforded were briefly outlined by the City Manager. He stated that if it were possible for the Council to indicate its intention on this matter by the next Council meeting it would be helpful.

A further report will be sent to the Council members prior to the meeting.

GIVE RECOGNITION OF OUTSTANDING SERVICE RENDERED BY AL SCHOENFELD ON THE JUNIOR DEVELOPMENT TENNIS PROGRAM 10-40

RESOLUTION NO. 59-281

A RESOLUTION COMMENDING ALBERT T. SCHOENFELD FOR HIS SERVICES AS JUNIOR DEVELOPMENT TENNIS MANAGER FOR THE MODESTO PARKS AND RECREATION DEPARTMENT

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

MOTION

That Mayor Hammond be authorized to send a letter of appreciation and certificate of service.

Moved by VanderWall Seconded by Knoles Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Knoles Unanimously carried

ATTEST:

[Signature]
 City Clerk

6-24-59 Page 13

July 1, 1959

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 and Mayor Hammond

Absent: Councilman Adams

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

Rev. Magnus B. Anderson gave the invocation.

APPROVAL OF MINUTES

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

LETTER FROM KING CROSNO OF LINN C. ALEXANDER & ASSOCIATES 1-30

The letter was read expressing congratulations to the Council for its continuing efforts to eliminate outdated ordinances and other requirements by the adoption of an ordinance eliminating the curb cut deposit.

PETITION REQUESTING CLOSING OF STREET 1-42

A petition signed by 20 persons residing adjacent to Morton Boulevard requesting that this street be closed at Grand Street, State Highway 132, "in order to protect our homes, children and health from the continuous jeopardy of fast moving cars", was read.

MOTION

That the petition be referred to the staff for appropriate action and report.

Moved by Spaulding Seconded by VanderWall Unanimously carried

LETTER FROM JAMES S. SMITH REQUESTING AMENDMENT TO MUNICIPAL CODE TO PERMIT CONNECTION OF TRAILERS TO FACILITIES 1-95

James S. Smith, 146 San Juan filed a letter with the Council requesting that the Modesto Municipal Code be amended to permit the connecting of a house trailer to sewer, water, electric and gas facilities.

MOTION

That the letter be referred to the staff for study and report

Moved by Spaulding Seconded by Arata Unanimously carried

COUNCIL AGENDA PROCEDURE

With the unanimous consent of the Council, City Attorney Allen Grimes raised a matter connected to Council agenda procedure. He reported that pursuant to Council direction he was conducting a study on items to be placed on the agenda. 7-1-59 page 1

He suggested for Council consideration that after each item on the agenda a statement be added indicating the City Manager's recommendation and the necessary legal action required to accomplish it.

The City Manager stated that the problem would be for the staff not to get presumptuous in telling the Council what to do. It would be easy to suggest an action in many cases however and it might be helpful.

Mayor Hammond stated that this could apply to items where there would be some explanatory material furnished.

Councilman Martin considered that there might be a little tendency for the Council to agree with the staff without investigation. The system would be better if the staff thought they had the authority to do staff work before the original letter was placed on the agenda.

The City Attorney stated that it is his opinion that many people really feel that they have the right to get a communication to the City Council and not to the staff and wait for a response. They want to make it a matter of record with their elected officials. There would be some objection, even on minor items. When a person writes a letter to the Council, he wants it considered by the Council and not by the administrative staff.

Mayor Hammond considered that the Council should review this matter further because, 1) many people feel that there is a lot of rigamarole which they must go through to reach the Council--this might have a tendency to raise a barrier against freedom of action in presenting matters directly to the Council; 2) the Council might get into the habit of following the line of least resistance and fail to do some thinking on some items.

Councilman Spaulding suggested that some explanatory note be furnished on every item on the agenda prior to the meeting. The City Manager reviewed how this could be handled on routine matters such as award of bids, final adoption of ordinances, etc.

Councilman Knoles pointed out the value of the Council first considering communications and then referring them to the staff for investigation and report.

Councilman Arata stated that "we are going to have to watch out that we do not get things too complicated, too much work which would require a lot of additional personnel".

Mayor Hammond ordered that the matter be held over for further Council consideration after the completion of the City Attorney's report.

ACCEPT BID ON SAND TRAP FOR PUMP STATION NO. 22 2-95

RESOLUTION NO. 59-282

A RESOLUTION ACCEPTING THE BID OF WALTER R. COLE COMPANY IN THE SUM OF \$2,433.60 FOR FURNISHING ONE SAND TRAP FOR PUMP STATION NO. 22

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

REQUEST FILED BY WILLIAM HOWE FOR CONSTRUCTION OF A NEW ADMINISTRATION BUILDING AT THE MODESTO CITY-COUNTY AIRPORT 2-116

William Howe, local pilot and President of the California Aircraft Owner's Association, urged the Council to give consideration to the construction of a new administration building at the Modesto City-County Airport.

Mayor Hammond pointed out that this could be considered by the Council with the 1959-60 Capital Improvement project budget and the Association would be notified of any action taken.

Councilman Arata suggested that this could be worked out jointly with the tower project previously discussed.

HEARING ON ANNEXATION OF SHERWOOD MANOR ADDITION 3-40

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the proposed annexation of Sherwood Manor to the City of Modesto.

The City Clerk certified that 1) the notice of the hearing had been published in the manner and time required by law; 2) notices mailed to persons residing in or owning property in the area; and 3) no written protests had been received.

The Planning Commission has recommended annexation, Senior Planner Russel Fey reported.

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

Dr. James Corson, Superintendent of Schools stated that the area would remain in the Sylvan School District which would be in harmony with the School's policy previously expressed to the Council.

Mayor Hammond declared the hearing closed.

ORDINANCE NO. 317-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE SHERWOOD MANOR ADDITION TO THE CITY OF MODESTO"

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

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

HOLD OVER AWARD OF BID FOR IMPROVEMENT OF CHICAGO AVENUE 3-72

This matter was ordered held over for one week.

AWARD BID FOR TRAFFIC SIGNAL CONTROLLERS 3-72

RESOLUTION NO. 59-283

A RESOLUTION ACCEPTING THE BID OF ECONOLITE CORPORATION IN THE SUM OF \$1,152.09 FOR THE FURNISHING OF THREE TRAFFIC SIGNAL CONTROLLERS

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

The City Manager reported that the controllers would be installed by city forces.

FINAL ADOPTION OF ORDINANCE NO. 314-C.S. AMEND SECTION MAP 18

ORDINANCE NO. 314-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (JOE NUNES, JR.) "

having been introduced on June 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: Arata, Knoles, Martin Spaulding, VanderWall, Mayor Hammond
Noes: none Absent: Adams

ORDINANCE RELATING TO LICENSE FEES FOR COMMERCIAL OPERATORS AT CITY-COUNTY AIRPORT 3-90

Provisions of an ordinance which would provide for the payment of a license fee by persons engaging in a commercial enterprise at the City-County Airport were outlined by the City Manager. Annexation of the airport property to the city was the basis for the new license which is to be established on a flat rate basis instead of a mill license basis as other business concerns.

Don Montgomery expressed approval of the flat rate basis on behalf of the airport operators. The City Attorney reviewed the provisions and pointed out the differences between the type of license proposed as compared to the regular mill license fee for other types of business.

ORDINANCE NO. 318-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 7-3.412 and 7-3.415 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO PERMANENTLY BASED AND TRANSIENT COMMERCIAL SERVICES AT THE MODESTO CITY-COUNTY AIRPORT"

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

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

ORDINANCE RELATING TO PARKING IN ROADWAY 4-25

ORDINANCE NO. 319-C.S. entitled

"AN ORDINANCE ADDING SECTION 3-2.1105 to ARTICLE II OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS"

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

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

CITIZENS' ATTENDANCE AT COUNCIL MEETINGS 4-40

Brochures from other cities which are given to visitors attending Council meetings were distributed for Council inspection. Assistant City Manager Masonheimer suggested that a similar one be prepared by the staff for Council approval to be ready for distribution to visitors at Council meetings when the new city hall is in operation.

Councilman Spaulding reported that, as authorized by the Council, he had discussed the possibility with a few service clubs of permitting a Council member to visit their meetings and personally invite the Club to appoint a representative to attend Council meetings. The clubs favored the proposal.

Councilman Spaulding recommended that the Mayor be authorized to communicate with each service and civic club and personally invite them.

MOTION

That Mayor Hammond be authorized to communicate with the civic and service clubs to request them to give the Council the opportunity to personally invite them to appoint representatives to attend Council meetings.

Moved by Spaulding Seconded by VanderWall Unanimously carried

The Council indicated that the staff should continue its study on the preparation of the brochure.

CITY HALL MATTERS 5-07

The City Manager reported that the Architect's staff was now working on some specific paneling samples for the Council Chamber and would present a report later on the various types and costs involved.

Dan Toquero of Lee Brothers, reported that the finishing of the materials used in the city hall were being matched with office furniture. Floor coverings were also discussed. It was considered that some areas should be carpeted (Mayor's office, Council Chamber, City Manager, City Attorney and Library area on third floor). A full credit should be allowed by the contractor for the tile used on these floors.

Mr. Toquero was asked to present a report at the next Council meeting on the cost of the carpeting vs tile for the floors in the executive areas. He was also asked to report on the maintenance costs on the two types of flooring.

REPORT ON PROPOSAL TO FURNISH GAS SUPPLY FOR PUMP STATION NO 22
McHENRY VILLAGE 5-86

Director of Public Works Ray reported that it had been decided to use low pressure gas (propane) on this pump station rather than natural gas, due to the savings in installation and service charges. The agreement between the city and P.G & E for natural gas has been returned to the Company.

REPORT ON LEGISLATION RELATING TO SURVIVOR'S BENEFITS-STATE
EMPLOYEES' RETIREMENT SYSTEM 5-100

The City Manager noted that reports had been previously sent to the Council members and city employees outlining the legislation passed by the State Legislature which is now up for the Governor's signature which would add survivor's benefits. He asked if the Council would indicate at this time whether this benefit would be

made available to those miscellaneous employees who had elected not to be covered under the integrated plan and to safety members (Police and Fire departments), by amending the city's contract. He reported that the Personnel Commission had gone on record approving this procedure.

MOTION

That the Council does indicate its intention to amend its contract with the State Employees' Retirement System to include survivor s benefits as recommended by the Personnel Commission, if the law is approved by the Governor.

Moved by Spaulding Seconded by Knoles Unanimously carried

DENY REQUEST OF GRISWOLD & WIGHT TO INSTALL BLACKTOP IN SIDEWALK AREA 6-52

Mr. Ray reported that the company had been contacted by the city staff with regard to its plan for improving the sidewalk area on N Street and had indicated that it is not its intention to change its plans and agree to install concrete sidewalks. Unless the Council takes some other action it will be necessary to post this property ordering that the property be improved to correct the defective condition in the sidewalk area.

MOTION

That the request of Griswold & Wight to improve the existing blacktop in the sidewalk area be denied.

Moved by Spaulding Seconded by Knoles Unanimously carried

REPORT FROM CITY ATTORNEY ON "PUBLIC LIABILITY"

The City Manager noted that the City Attorney had sent to the Council members, copies of a report dated June 29, 1959 on the subject "Public Liability" Dangerous and Defective Conditions of Public Property: Sidewalks, Curbs and Parking Strips".

REPORT ON WATER LINE INSTALLATION BY CITY FORCES 6-85

The City Manager reported that the engineer's estimate for the cost of installing water mains in Chicago Avenue and Paradise Road had been \$1,867.50. The actual cost for the work had been \$2,034.77, 9% above the estimate for doing the work with city forces.

The estimate for installing water mains in North Park Subdivision was \$664.50. The actual cost for doing the work with city forces had been \$712.54, 7.5% above the estimate.

No bids had been received for these projects, the City Manager reported.

APPROPRIATION TRANSFERS 6-97

The City Manager asked for approval on the following appropriation transfers:

From: Special gas tax street improvement reserve \$202,756.
 TO: Special Gas tax street improvement
 (Tully-College-Roseburg-Granger)

From: Airport Development Reserve 2,150
 To: City-County Airport Development

From: Special Capital Outlay Fund Reserve 34,805
 To: Construction of 18 hole golf course \$18,000
 McHenry Avenue widening 2,500
 Park Site acquisition 13,000
 Traffic Signal Controllers 1,305

RESOLUTION NO. 59-284

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

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

The City Manager stated that a summary of costs on the McHenry Avenue widening project would be made shortly.

SET DATE FOR APPEAL FILED BY C. L. DOWDEN 6-120

RESOLUTION NO. 59-285

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL OF DECISION OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT DENYING A VARIANCE TO C. L. DOWDEN FOR THE CONSTRUCTION OF A SIX FOOT FENCE, FOUR FEET FROM THE PROPERTY LINE AT 207 STODDARD AVENUE

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

AUTHORIZE CLOSE OF MUNICIPAL GOLF COURSE ON JULY 4- 7-125

MOTION

That the municipal golf course be closed at 4:00 P.M. July 4.

Moved by Arata Seconded by Spaulding Unanimously carried

APPROVE CLOSING OF STREETS TO CONDUCT BLOCK PARTIES ON FOURTH OF JULY 7-06

Director of Parks and Recreation Lloyd Lowrey reported receipt of three additional requests to hold Block parties. These will be held on Fourth of July and the streets proposed to be closed are:

- Enslin Avenue, between Baldwin and Hilton Streets
- Arbor Drive, between Madrone Drive and Cypress Avenue
- Sherwood Avenue, between Northgate and Northwood Ave.

These have been cleared with the Traffic, Police and Public Works Departments.

MOTION

That the closing of these streets be authorized

Moved by Knoles Seconded by Martin Unanimously carried

APPROVE USE OF AREA ADJACENT TO MITCHELL ROAD BRIDGE 7-30

The County is proposing that some access be provided under the Mitchell Road Bridge (East Modesto Road) to permit fishing and launching of small boats, with the specific understanding that there will be no access to the airport and that the County would assume the responsibility for the operation, including policing, etc. On this basis, the City Manager recommended Council approval.

MOTION

That the staff be authorized to indicate to the Stanislaus County Board of Supervisors that the City would have no objections to permitting access to the area under the Mitchell Road Bridge on the basis that the County would assume responsibility for policing, care and control of the area and all liability for the activities involved.

Moved by Arata . Seconded by Spaulding Unanimously carried

CLOSING OF CITY OFFICE ON JULY 3

The City Manager reported that the question of whether it would be possible to close the city office on Friday, July 3 since the Governor had declared it a holiday for state employees only, had been raised.

The City Attorney questioned the legality of closing the offices because holidays are established under personnel rules and regulations for city employees. In order to change these holidays to permit the closing of the offices on July 3, it would be necessary to change the rules and regulations. The department heads would be assuming a risk in certifying the worksheet and city funds would be paid for work not performed.

Mayor Hammond considered that the request was too late, that the community would be operating and the city office should remain open.

The City Manager stated that the offices would remain open and that if any employees wished to take the day off they could do so by using any overtime or vacation credit.

REPORT FROM PLANNING COMMISSION 7-92

The City Manager reported that there would be no reports from the Planning Commission.

LEGISLATIVE MATTERS 7-95

The City Manager reported that the suggestions offered by Assistant City Manager Masonheimer had been incorporated in the State Smog Control Bill. There will be an opportunity for the citizens to vote on this bill next year.

MATTERS FOR THE GOOD OF THE COMMUNITY 7-105

Councilman Martin introduced his wife, guest of the Council, who testified on his behalf that she had paid his fine for not wearing whiskers as provided by Resolution No. 59-269 during the Diamond Jubilee Celebration.

Mrs. Martin paid a second fine of \$5.00 for her husband to the City Clerk.

ORDINANCE REGULATING CHARITY DRIVES DISCUSSED 7-127

Councilman Knoles suggested that the Council might give some thought to the feasibility of adopting an ordinance which would protect the public against unauthorized charity drives.

Mayor Hammond was authorized to informally communicate with the United Crusade, Merchants Bureau and Chamber of Commerce as to their wishes in this regard.

FURTHER DISCUSSION ON LEGISLATIVE MATTERS 8-40

The City Attorney reported that an important bill was adopted by the State Legislature relating to assessment practices---equalizing the assessment of utilities. He suggested that the Council might wish to indicate some direction for the city staff to follow on this matter. He stated local taxing agencies had a real interest in this action.

By order of the Council, the City Attorney was directed to follow through on this bill.

REPORT ON NOTICE OF HEARING--JOHN RUGGIERO'S APPLICATION FOR LIQUOR LICENSE 8-107

The City Manager reported receipt of a formal notice of a hearing on July 30, 1959 at 1:30 P.M. in the Stanislaus County Supervisor's Room, before the Department of Alcoholic Beverage Control on the application for a liquor license by Wesley J. Busler and John Ruggiero, dba George's Place, 122 North Highway 99, Modesto. The City Clerk was asked to notify the Councilmen prior to the date of the hearing.

REPORT ON MODESTO CLEAN-UP WEEK 8-113

Mr. Ray reported on the Modesto Clean-up Week held the week beginning June 8, sponsored by the Greater Modesto Chamber of Commerce Civic Improvement Committee. The garbage companies participated in the work but the bulk of the work fell upon the city public works crews. A total of 146 loads were hauled. There was no participation by any other firms or individuals.

In general, cooperation by the public was very good and the people appreciated the opportunity to dispose of accumulated rubbish. All available city trucks were used during the week in addition to those used for the regular garden refuse collection, which was collected separately.

Seven street refuse cans were purchased by seven different service clubs but these cans have not yet been delivered. There is no knowledge as to the extent of participation by the organizations interested in picking up usable materials.

For the record, in addition to the help provided by the garbage companies, Mr. Ray reported, the city performed the following:

- a. Six trucks were provided daily for the entire week
- b. Two trucks were necessary for the second week in order to pick up rubbish which had either been overlooked during the first week, or had been put out after the collection date.
- c. City labor provided included 21 man days for maintenance men; 38 man days for laborers; 7 man days for Public Works Leadman. The total cost to the city was

1. Labor-----\$1,209.95
(this does not include labor overhead charges)
 2. City Equipment rental 252.00
- Total \$1,461.95

The Modesto Garbage Company hauled five loads, and in addition to this, extended a very important service in providing for the trenching and covering for all of the refuse collected. Appreciation is due to all of the garbage companies and in particular to the Modesto Garbage Company.

Councilman Arata left the meeting at 6:00 P.M.

MOTION

That Mayor Hammond be authorized to write a letter of appreciation to the Garbage Companies for their participation in the Clean-Up-Week program.

Moved by Knoles Seconded by Spaulding Unanimously carried

APPROVE VACATION TIME OFF FOR CITY MANAGER 9-32

The City Manager asked for authorization to be absent on vacation as time permitted and for at least a three weeks period during August, at a time which he can arrange along with his work schedule.

MOTION

That the City Manager be authorized to take vacation as requested.

Moved by Spaulding Seconded by VanderWall Unanimously carried

INVITATION TO RIDE IN FOURTH OF JULY PARADE 9-42

The Council members were reminded of their invitation to ride in the Fourth of July parade.

INTRODUCE GUEST OF COUNCIL- FIRE CAPTAIN OVERBY

The City Manager introduced Fire Captain Overby from the City of Winston-Salem, North Carolina.

Captain Overby was touring California on vacation and stopped over for a visit with the City Manager. Mr. Overby reported that the combination of police and fire patrol had been instituted about two years ago in a suburban station. Home owners like the service and two new combined stations are being proposed which will have the combined police-fire feature.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Spaulding Seconded by VanderWall Unanimously carried

ATTEST

Ray E. Gault
CITY CLERK

July 8, 1959

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, Spaulding, VanderWall, Mayor
Hammond

Absent: Councilmen: Adams and Arata

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

Rev. Darrell Thomas gave the invocation.

COMMUNICATIONS

With the unanimous consent of the Council, Mayor Hammond read two letters which had arrived too late to be listed on the agenda.

Terry L. Clark, Information Officer of the Governor's Committee on Transportation and Highway Safety, was read advising of his visit to Modesto on July 22 to present the National Safety Council written analysis of Modesto's report in the 1958 Annual Inventory of Traffic Safety Activities. By order of the Chair the matter was referred to the staff to work out arrangements for the meeting.

An invitation from the State Public Works Board to Mayor Hammond to participate in the inspection of proposed college sites in Stanislaus County on July 20 was read. After the inspection trip a public hearing is to be held in Modesto at the County Center at 3:30 P.M.

The City Manager was asked to notify H. C. Vincent, Jr., Administrative Secretary, that Mayor Hammond would attend the inspection trip.

HOLD OVER AWARD OF BID FOR IMPROVEMENT OF CHICAGO AVENUE 1-79

This matter was held over for further clearance.

HOLD OVER AWARD OF BID ON RADIO EQUIPMENT 1-80

The tabulation of the two bids received on July 6 at 2:00 P.M. for radio equipment was considered by the Council. A report entitled "Bid Analysis and Recommendation-Radio Equipment", prepared by Assistant City Manager Masonheimer was read and discussed. The report pointed out that all radio units in the Engineering services system were Motorola and because of the advantages realized in standardization of equipment the acceptance of the Motorola bid was recommended, although it is higher than the bid submitted by the General Electric Company.

Ray Gada, city contractor for maintenance of radio equipment pointed out that there was a difference in the size of the two units offered in the bids. Most of the units in the Utility Department are installed in pick-up trucks and the smaller size unit offered by Motorola Company can be mounted behind or underneath the seats of the trucks but this cannot be done with the larger General Electric Company unit. An additional weather proof steel box must be installed in the body for mounting the larger unit. The normal

page 1 7-8-59

price for the box would be \$40 to \$45. Minor differences in the GE proposal were listed by Mr. Gada.

In response to a question from Councilman Martin, the City Attorney stated that these minor irregularities could be waived by the Council. He pointed out that legal requirements did not require the bid be awarded to the low price bidder. Under the term "lowest responsible bidder", the Council could take into consideration the quality, service, standardization, and other factors. While the price factor is the leading one it is not the sole factor.

Councilman Spaulding stated that the greatest value to the city would be to standardize equipment.

Bill Nye, District Sales Manager of the General Electric Co. stated that his company had submitted a bid in good faith in response to the city's request. He pointed out that the bid conformed to the city's specifications in every regard and that the equipment was equal to Motorola equipment. The equipment could be repaired on the spot and it would not be necessary to have a spare mobile unit as stated in the report. Mr. Nye stated that he could not determine without inspection of the city trucks, whether the GE units would require special mounting as reported by Mr. Gada. If this was such an important item, the city should have included it in its specifications. The GE bid would save the city money and the maintenance cost will not be more expensive. He pointed out that when the city limited itself to one type of equipment, it would limit competition and increase costs.

Councilman Martin considered that the matter of standardization was not too important. It would be advantageous to have two types of units if both can do the work satisfactorily so that future bids would be competitive.

Councilman Spaulding pointed that the city could still buy from different dealers so there would still be competitive bids.

The City Manager stated that either bid would be acceptable to the staff and the quality of the GE equipment was not being challenged. The extra cost involved in mounting the units is the main factor.

Ross Campbell, Assistant Director of Public Works, stated that none of the trucks had boxes attached which could be used for installing the radio units.

Mayor Hammond considered that it would be advisable for the Council to have the factor of installation cleared before awarding the bid.

MOTION

That the matter be held over for further consideration at the next Council meeting

Moved by Spaulding Seconded by VanderWall Unanimously carried

HEARING ON INSTALLATION OF CURB AND GUTTER ON HELEN AVENUE AND HIGH STREETS, BLOCK 628 3-92

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for the public hearing on the construction of curbs and gutters in Block 628, along Helen Avenue and High Street.

The Superintendent of Streets certified that he had given notice as directed by Resolution No. 59-274, to the one remaining

property owner in the block who had not constructed curbs and gutters and that no objections had been filed.

Mayor Hammond asked if there were any oral protests. No protests were filed. He declared the hearing closed.

RESOLUTION NO. 59-287

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO, (BLOCK 628 ON HELEN AVENUE AND HIGH STREET)

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

PUBLIC HEARINGS ON ANNEXATIONS

Robertson First Addition

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposed annexation of Robertson First Addition to the City of Modesto.

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

Mayor Hammond asked if there were any oral protests or anyone wished to make any comments.

The boundaries of the addition were outlined for the information of Frank Rosseau.

Mayor Hammond declared the hearing closed.

ORDINANCE NO. 320-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS ROBERTSON FIRST 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: Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Arata

Robertson Second Addition

Mayor Hammond announced that the hour of 8:00 P.M., had arrived, the time set for the public hearing on the proposed annexation of Robertson Second Addition to the City of Modesto.

The City Clerk certified that the notice had been published in the manner and for the time prescribed by law; that notices had been sent to all interested parties; and that no written protests had been filed.

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 declared the hearing closed.

ORDINANCE NO. 321-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS ROBERTSON SECOND ADDITION TO THE CITY OF MODESTO"

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

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

Robertson Third Addition

Mayor Hammond announced that the hour of 8:00 P.M. had arrived the time set for the public hearing on the proposed annexation of Robertson Third Addition to the City of Modesto.

The City Clerk certified that the notice had been published in the manner and for the time prescribed by law; that notices had been sent to all interested parties; and that no written protests had been filed.

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 declared the hearing closed.

ORDINANCE NO. 322-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS ROBERTSON THIRD ADDITION TO THE CITY OF MODESTO"

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

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

Robertson Fourth Addition

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposed annexation of Robertson Fourth Addition to the City of Modesto.

The City Clerk certified that the notice had been published in the manner and for the time prescribed by law; that notices had been sent to all interested parties; and that no written protests had been filed.

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 declared the hearing closed.

ORDINANCE NO. 323-C.S.

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS ROBERTSON FOURTH ADDITION TO THE CITY OF MODESTO"

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

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

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for the public hearing on the proposed annexation of ClubHouse Addition to the City of Modesto.

The City Clerk certified that the notice had been published in the manner and for the time prescribed by law; that notices had been sent to all interested parties; and that no written protests had been filed.

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 declared the hearing closed.

ORDINANCE NO. 324-C.S.

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

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

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

APPROVE POLICE SPONSORED TEEN-AGE DANCES 4-46

With the unanimous consent of the Council, a report from Police Chief George Bowers on the subject "Teen-age dances", dated July 8, was read by the City Manager. Copies of the report were distributed to the Council members.

Police Chief Bowers recommended that the Police Department, with the assistance of the Parks and Recreation Department, host a series of self-supporting teen-age dances. The purpose, need for these dances, plans and operation were outlined in the report.

The City Manager stated that Council action necessary was authorization for the City Manager to proceed on the program outlined in the report.

Police Chief Bowers pointed out that until two or three dances had been held it would be difficult to determine their financial success. He asked for Council approval for the establishment of a small contingency fund (\$200 to \$300) to defray a possible deficit, until the dances could become self-supporting.

Billie Tanson, 1625 Concord, spoke on behalf of the "Teen-agers" and pointed out the advantages of the City Police Department sponsoring these dances.

MOTION

That the plan outlined in the report be approved and that the City Manager be authorized to proceed on the basis of a continuing report to the Council on the progress of the program.

Moved by Martin Seconded by Knoles Unanimously carried

APPROVE CALL FOR BIDS FOR PURCHASE OF DRIED DIGESTED SLUDGE 5-70

RESOLUTION NO. 59-288

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

The time set for the opening of bids was 2:00 P.M.,
July 20.

FINAL ADOPTION OF ORDINANCE NO. 318-C.S. RELATING TO AIRPORT REGULATIONS
5-77

ORDINANCE NO. 318-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 7-3.412 AND 7-3.415 OF ARTICLE 4 OF
CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO
PERMANENTLY BASED AND TRANSIENT COMMERCIAL SERVICES AT THE MODESTO
CITY COUNTY AIRPORT"

introduced on July 1, 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: Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Arata

AUTHORIZE PURCHASE OF SILVERIA PROPERTY 5-81

Terms of an agreement between the City and Anthony Sil-
veria, et ux, providing for the purchase of 1.27 acres of land on
Franklin and California Streets, were reviewed by the City Attorney.

ORDINANCE NO. 325-C.S. entitled
"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY
BY THE CITY OF MODESTO FROM ANTHONY SILVERIA AND ROXY SILVERIA"

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

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

APPROPRIATION TRANSFER FUNDS COMPLETION OF WELL AND PUMP STATION
NO. 21 5-92

RESOLUTION NO. 59-289

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$600 FROM GENERAL
RESERVE TO WATER FOR COMPLETION OF NEW WELL AND PUMP STATION NO. 21

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

ACCEPT COMFORT STATIONS FROM CONTRACTOR B. B. FORD 5-102

RESOLUTION NO. 59-290

A RESOLUTION ACCEPTING THE CONSTRUCTION OF COMFORT STATIONS AT
WEST SIDE PARK AND BEARD BROOK PARK BY B. B. FORD: AUTHORIZING
PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH
THE COUNTY RECORDER

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

ACCEPT PUMP HOUSE AT PUMP STATION NO. 22 FROM CONTRACTOR B. B. FORD
5-110

RESOLUTION NO. 59-291

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSE PUMP STATION
NO. 22 BY B. B. FORD; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDA-
TION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

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

APPROVE AGREEMENT WITH STATE FOR YOSEMITE AVENUE TRAFFIC SIGNALS 5-115

Terms of the agreement between the State and City were
outlined by the City Manager

RESOLUTION NO. 59-286

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE
OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, FOR TRAFFIC SIGNALS ON
YOSEMITE BLVD.

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

This agreement covers signals at LaLoma and S Santa Cruz.
The city's estimated cost will be \$8,000 although the agreement pro-
vided the city's share to be \$5700, Mr. Carmody reported. Rather
than rewriting the agreement, based on some of the development in
the area, the same figure was left in the contract by the State. He
reported that the estimated date of completion for the signals would
be during the month of October.

CITY HALL MATTERS

Floor Covering

Pursuant to Council direction, Dan Toquero reported
on his conference with the city's general contractor, Ron Fiske
Construction Company, relating to the replacing of tile flooring with
carpeting in the Council Chamber, Mayor's office and the section
of the third floor housing the City Manager, City Attorney and
Library.

He stated that he had not been able to secure a figure
from the general contractor on the complete credit to be allowed
for the change in floor covering if the city decided to carpet
these areas. The only figure the contractor would give was the
extra cost to the city for the change, which was \$470 for the
Mayor's office, \$2370 for the Council Chamber and \$3489 for the
executive area on the third floor, a total increased cost of
\$6,329.

The City Manager pointed out that the city had a
valid contract with a contractor and that these matter should be
reviewed with him.

Mayor Hammond considered that these differences should be ironed out so that there was complete understanding by all parties concerned. The Council needs to know the exact cost for the different types of flooring in these areas, and the maintenance of each one. This should be worked out by the contractor, staff and Mr. Toquero. The City Manager was asked to bring back a further report on the matter.

Maintenance of carpeted area

Mr. Toquero reported that the maintenance expense for carpeted area would be 40% of the total cost for maintaining any type of hard flooring.

Lights

The City Manager reported that the possibility of a different type of fixture which would make it easier to change the tubes had been investigated but the change could not be made at this late date.

Stairway from parking garage

This matter was held over for discussion when Councilman Arata could be present.

SET DATE FOR HEARING ON APPEAL OF SAMUEL JACOBS 7-32

RESOLUTION NO. 59-292

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT FILED BY SAMUEL JACOBS FOR THE EXTENSION OF COMMERCIAL USES AND PARKING INTO THE R-3 AND R-1 ZONES AT 601 MCHENRY AVENUE

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

PLANNING MATTERS

The City Manager asked for the unanimous consent of the Council to present two matters from the Planning Commission which had been considered at its meeting of July 7 and which could not be placed on the agenda.

Councilman Spaulding questioned whether consideration was urgent at this time before the Council had had an opportunity to study and investigate the matters.

Mr. Smeath stated that action was not required at this meeting but it would be convenient for the subdivider if the Council could act and would save a week's delay for him.

The City Attorney raised the question of whether the Council wished to consider items which the Commission had considered on the Tuesday prior to the Wednesday Council meeting. Councilman Spaulding stated this was one of the problems in the past-----the Council has not had an opportunity to investigate the matters considered by the Commission. It is questionable that these matters are so urgent they could not be held over until the following Wednesday Council meeting.

The Commission fully understood, Mr. Smeath stated, that the Council might not act on these two matters.

The Council gave unanimous consent to hear the two matters:

FRANK FRANCEK PETITION FOR EXCEPTION TO SUBDIVISION REGULATIONS 7-72

Resolution No. 532 adopted by the Commission July 7 approving an exception to the Montgomery Village No. 3 Subdivision to eliminate the requirement for sidewalks on the south side of Charles Avenue and on the west side of O'Farrell Street adjacent to the property of the Church of the Nazarene, subject to approval by the City Council was read by the City Attorney.

In response to a question from Mr. Smeath, the Council members indicated they wished maps of items such as this, for study prior to the Council meeting.

The City Attorney stated that as a matter of law, if the sidewalks were not required at this time from the Subdivider, the city has lost control to require the Church to construct sidewalks at a later date. The cost of the sidewalks is approximately \$1,000.

Mr. Smeath reported the Commission does not intend that its action in approving the petition set a precedent for considering similar cases in the future but that each case should be considered on its merits.

MOTION

That this matter be held over until the next Council meeting.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

Questionnaire on Advance Planning Program 8-12

A questionnaire sent to the City Manager by the County Planning Director at the request of the County Board of Supervisors concerning the future of Advance Planning, Mr. Smeath stated, had been referred to the Planning Commission. The Commission has made a recommendation for answers on the questionnaire. Copies were passed out to the Council for study and action at a later date.

In reply to a question from the City Attorney, Councilman Spaulding stated that he would like to have all possible information available on matters from the Commission, including maps, to acquaint him with the background before taking action at a Council meeting. He suggested a report from the Commission similar to the one received with the agenda.

LEGISLATIVE MATTERS 8-65

The City Attorney reported that the Governor had signed AB5668 passed by the State Legislature, relative to assessment practices.

The City Manager reported that the House of Representatives bill No. 350 had been referred by the Legislature to an Interim Committee relating to ways and means of financing fire departments.

MATTERS FOR THE GOOD OF THE COMMUNITY 8-80

Councilman Martin reported on his investigations relative to financing the Golf Course Clubhouse. The City Manager reported a meeting would be held shortly with the Council Committee and Golf Course Committee on this matter.

In response to the question raised by Councilman Knoles, the City Manager reported that a report would be submitted shortly on the improvement of College Avenue project. Plans and specifications have already been sent to the State for approval.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Martin Seconded by Knoles Unanimously carried

The meeting was adjourned at 9:30 P.M.

ATTEST: 
Rex E. Gailfus, City Clerk

Modesto City Council
July 15, 1959

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

Councilman Adams arrived at 4:02 P.M.

Councilman Arata arrived at 4:05 P.M.

Councilman Spaulding left the meeting at 6:00 P.M.

Absent: Councilmen: None

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

Rev. Halsted Gates gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of June 10, 1959 and the same being available for public inspection and there being no objections, the minutes were approved.

AWARD BID FOR IMPROVEMENT OF CHICAGO AVENUE 1-15

Tabulation of bids received for the construction of Chicago Avenue, a joint enterprise to be undertaken by the City and Indian River Corporation, was considered by the Council. Director of Public Works Ray reported receipt of a check in the sum of \$2,982.26 from the Company and recommended the acceptance of the low bid offer of \$1,454.25 by M. J. Ruddy and Son.

RESOLUTION NO. 59-293

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY AND SON FOR THE CONSTRUCTION OF CHICAGO AVENUE

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

RESOLUTION NO. 59-294

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,500 FROM SPECIAL CAPITAL OUTLAY RESERVE TO IMPROVEMENTS TO CHICAGO AVENUE

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

Councilman Arata arrived at 4:05 P.M.

ACCEPT BID OF MOTOROLA COMPANY ON RADIO EQUIPMENT 1-42

Further consideration was given by the Council to the two bids received for radio equipment. A report on "Installation of Radio

Page 1 7-15-59

Equipment" was reviewed. A model indicating the sizes of the two units upon which bids had been received was displayed. Ross Campbell, Assistant Director of Public Works, reported that he had tried out the model in the pickup trucks which are to be equipped with radio equipment. It would not be possible to mount the larger size unit of the General Electric Company under the seat or dashboards of these trucks. Two of these pickup trucks have dump bodies making it impractical to mount the unit in the dump body because of motion involved in operating the truck.

Ray Gada explained the need for a spare set and portable test unit if General Electric equipment was purchased. He stated that he was set up with Motorola equipment for testing but if different type systems were added, he could not furnish the additional special test equipment. It would be impossible to interchange the two types of units as the cables and connecting plugs would be different.

It was suggested that the specifications should have been prepared in such a manner as to indicate the size of the units which would have precluded the General Electric Company from bidding.

Mr. Gada stated that bids cannot be restrictive when FCDA matching funds are used in purchasing equipment. A definite size cabinet in the specifications could eliminate certain bidders and thus be restrictive. This is the reason the size was left out of the specifications.

Councilman Spaulding considered that the General Electric Company was well aware of this situation when its bid was filed.

It was suggested that when a bidder complies with all of the specifications and his bid is the lowest bid received, he had a legitimate reason to consider that he should receive the award.

Councilman Arata considered that unless the low bid was accepted, bidders would soon refuse to bid on city equipment.

Mayor Hammond pointed out that in addition to the radio equipment, installation costs must be considered when the award is made. He considered that on the basis of the staff's report and recommendation the Motorola equipment would be compatible with the city's present equipment, plus the fact the added installation cost of the General Electric equipment would make the Motorola Company the lowest bidder.

The Council found and determined that the bid of the Motorola was the lowest responsible bid under all the terms, conditions and circumstances.

RESOLUTION NO. 59-295

A RESOLUTION ACCEPTING THE BID OF THE MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC. IN THE SUM OF \$4,470.50 FOR RADIO EQUIPMENT

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

Councilman Arata stated that in the future specifications should be written in such a manner as to avoid a recurrence of this type.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE
IN SHERWOOD MANOR SUBDIVISION 2-65

RESOLUTION NO. 59-296

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE
CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN SHERWOOD MANOR
SUBDIVISION

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

FINAL ADOPTION OF ORDINANCE NO. 319-C. S. TRAFFIC REGULATIONS 2-70

ORDINANCE NO. 319-C.S. entitled

"AN ORDINANCE ADDING SECTION 3-2.1105 TO ARTICLE II OF CHAPTER 2 OF
TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS"

introduced on July 1, 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 VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 325-C.S. PURCHASE OF SILVERIA PROPERTY

ORDINANCE NO. 325-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY
BY THE CITY OF MODESTO FROM ANTHONY SILVERIA AND ROXY SILVERIA"

introduced on July 8, 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 Martin
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

AUTHORIZE PURCHASE OF ROAD GRADER 2-90

Director of Public Works Ray reported on the offer of Valley
Tractor Company to sell the city a used Cat 12 Road Grader, four years
old, for the sum of \$12,500. The Grader has been thoroughly checked
by the city and additional necessary repairs listed. The Company is
now in the process of completing these repairs. The Company has offered
a trade-in price of \$450 for the city's small Adams Grader. He
recommended that the Company offer on the Cat 12 Road Grader and the
trade-in offer on the Adams Grader be accepted.

Mayor Hammond reported that he had checked the equipment offered
by the Company and considered that it would do all the required work
in a satisfactory manner and be a material savings to the city. He
recommended the purchase of the equipment.

RESOLUTION NO. 59-297

A RESOLUTION AUTHORIZING THE PURCHASE OF A USED GRADER FROM VALLEY

He stated that the city had no right to impose an assessment on the property owners for street lights under these conditions. The owners would have to pay the entire cost for the new lights but if the city had to replace the old lights, there would be some expense. This expense should be credited to the owners.

Mayor Hammond pointed out that these resolutions only started the project in motion, but the owners would have a right to file a formal protest at the hearing scheduled for 7:45 P.M. August 12 in the Council Chamber.

Mr. Ray stated that the plans and specifications provide for some credit to the two improvement districts in the north end of the area, (north of Griswold Ave.) which recently installed ornamental residential type street lighting. The only credits involved are for the standards and luminaires. Mr. Crane's property is not located in this area. All the lights in this area are bulbs hanging out in the middle of the street on wires strung across by wooden poles. There will be no reimbursement to the property owners for these lights.

RENEW LEASE FOR CITY ATTORNEY OFFICE SPACE IN CARLETON BUILDING 3-85

RESOLUTION NO. 59-298

A RESOLUTION APPROVING RENEWAL AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BANK OF CALIFORNIA, N.A. FOR THE RENTAL OF THE OFFICE SPACE FOR THE CITY ATTORNEY

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

APPROVE FINAL MAP ON SHERWOOD MANOR SUBDIVISION 3-95

The City Attorney reported that all necessary documents had been filed by the subdivider on the Sherwood Manor Subdivision except the bond. The Subdivider had requested approval of the final map subject to the furnishing of the bond. The City Attorney recommended the adoption of a resolution approving the final map and withholding recordation subject to the filing of the bond.

RESOLUTION NO. 59-299

A RESOLUTION APPROVING THE FINAL MAP OF THE SHERWOOD MANOR OF THE CITY OF MODESTO

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

APPROVE FINAL MAP OF QUARESMA HOMES UNIT 1 3-107

The City Attorney reported that all necessary documents had been filed by Subdivider John Quaresma on the Quaresma Homes Unit 1.

RESOLUTION NO. 59-300

A RESOLUTION APPROVING THE FINAL MAP OF THE QUARESMA HOMES UNIT I OF THE CITY OF MODESTO

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

REPORT ON CLUBHOUSE PLANNING PROGRESS 3-120

The City Manager reported that two meetings had been held with the Golf Club Committee to discuss the financing and preliminary sketches for a clubhouse at the Dryden Park Municipal Golf Course. A meeting would be held shortly with the Council Committee, when the preliminary sketches have been completed.

CLEAR MATTERS REGARDING IMPROVING COLLEGE AVENUE 3-126

Mr. Ray reported that the plans and specifications had not yet been approved by the State Division of Highways. Other matters relating to rights of way will be cleared at a later meeting.

It is possible, the City Manager reported, that condemnation will be necessary and if so the documents will be prepared for consideration next week in order not to delay the calling for bids.

PROGRESS REPORT ON CONTROL TOWER AT MODESTO CITY-COUNTY AIRPORT 4-15

A progress report on a Control Tower to be constructed at the Modesto City-County Airport was read by the City Manager.

It is possible that some participation in the cost will be given by FAA. As soon as information is available, a further report will be made to the Council.

The City Manager reported that the suggestion made that the City of Modesto purchase the tower no longer being used by the City of Salinas had been checked out by the staff. This tower will not suffice under present regulations.

PROGRESS REPORT ON REQUEST OF CIVIL AIR PATROL FOR SPACE AT THE CITY-COUNTY AIRPORT FOR HEADQUARTERS 4-30

Assistant City Manager Masonheimer reported that as directed by the Council the staff had made a study of sites which could be used as a temporary headquarters for the Civil Air Patrol. Two sites which would be satisfactory are being checked out further with the department heads in charge. He pointed out that the ultimate need of the Patrol was a permanent site where communication equipment could be permanently installed.

Richard Barham, Commander in charge of the local squadron reported on the duties of the Patrol as related to the community. It performs mercy rescue missions, trains cadets and other functions. Most Patrol units are set up at airports. The ultimate goal of the local unit is to secure a site at the Modesto City-County Airport for permanent quarters so that a building could be constructed or a building donated by the Air Force could be installed. If the Patrol was abolished in the future any buildings constructed on the airport would revert back to the city.

Mayor Hammond stated that the staff would continue to check out the matter and present a report later on the best manner in which the city could assist the Civil Air Patrol in securing both a temporary and permanent site.

REPORT ON STATUS OF RIGHT-OF-WAY STREET PROJECTS 4-100

Mr. Ray reported on the status of rights of way on the various street improvement projects:

- College Avenue: Four rights of way remain to be cleared but two of these owners have already installed curb and gutter and improved the streets. There is no particular concern on these two.
- Granger Avenue:
(eastern one-half) Five parcels still remain to be cleared. Gas tax funds have been set up in the budget for this improvement purpose. A recommendation will be presented shortly by the staff that these funds be transferred elsewhere. At the request of Mayor Hammond, he reported on the five parcels. The principle reason these have not been dedicated is that the owners feel they should receive payment for dedicating rights of way. This would be against the city policy.

The City Manager reported that he had contacted the attorney for the largest owner involved. It would be impossible to clear all of these matters in time to get the work done this summer season. If this money is transferred to some other street, the effort to get the rights of way would continue and construction scheduled for next summer. It is unwise to let the money remain in the budget while there are other streets to be improved where rights of way have been given.

Mr. Ray stated that a large share of Granger Avenue would be involved in the construction of a storm drain trunk line, in the event that this project is approved as an assessment district. Therefore, in any case if the city had the rights of way, construction would not be proposed on this section until next spring, however, it would still be in this fiscal year if the Council desires not to transfer the funds.

- Tully Avenue: All parcels south of Stoddard have been cleared except one parcel. Plans and specifications have already been sent to the State for approval. The problem in the right of way involves an estate to be settled, but if necessary the project can proceed without the right-of-way.
- Orangeburg Avenue:
(east of Tidewater tracks) Progress is being made on securing rights of way.
- Roseburg Avenue:
(between Tully and McHenry) Progress is being made on securing the rights of way.

The City does not have a project on Orangeburg Avenue but rights of way are needed in order to proceed with the storm drainage installation. The city would provide the curbs and gutters on this street because the street is 80 feet in width.

That portion of Roseburg between Mills and Tully is scheduled for improvement this calendar year. The same situation is true on the east of the Tidewater tracks, because of storm drainage construction. It is proposed that this street construction be done next spring. No diversion of funds is proposed on this street, however.

APPROVE PURCHASE OF MATERIALS AND EQUIPMENT FOR DRYDEN PARK MUNICIPAL GOLF COURSE 5-32

The City Manager reported that equipment proposed and approved in the budget for use at the Dryden Park Municipal Golf Course. A golf course tractor, fairway mower, two tee and apron mowers and two greens mowers would be needed to complete the course. The estimated cost would be \$6,901.

Mr. Lowrey explained why he recommended the type and model of machines proposed in his report of July 14.

RESOLUTION NO. 59-301

A RESOLUTION APPROVING PURCHASE OF MATERIALS AND EQUIPMENT FOR USE AT DRYDEN PARK MUNICIPAL GOLF COURSE

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

ACCEPT DEEP WELL PUMP AT STATION NO. 23 FROM JACUZZI BROS. 5-75

The City Manager reported that the deep well pump had been installed at Station No. 23 by Jacuzzi Brothers and acceptance was recommended.

RESOLUTION NO. 59-302

A RESOLUTION ACCEPTING THE CONSTRUCTION OF INSTALLATION OF DEEP WELL PUMP AND ELECTRICAL EQUIPMENT AT PUMP STATION NO. 23 BY JACUZZI BROS., INC., AND 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 REPORT ON FILLING IN OF OLD WELLS 5-82

The City Manager reported that the staff had further considered the problem of water connections and pollution. It is recommended that where there are private wells, which have been abandoned and where property owners will consent, that the city undertake the work of filling them up in order to get rid of them. This policy has been adopted by the Del Este Water Company. The rough estimate of cost per well is \$150. The number of wells is unknown, but an average number would probably be about two per annum.

In response to a question, the City Manager stated that it was the responsibility of the owner to fill the well but if the city assumed this responsibility, it would be easier to find out about the wells and to see that the work was done and done properly.

Mr. Ray pointed out that the most important feature to the city was that the wells be filled in properly to avoid contamination in the underground water supply. The owners are only legally required to cap the wells. The city would fill up the entire well with concrete.

MOTION

That the staff be authorized to proceed on the basis recommended.

Moved by Knoles Seconded by Adams Unanimously carried

Page 8 7-15-59

REPORTS FROM THE PLANNING COMMISSION 5-115

The answers recommended by the Modesto City Planning Commission to a questionnaire submitted by Stanislaus County on continuing the Advance Planning Program were given further consideration.

The letter was read in full by Planning Director Smeath so that the Council might indicate whether it wished any changes made in the answers. The Stanislaus County Planning Commission has asked that these questions be answered as soon as possible, he reported.

Question 12

Mayor Hammond considered that the logical manner in which to handle a cooperative advance planning program would be for the program to be under the direct supervision of the Stanislaus County Planning Commission and County Planning Department. This person should be free from every day operation. Time spent on working out the city's separate problems could be guided by the Commission and the city staff.

Councilman Martin stated that there is a great deal of merit in any kind of operation which deals with other than very concrete things in tying it to some extent to concrete things which are happening every day.

Mr. Smeath stated that this would be practicable if circumstances were such that this could be done reasonably. The Commission and city representatives involved would be happy if this could be done. During two years of the past four years, the Advance Planning staff was literally in the office of the County Planning Department. It is the experienced opinion now of many people who worked with the program that under the existing situation this cannot work. The Planning Commission, several cities and the City of Modesto Planning Staff feel that it is most desirable at this point to have some separate staff with an obligation to certain jobs but carefully supervised by whatever ways it can for adequate check and control on them to see that they are doing those things which should be done. They should have a job to do and not be placed under the specific departmental operation in the county at this time.

Question 15

The background was reviewed on the division of costs (50% for the City of Modesto). The City Manager pointed out that this could be changed if necessary.

Question 11

Mayor Hammond considered that it was not necessary to set up a complete Advance Planning Staff and a complete advisory body as is presently existing. The City of Modesto has representation on the County Planning Commission and controls can be set up for the advance planning so that it can be handled through the present machinery. Unless the controls and safeguard can be set up into procedures for handling planning, he stated, he might reverse his opinion.

Councilman Spaulding suggested that the letter might be submitted to the County as the answer of the Planning Commission and that the Council's answer be submitted later.

Mr. Smeath suggested that the Council modify the Commission's answer on item 12---that the city would be willing to conduct advance

planning on the present basis with some modifications. Mr. Smeath considered that if the Commission answers these questions, as shown on its letter and knows that they are not the answers the Council might approve that it would be harmful. The Council generally agreed that this would be the case.

At the suggestion of Mayor Hammond, the City Manager stated that a summary of the advance planning program would be sent to the Council members. Action could be taken after the members have had an opportunity to review this background information, Mayor Hammond stated.

FURTHER CONSIDERATION TO PETITION OF FRANK FRANCEK FOR EXCEPTION TO SUBDIVISION REGULATIONS 7-60

The background of the petition filed by Frank Francek requesting an exception to the subdivision regulations to eliminate the requirements for installing sidewalks around the Nazarene Church property located on the south side of Charles Avenue and on the west side of O'Farrell Street in Montgomery Village No. 3 Subdivision was given by Planning Director Smeath. Planning Commission Resolution No. 532 adopted by the Commission on July 7 approving this exception was noted.

Points brought out in the Council discussion were:

1. The City could not require the subdivider to construct sidewalks at a later date when they would be needed more;
2. Mr. Smeath reported that the Commission and staff considered that the sidewalks would not be used extensively for many years;
3. If the decision was made on the basis of need, the Council will have many other problems come up upon which policy decisions could be made on the same basis. This could present a problem for the Council;
4. Mr. Carmody pointed out the disadvantage of permitting exceptions to the subdivision regulations as related to sidewalks;
5. The real need for these sidewalks is the church itself; and
6. Mayor Hammond stated that the land in this subdivision had been sold on the premise that sidewalks would be installed. Because of the change of plans, the people of the area should not be deprived of their rights for sidewalks throughout the subdivision. Even if they are not needed presently, it would be unwise to grant Mr. Francek an exception from the subdivision regulations.

Mr. Smeath stated that the major consideration was if an exception was granted that it might become a precedent which would cause other exceptions.

Roy Fredricksen, engineer for the subdivider, spoke on behalf of his client, Frank Francek. The cost of the construction of sidewalk, curb and gutter on the street next to the church property was not involved in the sale price. Mr. Francek has agreed to put in the curb but feels that the sidewalks should be the church's responsibility.

Councilman Martin pointed out that the Commission had looked at all the complication and had approved the exception by a large majority.

Councilman Adams considered that the Council should hold the line on sidewalk requirements and not grant exceptions of this type.

RESOLUTION NO. 59-303

A RESOLUTION DENYING A PETITION FILED BY FRANK FRANCEK FOR AN EXCEPTION TO THE SUBDIVISION REGULATIONS TO PERMIT THE ELIMINATION OF SIDEWALKS ON THE SOUTH SIDE OF CHARLES AVENUE AND ON THE WEST SIDE OF O'FARRELL STREET ADJACENT TO THE PROPERTY OF THE CHURCH OF THE NAZARENE IN THE MONTGOMERY VILLAGE NO. 3 SUBDIVISION

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

SUPPLEMENTAL BUDGET HEARINGS 8-92

With the unanimous consent of the Council, Councilman Spaulding raised a matter not on the agenda----that if the supplemental requests were considered while he was absent on vacation consideration might be given to hiring an attorney who would be interested in going into management to do a little work in both the City Manager's and City Attorney's offices. This would work out satisfactorily when both offices were moved into the new city hall.

Councilman Spaulding left the meeting at 6:00 P.M.

CITY HALL MATTERS

Floor covering: The staff is still working on this item.

Stairs-parking garage: Mr. Carmody displayed sketches on 3 alternatives for the construction of another stairway to provide better access to the north commercial area from the lower section of the garage at the city hall. These alternatives had been studied by the staff with the architect, the City Manager reported.

Mr. Carmody considered that any arrangement which would bring people out of the lower floor into the alley where pedestrian traffic should not be encouraged would be unwise. The best solution would be to install a stairway which would bring people out onto 11th Street. The estimated cost for the additional stairway would be \$3,000. If the one originally proposed in the south was removed some of this amount could be recouped. Three spaces in the basement would be shortened and could be used for small foreign make cars. Spiral staircase---the only type which would fit in would be one similar to those used on a ship or firehouse and would not be used by women. The other type of spiral staircase would cost approximately \$8,000 to \$12,000 and would mean the same loss of space.

The elimination of one stairway already included in the plans and the construction of another one at a different location was discussed. Mr. Carmody favored the stairway to the north on the basis that most of the people using the lower floor would be going to the commercial shopping area, instead of the city hall.

The City Manager pointed out that the contractor would have to know by next week if the south stairway was to be built. A planter area would be involved in a change in plans for the northstairway. The architect has recommended that the south stairway be retained in any case.

MOTION

That the staff be instructed to work with the contractor and

Page 11 7-15-59

architect and if a satisfactory solution can be arrived at from the cost standpoint that the south ramp on the 11th Street side be abandoned and plans made for a stairway on the north end of the parking area.

Moved by Mayor Hammond Seconded by Arata Unanimously carried

The City Manager reported that a representative of the Architect would be in town tomorrow for a conference. It might be possible that further Council clearance will be necessary and if so, he would contact some of the members personally.

HOLD OVER ORDINANCE AMENDING CODE RELATING TO PALMISTRY 10-2

Due to the late hour, the City Attorney suggested that this matter be held over until the next Council meeting. It was so ordered by the Chairman.

CONSIDER CONSTRUCTION OF FIELD ARCHERY RANGE ON CITY PROPERTY SOUTH OF AIRPORT 10-05

Director of Parks and Recreation Lowrey submitted a report for Council information. This matter was to be considered at a later meeting.

REPORT ON NEW RETIREMENT RATE FOR CITY OF MODESTO (EMPLOYER'S SHARE) 10-14

The City Manager briefly reported on the new plan instituted by the State Employee's Retirement System for the payment of prior service costs. It is now proposed that the prior service be handled on a monthly basis instead of a yearly basis. One method would be to pay on a short term basis and the other on an extended basis, which must be done by amending the contract.

An additional report explaining the proposal would be sent to the Council members, the City Manager stated, and action held over until a later date.

APPROVE AGREEMENT WITH SUBDIVIDER ON THE DEVELOPMENT OF STRATHMORE SUBDIVISION - CHARLES JEFFERS SUBDIVIDER 10-26

Director of Public Works Ray reviewed the previous action taken by the Council on the request of Charles Jeffers for city services for the Strathmore Subdivision, consisting of approximately 30 acres located near Rose Avenue. The Council had indicated approval to provide these services. There was also some discussion regarding the city's revenues providing the subdivision did not develop rapidly. Since this time Mr. Jeffers has decided to develop only one-half of the subdivision at this time and is ready to file the final map.

Since this arrangement was not a part of the original discussion, it is being presented for further Council consideration at this time. One paragraph has been added to the standard subdivision agreement which would provide that the subdivider, at the time of filing his final map on a portion of this subdivision would also file cash or a bond which would be in a sum equal to one-half of the revenue over a five year period for water and sewer on the remaining portion that was covered in the tentative map but not included in the final map. It is proposed that this payment will be required if final maps were not filed on the remaining portion of the subdivision within an 18 months period or whatever time is selected by the Council. This would mean that the city would be assured of some revenue from its initial

investment on the trunk sewer line and water lines constructed to serve the entire 30 acre parcel. This provision has been prepared with the possibility of using it for other similar subdivisions which might develop in the same manner.

Roy Fredricksen, Engineer for the Strathmore Subdivision, objected to the 18 month period and asked that it be extended for a period of thirty or thirty six months instead.

Mr. Jeffers stated that on a subdivision of this type where the houses sell for \$25,000 to \$35,000, it would take from two to three years to get 50% sold. In this price bracket there is a good possibility that the final map could be filed in 18 months but it would be safer to have an extension on this time.

Mr. Fredricksen recommended that the agreement contain a clause providing for the releasing of the bond upon the filing of the second map. The City Attorney stated that this matter would be taken care of.

MOTION

That the 18 months period be changed to 24 months and the contract agreement be changed to include this provision.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

HOLD OVER MATTER RELATING TO DOWNEY SUBDIVISION 11-20

This matter was held over to conform with the action taken on the Strathmore Subdivision.

LEGISLATIVE MATTERS

Report on AB156 was held over until the next Council meeting.

REPORTS FROM PERSONNEL COMMISSION

These matters were held over until the next Council meeting. A further report was to be submitted on the action taken by the Commission on salary matters.

APPROPRIATION TRANSFERS 11-31

RESOLUTION NO. 59-304

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,000 FROM GENERAL RESERVE TO POLICE DEPARTMENT FOR EXPENDITURES FOR TEEN-AGE DANCES

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

SET TIME FOR INFORMAL HEARING ON SALARY MATTERS 11-52

MOTION

That an informal hearing on salary matters be set for 8:40 P.M. Wednesday, July 22.

Moved by VanderWall Seconded by Arata Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 11-87

With the unanimous consent of the Council, Mr. Ray reported on the success of the installation of radio equipment in public works trucks and pickups. The general public has expressed appreciation on a number of occasions for the quick service on emergency calls. 125 to 135 calls per day are being handled by this department. It is also used for emergency work during after hours, holidays and week ends. It is big public relations assistance.

REPORT ON ACQUIRING POSSESSION OF PHOENIX AVENUE FIRE STATION 11-100

The City Manager reported that the city had now taken possession of the Phoenix Avenue Fire Station. A report on fiscal matters involved will be made later.

REPORT ON RESULT OF OASDI INTEGRATION ELECTION HELD ON JUNE 26 11-110

The City Manager reported that at the OASDI Integration Election held on June 26, 233 employees were eligible to vote; 130 employees voted to go under the integrated system; 77 employees voted not to go under the system and 26 did not vote.

REPORT FROM CITY ATTORNEY ON LEGISLATIVE PROCEDURE 11-119

The City Attorney noted that copies of reports from the City Manager and the City Attorney on the Council Agenda and from the City Attorney on Legislative procedure had been distributed to the members for study and discussion at a later meeting.

REMIND COUNCIL MEMBERS OF THE INSPECTION TOUR FOR THE COLLEGE SITE 11-123

The City Manager reminded the Council members of the Inspection Tour being held on July 20 at 10 A.M. of the College sites and the hearing to be held at 3:30 P.M. at County Center No. 3.

MEETINGS

With the unanimous consent of the Council, the City Manager reported on various meetings:

1. The Central Valley Division meeting of the League in Lodi on Thursday, July 23.
2. Meeting of City Manager in Berkeley on July 24 including a discussion sponsored by the League on the subject "Itinerant Vagrants".
3. An invitation for the City Manager from the Western Governmental Research Association to accept the chairmanship of a WGRA Conference workshop on New Sources of Revenue for State and Local Government in Portland, Oregon, August 31, Sept. 1.

MOTION

That the invitation not be accepted by the City Manager.

Moved by Mayor Hammond Seconded by Arata Unanimously carried

DISPLAY TROPHY WON BY CITY ON FLOAT ENTERED INTO THE FOURTH OF JULY PARADE

The first place trophy won by the City of Modesto on its float entered in the Fourth of July parade was displayed.

MEETING WITH M.I.D.

Councilman Arata reported that the members of the Modesto Irrigation District wished to meet with the Council to discuss the pros and cons on the question of whether alleys should be provided in subdivisions. The City Attorney pointed out that it would have to be a public meeting of the Council. Arrangements can be made with the District, Mayor Hammond stated, and a further report made to the Council.

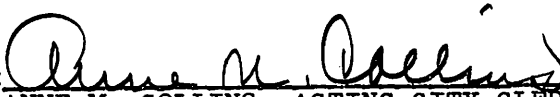
ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Adams Seconded by Mayor Hammond Unanimously carried

The meeting was adjourned at 6:55 P.M.

ATTEST: 
ANNE M. COLLINS, ACTING CITY CLERK

Modesto City Council
July 22, 1959

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, VanderWall, Mayor Hammond

Councilman Arata arrived at 8:05 P.M.

Absent: Councilmen: Spaulding

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

Rev. Bernard Den Ouden gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of June 4, 9, 11, 16, 17, 24 and July 1, 1959, and the same being available for public inspection and there being no objections, the minutes were approved.

INTRODUCE JOE GOOD, GUEST OF COUNCIL

Mayor Hammond introduced Joe Good, newly appointed Manager of the Chamber of Commerce.

LETTER FROM CALIFORNIA LEGISLATURE 1-35

A letter was read from Arthur A. Ohnimus, Chief Clerk of the Assembly, California Legislature, with attached copy of Assembly Concurrent Resolution No. 105 relating to imposition of inheritance or other death taxes by chartered cities.

MOTION

That the City Clerk acknowledge receipt of the communication.

Moved by Knoles Seconded by VanderWall Unanimously carried

CERTIFICATES OF AWARD FROM FOURTH OF JULY COMMITTEE

Certificates of awards to the City of Modesto and to the Mayor and City Council of Modesto from the Stanislaus County Fourth of July Celebration for interest and enthusiasm displayed was noted.

MOTION

That the City Clerk acknowledge receipt of the certificates of award.

Moved by Adams Seconded by VanderWall Unanimously carried

DENY REQUEST FOR VARIANCE TO PERMIT CONSTRUCTION OF RETAINING WALL AND ROLLED GRAVEL WALKS ON MAUD W. GAMBLE PROPERTY

A letter from Alan D. Wheeler on behalf of Maud W. Gamble was read requesting a variance to permit construction of a wooden retaining wall and rolled gravel walk on her property located at 525 S. Jefferson Street.

7/22/59 Page 1

A report from Director of Public Works Ray recommending that the code regulations providing for concrete curb, gutter and sidewalk be required to prevent a public hazardous condition. Wooden curbing will become loose and get out in the way of traffic, tripping pedestrians.

Mr. Wheeler pointed out that this lot was quite high and if curbs were built according to code regulations it would damage the roots of the trees causing them to die.

RESOLUTION NO. 59-306

A RESOLUTION DENYING VARIANCE TO MAUD GAMBLE TO CONSTRUCT RETAINING WALL AND GRAVEL SIDEWALKS ON HER PROPERTY LOCATED AT 525 SOUTH JEFFERSON STREET, CITY OF MODESTO

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

ACCEPT BID OF HAGER SUPPLY COMPANY FOR PURCHASE OF EXCESS DIGESTED SLUDGE 2-15

Mr. Ray reported receipt of only one bid for the sale of the city surplus sludge at the sewer plant. Hager Supply Company had offered a price of forty cents a cubic yard.

RESOLUTION NO. 59-307

A RESOLUTION ACCEPTING THE BID OF HAGER SUPPLY COMPANY FOR PURCHASE OF EXCESS DIGESTED SLUDGE

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

ORDINANCE AMENDING CODE RELATING TO FORTUNE TELLING 2-25

City Attorney Allen Grimes recommended that the Council consider an amendment to the Municipal Code to prohibit palmistry, etc., in the city because there is some doubt as to whether or not the city's present license fee of \$500 per month is reasonably related to the public health, morals and general welfare of the community.

He reported that he had contacted Attorney A. M. Frad, representing George Merino, to be present at this meeting to further discuss the matter. Mr. Frad had indicated that it was still his desire that the fee be reduced so that palmistry could be practiced in the city by Mr. Merino.

Police Chief Bowers pointed out the reasons why this type of operation should be prohibited---the history of all such enterprises is bad from a police point of view, as it attracts the wrong kind of people and often results in fraud and deception. The League of California Cities indicate that more cities prohibit than have palmistry licenses.

ORDINANCE NO. 326-C.S. entitled

"AN ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE BY ADDING SECTION 4-2.32 TO CHAPTER 2 OF TITLE IV AND REPEALING ARTICLE 5 OF CHAPTER 1 OF TITLE IV RELATING TO FORTUNE TELLING"

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

7/22/59 Page 2

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

ORDINANCE AMENDING CODE RELATING TO PREVENTION OF DISEASE 2-95

The City Attorney presented for Council consideration as requested by the Police Chief and approved by the City Manager an ordinance which would authorize the Health Officer to quarantine and/or examine any person of either sex whom he has reasonable grounds to believe is afflicted with a venereal disease and is likely to expose others thereto.

ORDINANCE NO. 327-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 1 OF TITLE V OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLE 6 THERETO RELATING TO PREVENTION OF DISEASE"

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

HEARING ON APPEAL OF C. L. DOWDEN FOR FENCE AT 207 STODDARD AVENUE 2-126

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set by the Council for the public hearing on the appeal of C. L. Dowden from the decision of the Board of Zoning Adjustment denying request for a variance to permit the construction of a six foot fence, four feet back from the sidewalk at 207 Stoddard Avenue.

The City Clerk certified that the notice of the hearing had been published for the time and in the manner prescribed by law; the property had been posted; and no written protests had been filed up to the time of the hearing.

Resolution No. 98 adopted by the Board of Zoning Adjustment denying the request for a variance and map of the area had been sent out to the Council members for study, the City Manager reported.

Attorney Gerald R. Douglas, representing Mr. Dowden, stated that no objections had been filed by the people in the area at the public hearing before the Board; that Mr. Dowden's lot was substandard, his house was large and the yard small which created exceptional circumstances; that setting the fence back 10 feet 7 inches as required by the Code would work a hardship as the fenced area would not be large enough to entertain guests. Seven houses located on this street have substandard fences. Mr. Dowden proposes to build a decorative type of fence, 30 feet long connecting his house and garage. This house is located in the older section of town and the fence would not adversely affect the city's comprehensive general plan. The fence would add a feature to his house which is common to the majority of the houses in the neighborhood, and in conformance with the architectural requirements of the area.

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

Planning Director Smeath reviewed the fence set-back requirements, briefly reported on the history of the variance request, and listed the basis for granting variances.

7/22/59 Page 3

Mayor Hammond declared the hearing closed.

Councilman Arata considered that this was a hardship case and the variance should be granted.

Councilman Adams stated that this case could not be considered an exception and the Board's findings were valid. This would set a precedent for other cases and it would be difficult to draw a line on where the exceptional circumstances exist.

Councilman Martin considered that setting a precedent should not be considered in this case. That planning gets a "bad name" by rigidly adhering to some line without facing common sense. It seems sensible to overrule the Board and grant the variance requested.

Mayor Hammond pointed out that Mr. Dowden had purchased this property three years ago on the basis of the ordinances and regulations in effect at that time. It is not the duty of the Council to either improve or lower the property value by the use of variances and changes of zoning.

Councilman Knoles stated that he would be opposed to granting a variance if it were not the case that the entire area is full of fences of the type proposed to be constructed by the applicant.

RESOLUTION NO. 59-308

A RESOLUTION OVERRULING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT AND GRANTING A VARIANCE TO C. L. DOWDEN FOR THE CONSTRUCTION OF A SIX FOOT FENCE FOUR FEET FROM THE PROPERTY LINE AT 207 STODDARD AVENUE

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

HEARING ON ANNEXATION OF MONTGOMERY VILLAGE 5-23

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the time set for the public hearing on the proposed annexation of the Montgomery Village Addition to the City of Modesto.

The City Clerk certified that the notice of the hearing had been published in the manner and for the time prescribed by law; notices were mailed to property owners and that no written protests had been filed.

Director of Planning Smeath outlined the territory included in the subdivision on the map. The Planning Commission recommends annexation.

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

Mayor Hammond declared the hearing closed.

ORDINANCE NO. 328-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE MONTGOMERY VILLAGE ADDITION TO THE CITY OF MODESTO"

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

7/22/59 Page 4

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

CLEAR MATTERS RELATING TO IMPROVEMENT OF COLLEGE AVENUE 5-45

(a) Rights of way: Mr. Ray reported that there would be no formal Council action necessary at this point. However, one more effort will be made to clear the remaining rights of way during the next week. If this cannot be done condemnation proceedings will be recommended to the Council.

(b) Call for bids: If this improvement is to be completed before the rainy season starts bids must be called for as soon as possible. Mr. Ray asked that the Council authorize the call for bids at this time, subject to the approval of the Division of Highways. The Division has assured that the plans and specifications will be approved in a few days. Bids could be opened on August 10 at 2:00 P.M.

RESOLUTION NO. 59-309

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF COLLEGE BETWEEN CECIL WAY AND BRIGGSMORE AVENUE

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

CONSIDERATION OF SALARY MATTERS 5-95

Mayor Hammond declared the informal hearing on salary matters open at 8:40 P.M.

The City Attorney stated that if the Council intends to grant any salary increase and make it apply during the month of July, action must be taken at this meeting.

Copies of reports prepared by the Personnel Department had been sent to both the Commission and Council members, the City Manager stated. He read his report on salary matters which had been transmitted to the Commission and copies to Council members.

The City Manager recommended in his report that it might be wiser in the future to consider salaries first, for with the budget approved and the tax rate yet to be set, there is always the implication if any tax increase is necessary it is caused by increases in city salaries. About one half of the general fund expenditures are salaries. If salaries are decided first, there would be a much firmer basis for budget consideration of services and improvements.

The City Manager submitted a report dated July 21, showing various requests and the recommendations of the Personnel Commission and of the staff with cost comparisons, as follows:

"SUBMITTED BY: Modesto Fire Fighters' Association

<u>REQUESTS</u>	<u>COST</u>
10% Salary increase, all fire personnel	\$28,589.

7/22/59 Page 5

SUBMITTED BY: Joint Request of the Modesto City Employees' Association & Modesto Police Association

<u>REQUESTS</u>	<u>COST</u>
7½% salary increase, all city employees (incl. fire dept.)	\$152,550.

SUBMITTED BY: Personnel Commission

<u>REQUESTS</u>	<u>COST</u>
<u>Reduce Fire Dept. hours 72 to 67.2/week</u>	<u>\$18,608.</u>
General 2½% salary increase, all employees	50,725.
Add'l. 2½% (Total 5%). 3 classes	793.
Add'l. 5% (Total 7½%) 11 classes	4,425.
Add'l. 7½% (Total 10%) 2 classes	2,622.
Add'l. 10% (Total 12½%) 3 classes	2,293.
Add'l. 12½% (Total 15%) 1 class	---
Total	\$60,858.

SUBMITTED BY: Staff

<u>REQUESTS</u>	<u>COST</u>
General 5% salary increase, all employees except 4.04% for Librarians to equal County	\$101,448.
Add'l. 5% for 13 classes (Total 10%)	6,173.
Add'l. 10% for 4 classes (Total 15%)	2,293.
Total	\$109,914.

SUBMITTED BY: Personnel Commission, and Staff

<u>REQUESTS</u>	<u>COST</u>
Uniform allowance for safety members, police and fire departments	\$9,300.

BASIS OF COST FIGURES:

All costs are based on a full 12 months of operation, all authorized positions in 1959-60 budget filled, compensation and retirement costs included (using new SERS rate). Costs would be decreased by any delay in effective date, and by lag in filling authorized positions. Cost of the fire department hours reduction is calculated with the 2½% increase recommended by the Personnel Commission. It would vary, if the salary increase were changed."

Bill Stambaugh, President of the Modesto City Employees' Association, stated that neither the increase of 5% recommended by the staff or the 2½% increase recommended by the Commission were in line with the employee's recommendation. A minimum of 7½% was recommended to the Commission. He pointed out that the city was consistently low in the majority of classes as compared to neighboring cities and other cities in California.

Officer Ray Coyle from the Police Department spoke on behalf of the Department asking that a 5% increase be allowed.

Mayor Hammond stated that there is a limitation on what the community can do in allowing salary increases.

Robert Carter, Chairman of the Personnel Commission, filed a minority report on the Commission's action last week on the salary matter.

7/22/59 Page 6

He urged the Council to consider a 5% general salary increase. If this cannot be done now, it should be reconsidered for January 1.

Librarian Carl Hamilton stated that it had been established as city policy in the past that the four librarians hired by the city should be placed on a parity with the county librarians. It is the recommendation for this year that the city librarians be given a 4.6% increase to put them at the same salary level as the county people in the same category.

The City Manager presented and briefly reviewed for Council information three reports prepared by Personnel Technician Bernice Mitchel.

1. Salary Comparisons
2. Cost of Comparisons, Various Requests and Recommendations on Salary Matters
3. Recommendations for Special Classes showing cost over General Increase

Mayor Hammond stated he believed the Council should take the position that it is not the responsibility of a tax supported organization, such as the city, to set a wage scale for the community in which they exist. It is the duty of the city for the wage scale to equal or be comparable with those paid in the community but it is not the duty of the city employees to set a wage standard that private employers have to compete with. Those people who are performing the same activities should enjoy the same hours and working conditions and pay scale as that paid by private industry. Because of this opinion, Mayor Hammond stated, he did not pay quite as much attention personally to the comparisons with other communities. They have different problems than this city which enter into the factor.

He stated the special step "deals" recommended by the staff and Commission had disturbed him for the past few years. It had been his understanding that the special increases approved last year had pretty well brought all the brackets into uniformity, but this year there are more step requests. The employee is also allowed automatic step increases, he stated.

The City Manager reviewed the range classifications for city employees to clarify the situation for Mayor Hammond. Report No. 9 given to the Council shows how many of the people in the city are on which classification range. On the average there are about 54% of the city employees who are at the top of their range now. No matter how perfect the salary schedule is, it will not remain static, as conditions are constantly changing. At present the special areas where there are real problems are the finance and planning departments.

Councilman Martin considered that the Personnel Commission, a specialized body, was keeping track of some of these problems on behalf of the City Council. The fundamental obligation for the Council to consider at this time is whether this specialized group of people have made to the Council a sound recommendation, not just that it is another recommendation thrown in with the staff's and city employees'.

Mayor Hammond stated that while the Commission was an advisory organization, when there is a difference of opinion, such as this case, the Council has to examine the matters most carefully. He pointed out that the Council has just overruled the Board of Zoning Adjustment and advisory body by granting a variance to Mr. Dowden to build his fence in a location which did not meet code regulations.

Councilman Adams suggested that the matter be held over for further study by the Council.

Councilman Arata suggested that a general increase be approved and that the special classes be held over for further consideration.

The City Attorney stated that the Council could declare its intention to increase the salaries when it has to make further study of the information available to it but that when the increase is determined it shall apply back retroactively to the beginning of the fiscal year. If there are any subsidiary matters about classes or other things, they could be considered at a later date.

Mayor Hammond polled the Council on the question---are there any particular items they wished to act on tonight.

Councilman Adams stated he was ready to discuss the 5% salary increase across the board. Special range increases should be checked out further.

Councilman Martin stated he would act on the entire Personnel Commission's recommendation.

Councilman Knoles stated he was prepared to vote.

Councilman Arata stated he was prepared to vote.

Councilman VanderWall stated he was prepared to vote on the entire matter.

Mayor Hammond stated that he was not clear on the fire department hours or the special range increases.

Fire Chief Wemyss explained the personnel procedure if the hours for the firemen were reduced from 72 to 67½. It would require the employment of three additional men, the shift schedule would not be changed but the number of hours worked would be less. The City Manager pointed out that ultimately 4 more men would be needed with the proposed personnel for the new station.

Councilman Adams moved that a 2½% general increase be granted as of July 1 and an additional 2½% be granted January 1. This motion died for the lack of a second.

Councilman Arata recommended that the Personnel Commission recommendation be approved and that prior to the first of the year the salary situation be reviewed. He pointed out that this was a farming community and that farm prices were lower than production cost at present.

Councilman Knoles questioned whether enough consideration had been given to the 2½% proposed salary increase. Classified school employees received a 2½%, city schools certificated staff a 5% general increase. Some of the recommendation must have been expert enough, the city is getting pretty good value for "what we do put out". He wondered if the Council had considered the city's budget sufficiently enough to know whether it would stand even a 2½% increase or if it would stand a 5%. A 2½% increase is not enough at the present time.

Mayor Hammond stated that the Council must assure itself that the city employees were receiving a comparable wage rate with private industry. In considering a comparable wage rate you have to consider the fact there is job security, vacation, pensions, etc., which go with city employment. If there is no money in the budget to pay

comparable wages it is necessary to reduce the surpluses in the number of employees, not the individual wage structure.

RESOLUTION NO. 59-310

A RESOLUTION APPROVING THE REDUCTION OF FIRE DEPARTMENT HOURS FROM 72 TO 67.2 A WEEK CONTINGENT UPON THE EMPLOYMENT OF THE ADDITIONAL PERSONNEL REQUIRED FOR THE REDUCTION

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

The City Manager reported that the city's portion of the League's survey on the manpower utilization was near completion. When the Council can see what the city's firemen are doing compared to other cities, it will indicate additional justification for the reduction in hours.

RESOLUTION NO. 59-305

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

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

MOTION

That it is the intention of the Council to further review salary matters for city employees prior to January 1, 1960.

Moved by Arata Seconded by Knoles Unanimously carried

Councilman Martin asked that a report be furnished the Council to determine if the Council's policy of keeping salaries comparable to county salaries in the library has been carried out.

The City Manager noted that the Commission had also recommended uniform allowance for safety members, police and fire department, which would be included in the resolution approving the Commission's recommendation.

Mayor Hammond declared a recess at 9:50 P.M.

Mayor Hammond reconvened the meeting at 9:57 P.M.

FURTHER CONSIDERATION OF AGREEMENT WITH SUBDIVIDER OF STRATHMORE SUBDIVISION 10-83

Mr. Ray reported that the City Manager had suggested a change in the proposal submitted last week for Strathmore Subdivision. It was originally proposed that Mr. Jeffers, subdivider, file a cash payment or a bond with the city which would be equal to the amount which would be obtained over a five year period from sewer and water charges, based on half rate. This bond to be forfeited to the city at the end of a two year period.

It is now suggested that instead of providing a payment equal to five years that at the end of a specified period of time, one year, that the subdivider would pay annually in advance the sum of money which would accrue from these two fees from the undeveloped portion of his subdividable property contained on the tentative map

7/22/59 Page 9

The City Manager pointed out that instead of giving a subdivider two years time and then charging him a lump sum, it would provide an incentive to proceed with the filing of the final subdivision map. At the end of a year if he had not done this he would pay one year's charges for the next year, etc. until it was filed. This would apply to all subdividers developing property where the city has expended large sums of money installing city facilities. The year is to start from the date of the execution of the agreement.

MOTION

That the staff be instructed to revise the agreement on the Strathmore Subdivision as recommended by the City Manager.

Moved by Knoles Seconded by Adams Unanimously carried

ACCEPT SUB-TRUNK SEWER IN McHENRY AVENUE FROM W. M. LYLES 11-21

RESOLUTION NO. 59-311

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUB-TRUNK SEWER IN McHENRY AVENUE 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, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE INSTALLATION - QUARESMA HOMES UNIT NO. 1 11-30

RESOLUTION NO. 59-312

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN QUARESMA HOMES UNIT I

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

WITHDRAW PHOENIX FIRE STATION FROM EMPIRE FIRE DISTRICT 11-35

RESOLUTION NO. 59-313

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE EMPIRE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (PHOENIX FIRE STATION ADDITION)

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

The City Manager reported that the city now had possession of the building and under the agreement the city now owes \$4,443.21, less any credits from division of assets by such withdrawal. This is due and payable only if the building is rented or the building is put to some use by the city.

REPORTS FROM THE PLANNING COMMISSION 11-43

Due to the late hour further discussion on Questionnaire on Advance Planning was held over until the next Council meeting. Councilman Adams distributed copies of a statement giving his ideas on question No. 12 in the Questionnaire relating to coordination of the program with the County Planning Department.

7/22/59 Page 10

CITY HALL MATTERS 11-57

(a) Floor covering: This has been discussed with the parties involved and will be reported on at the next meeting, along with type of wood paneling to be used.

(b) Stair--parking lot: After checking with the architect and some of the Council members, direction was given to proceeding with the original plan for a stairway on the south and to redesigning the plans for an additional stairway to the north of the parking lot, leading out to 11th Street.

MOTION

That this procedure be approved.

Moved by Arata Seconded by Adams Unanimously carried

APPROVE AGREEMENT WITH ROBERT P. BOMBERGER FOR SEWER SERVICE AT SHERWOOD MANOR SUBDIVISION 11-68

RESOLUTION NO. 59-314

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. BOMBERGER AND MURIEL F. BOMBERGER FOR CONSTRUCTION OF SEWER LATERAL FACILITIES TO SERVE SHERWOOD MANOR SUBDIVISION

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

REPORT ON NEW RETIREMENT RATE FOR CITY 11-75

The City Manager reported that the new retirement rate would be checked out further with the State Employees' Retirement System, and a proposed resolution prepared by the staff for Council consideration. The city's contract can be amended to extend the period for payment for prior service.

MOTION

That the staff be authorized to proceed in the preparation of a resolution setting forth the number of years necessary to extend the prior year service to arrive at a rate equal to the existing rate.

Moved by Arata Seconded by VanderWall Unanimously carried

REPORTS FROM PERSONNEL COMMISSION 11-100

(a) Work Week Fire Department: Clarification of authority for the staff to designate certain employees on certain assignments to work the full week on a shorter term basis. This is not quite clear, the City Manager stated and asked that it be held over until a later meeting.

(b) Service for eligibility for sick leave: The City Manager reported that the City employees had requested and the Commission recommends to the Council that the rules and regulations relating to sick leave be amended to provide that an employee may, after completing 3 months of continuous service, be entitled to paid sick leave at the rate of one working day for each completed calendar month of service.

7/22/59 Page 11

Answering a question raised by Councilman Martin, Bernice Mitchel, Personnel Technician, reported that the city employees fringe benefits, in terms of money, presently amounted to 17%. This will be changed with the new retirement rate and uniform allowance for safety members. This percentage includes sick leave, holidays, vacations, insurance, retirement, etc. A further report will be submitted on this matter.

RESOLUTION NO. 59-315

A RESOLUTION AMENDING SECTION 13.5 OF THE PERSONNEL RULES RELATING TO SICK LEAVE

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

APPROPRIATION TRANSFERS 12-39

The City Manager requested approval for an appropriation transfer of \$900 for the installation of sub-trunk sewer on McHenry Avenue and \$5,000 to cover any changes which arose on the city hall-parking garage. All money appropriated so far on this project has already been encumbered.

RESOLUTION NO. 59-316

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,900 FROM SPECIAL CAPITAL OUTLAY RESERVE TO SPECIAL CAPITAL OUTLAY FOR CONSTRUCTION OF CITY HALL AND PARKING GARAGE AND TO COMPLETE THE McHENRY AVENUE SUB-TRUNK SEWER

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

LEGISLATIVE MATTERS 12-55

The City Attorney reported that AB156 which generally makes building ordinances and zoning ordinances of local agencies applicable to other local governmental agencies, had been adopted at the last legislative session.

REPORT BY CITY MANAGER AND CITY ATTORNEY ON COUNCIL AGENDA 12-72

This matter was held over until a later meeting.

MATTERS FOR THE GOOD OF THE COMMUNITY 12-79

With the unanimous consent of the Council, Councilman Adams was permitted to present a matter not on the agenda--water study report.

The preliminary draft of this report will be ready for presentation to the Council Committee during the first week of August. This Committee has been disbanded by the Council, he pointed out. He asked that the Committee either be reinstated or a new one appointed.

MOTION

That the Council Water Committee be reactivated.

Moved by Adams Seconded by Knoles Unanimously carried

7/22/59 Page 12

Mayor Hammond named Councilman Adams, Chairman, Spaulding and Knoles to serve on the Committee.

Councilman Martin obtained unanimous consent of the Council to bring up a matter not on the agenda---building of clubhouse at the Dryden Park Municipal Golf Course.

The City Attorney reported that he had contacted Mr. Roy I. Anderson and a meeting is scheduled for Wednesday at 3:30 P.M. July 29. Mr. Eddie Curran and Director of Parks and Recreation Lowrey will be present at this meeting being held in the City Attorney's office. Members of the Council committee are also invited to be present.

With the unanimous consent of the Council, the City Manager was permitted to raise three matters not on the agenda:

1- Resolution of Intention on Street Lighting Improvement District No. 9

The City Manager reported receipt of a resolution adopted by the Board of Supervisors of Stanislaus County on July 21, 1959, granting consent of formation of assessment district for lighting purposes.

RESOLUTION NO. 938-S.P.
RESOLUTION OF INTENTION NO. 267

IN THE MATTER OF THE CONSTRUCTION OF A MERCURY VAPOR STREET LIGHTING SYSTEM IN IMPROVEMENT DISTRICT NO. 9, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

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

The hearing was set for August 12 at 7:45 P.M. in the Council Chamber.

2- Report on hearing on the selection of a site for the four year State College

The City Manager reported that the hearing on the selection of a site for the Four Year State College had been held on July 20 at the Stanislaus County Center. Modesto's presentation had been made.

A suggestion has been made that the city express its willingness to make sewer and water lines available to the various sites in the Modesto area. He recommended that the Council indicate to the state its willingness to extend sewer and water lines to these sites as may be needed with one possible variation. No. 6 site, down by the river to the west, would be more expensive to serve with sewer service on any basis. One suggestion made was that the city agree to extend sewer and water lines to any of the sites but to this one only on the basis that the city's maximum amount of costs would be the same as the maximum cost to any other site.

Mayor Hammond stated that this recommendation was being made on the basis of a statement made by Mr. Levitt, Chairman of the State Public Works, that the city go on record as to the rendering of services it was willing to make. Turlock has already agreed to furnish sewer and water to its one site if it is selected. It behooves the City of Modesto to also make a decision at this meeting. Exact time for the final decision is uncertain at this time but prompt action on just what the city will do is urgent at this time.

The City Manager reported that the two sites to the north could be served easily and inexpensively with both water and sewer lines; the site to the east might be served by the private water company (Del Este), if the city served this site with water two new wells would be necessary for assured supply with a connection between them and an auxiliary engine in one at an approximate cost of \$50,000; the site to the south could be tied in with considerably less cost to the system already serving the California Vegetable Concentrates plant; Site #6 would take an independent system and Site #7 would cost approximately the same. No matter where the College is built there will be immediate development in the surrounding area. A water line out to any site would not only serve the College but the developing area between. The maximum on water would be approximately \$50,000 where there would be an independent system.

Sewer service to the two north sites would call for a resizing of lines already planned, if the city can find out in time; the east site would be served by an extension of a sewer line already planned on out to that site; to the south it could be tied in without great expense into the existing system already planned and part of which is already built; to the west in the case of site No. 7, this would require a rather extensive and expensive line. This would require at this point in order to get at the city's Emerald Avenue trunk, a pressure line, as the land runs the wrong way. The estimated cost would be \$140,000 plus. This line would also serve the area between the city and college and ultimately if the College were to be located either on Site 6 or 7, it would require a separate domestic sewage disposal plant. This might be 10, 15, 20 years in the future. At this point the line would be reversed and become a gravity line.

The City Manager pointed out that there would not be anything which could come into the city which would be a finer asset and a greater boom to the community than a fine four year state college. The costs of extending the services would not be for the college along but also for development in the surrounding area.

Site No. 6 on Paradise Road. It was suggested that since the expense would be considerably greater on the sewer that the city indicate that in that case the city would spend as much to help as would be expended on site No. 7, but this would be the city's maximum expenditure.

A suggestion was made at this time that the city offer to serve all sites without extra cost. This was generally discussed and approved by the Council members.

MOTION

That the City Council of the City of Modesto, in order to assist the State in the development of a new state college, will make water and sewer lines available to any Modesto site selected for the College by the State Public Works Board, and the Mayor be authorized to so indicate to this Board.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

3- Request County to exclude the City of Modesto from County tax levy for support of fire protection in the County

The City Manager presented for Council action a resolution which would exclude the city from the county tax levy for support of fire protection in the county for the fiscal year 1959-60.

7/22/59 Page 14

RESOLUTION NO. 59-317

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO PETITIONING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO EXCLUDE ALL PROPERTY WITHIN THE INCORPORATED LIMITS OF SAID CITY FROM COUNTY TAX LEVY FOR SUPPORT OF FIRE PROTECTION IN THE COUNTY PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 25643

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

REMIND COUNCIL MEMBERS OF MEETING IN LODI

Council members were reminded of Central Valley Division League of California Cities meeting being held on July 23 in Lodi.

GRANT PERMISSION TO CITY CLERK AND CITY ATTORNEY TO BE ABSENT ON VACATION

MOTION

That the City Attorney be permitted to leave on vacation August 17 through August 28.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

MOTION

That the City Clerk be permitted to leave on vacation August 1 through August 23.

Moved by Adams Seconded by Arata 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 10:50 P.M.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Modesto City Council
August 5, 1959

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 Acting City Clerk call the roll and there were

Present: Councilmen: Adams, Martin, Spaulding, VanderWall, Mayor
Hammond
Councilman Arata arrived at 4:03 P.M.
Absent: Councilman Knoles

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

Rev. L. B. Lewis gave the invocation.

LETTER FROM LEAGUE OF CALIFORNIA CITIES RE: SENATE REAPPORTIONMENT 1-15

City Manager Ross Miller read a communication from the League of California Cities urging that the Council take no action on a request from the Board of Supervisors of Los Angeles County concerning a proposed initiative constitutional amendment reapportioning the State Senate. The letter was ordered filed.

LETTER FROM JR. CHAMBER OF COMMERCE RE: CIRCUS LICENSE FEE 1-35

The City Manager reported that he had advised W.C. LaCore, President of the Modesto Junior Chamber of Commerce the matter could be handled administratively.

FINAL ADOPTION OF ORDINANCE NO. 326-C.S. RE: FORTUNE TELLING 1-42

ORDINANCE NO. 326-C.S. entitled

"AN ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE BY ADDING SECTION 4-2.32 TO CHAPTER 2 OF TITLE IV AND REPEALING ARTICLE 5 OF CHAPTER 1 OF TITLE IV RELATING TO FORTUNE TELLING"

introduced on July 22, 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

FINAL ADOPTION OF ORDINANCE NO. 327-C.S. RELATING TO PREVENTION OF DISEASE 1-45

ORDINANCE NO. 327-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER I OF TITLE V OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLE 6 THERETO RELATING TO PREVENTION OF DISEASE"

introduced on July 22, 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

page 1 8-5-59

**WATER LINES IN SHERWOOD MANOR SUBDIVISION INSTALLED BY CITY FORCES
1-50**

Director of Public Works Marvin Ray reported that no bids had been received on July 15 for the construction of water lines in Sherwood Manor Subdivision. The staff's estimate for the work is \$6,147.20. The City Manager recommended that the work be done by city forces.

RESOLUTION NO. 59-318

**A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR
INSTALLATION OF WATER MAINS IN SHERWOOD MANOR**

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

**WATER LINES IN QUARESMA HOMES UNIT NO. 1 INSTALLED BY CITY FORCES
1-60**

The Director of Public Works reported that no bids had been received on July 22, for the construction of water lines in Quaresma Homes Unit 1 and the engineer's estimate for the work was \$3,100.50. The City Manager recommended that the work be done by city forces.

RESOLUTION NO. 59-319

**A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR
INSTALLATION OF WATER MAINS IN QUARESMA HOMES UNIT I**

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

CONSIDER SUPPLEMENTARY BUDGET REQUESTS 1-65

The City Manager stated that further reports on this matter would be distributed to the Council members at a later meeting.

**CONSIDER CUT-OFF DATE FOR ISSUANCE OF CURB AND GUTTER PERMITS IN
NORTH CENTRAL DRAINAGE DISTRICT NO. 8 1-68**

Mr. Ray reported that in order to complete the plans for Improvement District No. 8, it was necessary to establish a cut-off date for construction of curb and gutter by private contract and that construction must start within 30 days from the date of issuance of permit. He reported that plans for drainage facilities, of which curb and gutter are a part, are completed.

Answering a question from Mayor Hammond, he reported that in the past property owners had been notified of cut-off dates by the press and radio.

City Attorney Allen Grimes stated that in the past the Council had considered display advertising similar to that used by the tax collector and suggested using two or three of these types of ads in the city's official newspaper, the Modesto Bee.

After general discussion the Council decided that as this district was the first drainage improvement district, the owners should be notified by letter. A record of the response to these letters should be kept by the staff to determine future action in the other drainage improvement districts. The letter should contain information on the district as well as the cut-off date.

RESOLUTION NO. 59-320

A RESOLUTION ESTABLISHING SEPTEMBER 11, 1959 AS THE CUT-OFF DATE FOR CONSTRUCTION OF CURB AND GUTTER BY PRIVATE CONTRACT IN THE NORTH CENTRAL DRAINAGE IMPROVEMENT DISTRICT NO. 8 AND DIRECTING THAT NOTICES BE SENT TO ALL PROPERTY OWNERS--

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

APPROVE AGREEMENTS AND FINAL MAP OF YORKSHIRE SUBDIVISION 2-52

RESOLUTION NO. 59-321

A RESOLUTION APPROVING AGREEMENT AND FINAL MAP OF YORKSHIRE SUBDIVISION OF THE CITY OF MODESTO

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

RESOLUTION NO. 59-330

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WOLVERINE BUILDING SERVICE INC. A CORPORATION, AND ARTHUR J. WYLIE AND FLORENCE E. WYLIE FOR CONSTRUCTION OF SUB-TRUNK SEWER LINE AND SEWAGE LIFT STATION TO SERVE YORKSHIRE SUBDIVISION

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

CONSIDER CITY HALL MATTERS 2-80Floor covering

Sketches of the floors in the new City Hall were displayed indicated in blue, those areas proposed to be carpeted and in red, those areas on which either rubber or vinyl asbestos tiles were to be installed.

The City Manager reviewed his report, Aug. 5, to the Council on the subject "Flooring-New City Hall". This report indicated as follows:

1. Install rubber tile in all red and blue areas in lieu of vinyl asbestos tile presently specified

Net additional cost	\$5,637
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2. Install carpeting in blue areas and rubber tile in red areas in lieu of vinyl asbestos tile presently specified

(a) with felt padding for carpet	
net additional cost	\$7,556
(b) with rubber padding for carpet	
net additional cost	7,760
3. Install carpeting only in blue areas in lieu of vinyl asbestos tile presently specified

(a) with felt padding-net additional cost	2,712
(b) with rubber padding- " " " "	2,916
4. Install carpeting in Council Chamber in lieu of cork tile presently authorized

(a) with felt padding-net additional cost	1,041
(b) with rubber " " " "	1,156

APPROVE RENEWAL OF LEASES AT MODESTO CITY-COUNTY AIRPORT 2-70

RESOLUTION NO. 59-322

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATHAN J. PROVINCE FOR RENTAL OF HANGAR NO. 3 AT THE MODESTO CITY COUNTY AIRPORT

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

RESOLUTION NO. 59-323

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD R. MONTGOMERY FOR RENTAL OF HANGAR NO. 1 AT THE MODESTO CITY-COUNTY AIRPORT

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

RESOLUTION NO. 59-324

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GARY SMITH AND WALTER FOUNTAIN FOR RENTAL OF HANGAR NO. 2 AT THE MODESTO CITY-COUNTY AIRPORT

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

5. Carpet in Mayor's and Mayor's Secretary office in lieu of vinyl asbestos tile presently specified
Approximate net additional cost \$450

MOTION

That rubber tile be installed in areas shown in red on the sketch.

Moved by Mayor Hammond Seconded by Arata Unanimously carried

A brief discussion was held on the advantages of installing cork tile instead of carpeting in the Council Chamber on floor one. The City Manager pointed out that the Council had already approved the installation of cork tile and it was his opinion that this would be just as satisfactory as carpeting.

MOTION

That the Council does hereby reaffirm its decision to install cork tile in the Council Chamber.

Moved by Arata Seconded by VanderWall Unanimously carried

MOTION

That carpeting be installed in the areas designed in blue on the plans of the third floor and also in the Mayor's and Mayor's Secretary's offices on the first floor

Moved by Spaulding, Seconded by Adams, Unanimously carried

Wood paneling

The City Manager presented samples of the wood paneling proposed for the new City Hall. He asked if there were any comments or objections to the plan for light wood with a darker wood trim. There were no objections from the Council.

MOTION

That the light panels with dark trim, as proposed by the Architect, be approved.

Moved by Spaulding Seconded by Adams Unanimously carried

CONSIDER REQUEST OF JAMES DEMAKAS FOR VARIANCE FOR BRICK PLANTERS AT 2505 MONTE VISTA 3-122

A letter from Attorneys Mellis & Stockton was read, requesting that the Council grant a variance permit to Mr. and Mrs. James Demakas to permit brick planters already constructed to remain at 2505 Monte Vista.

The Director of Public Works briefly reviewed his report, copies of which had previously been distributed to the Council members. He pointed out that the brick planters were constructed out to the sidewalk, creating a public hazard. The property owners had been notified by the City Inspection Department that the planters were in violation of the Municipal Code but they had continued with the construction without obtaining a permit. He stated that in order for the planters to conform to the Code, they would have to be removed back to the property line, 7 feet on the south side and 2 feet on the north. He recommended that the property owners be required to remove

the planters the necessary distance to conform with the Code.

Cleveland Stockton, representing Mr. & Mrs. Demakas, stated that his client had contacted the Building Inspection Department by telephone and were told that an inspector would come out and check the construction. When he did not come out, after 3 or 4 days, the owners concluded the construction was legal and ordered their landscape contractor to complete the planters. He urged that a variance be granted on the grounds the error lay with the licensed contractor and the delay of the Inspection Department in checking the construction promptly.

Mayor Hammond pointed out that about a year ago this same contractor was involved in another request for a variance relating to planter boxes, at which time, due to the public hazard, he was required to reconstruct the boxes to comply with the Code. This contractor should be aware of his responsibilities in this matter.

The Director of Public Works pointed out that the owners knew they were in violation and the contractor knew of the violation before he started to do this work. Whether there was an inspection made or not does not alter the problem and the responsibility of the owners and the contractor to know and comply with the law.

Councilman Spaulding considered that the fault of this problem was strictly that of the contractor. He pointed out that the Council could not grant a variance.

RESOLUTION NO. 59-325

A RESOLUTION DENYING A REQUEST FOR A VARIANCE TO MR. AND MRS. JAMES DEMAKAS FOR BRICK PLANTERS CONSTRUCTED AT 2505 MONTE VISTA AVENUE

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

The City Manager informed the Council that the staff was turning over its information concerning the contractor's actions to the City Attorney to determine if some appropriate action might be taken against him. Such action by a licensed contractor is inexcusable, he stated.

**APPEAL BY SAMUEL JACOBS FROM DECISION OF BOARD OF ZONING ADJUSTMENT
RE: PARKING IN RESIDENTIAL AREAS 4-125**

Mayor Hammond announced that the hour of 5:00 P.M. had arrived, the time set for the public hearing on the appeal of Samuel Jacobs from the decision of the Board of Zoning Adjustment for an extension of parking into a residential zoned area.

The City Clerk certified that notice of the hearing had been published in the Modesto Bee on July 15, notices mailed to property owners on July 21, and that one oral communication, approving the extension of parking, had been received, Mrs. Marian Joseph.

The background of the appeal of Mr. Jacobs was given by the City Manager. Resolution No. 96 of the Board of Zoning Adjustment denying the conditional use permit was noted by the Council.

Planning Director George Smeath gave a brief background of the zoning in the immediate neighborhood of the Jacobs property.

He pointed out that the Jacobs property was located in three zones, C-2, R-3 and R-1. He presented maps indicating the land use of the area and outlined the proposed plan of Mr. Jacobs to construct a restaurant in the C-2 zone with a parking lot located in the R-3 and R-1 zones. He reported that the applicant had agreed to a buffer strip with a permanent fence 15' back from C. F. Heckman's property on the west, Geer Court and H. Shahbaz property on the north in the R-1 zone, with no access from Geer Court to the parking lot.

The City Attorney defined the basis upon which the Council could grant a conditional use permit. He pointed out that parking which is incidental to a commercial building is permitted in R-3 and R-1 zones providing a conditional use permit is obtained.

Attorney Robert C. Bienvenue, representing Mr. Jacobs, urged that the conditional use permit be granted on the basis that the request is in conformance with the Code; that the McHenry Avenue Study recommended additional parking space be provided for commercial buildings located on McHenry Avenue, due to the widening project. He cited 9 examples where permits had been granted under similar circumstances during the past year by the Board of Zoning Adjustment

Mr. Bienvenue reported that Mr. Jacobs had amended his original proposal and is now willing to eliminate parking in the R-1 zone, leaving it as a buffer strip. He is now only requesting parking in his R-3 property adjacent to his commercial area. He had agreed to erect a permanent 6' fence, if required, and landscape and maintain the area at his own expense.

Mayor Hammond considered that since this is a new proposal, the Council should refer it back to the Board of Zoning Adjustment for consideration in deference to that Board.

Councilman Spaulding stated that he was extremely remiss to reverse a decision made by the Board unless there are new circumstances and in fairness to the Board it should be allowed to review the new information.

Councilman Martin commented that he was impressed with Mr. Bienvenue's reference to the McHenry Avenue report. It is logical, with the heavy commercial development along McHenry Avenue, that there should be a buffer area. He considered that McHenry Avenue needed parking in conjunction with its commercial development, which should be given great emphasis in developing a policy for zoning along McHenry.

Councilman Arata stated if the parking is not allowed adjacent to the commercial development, large parking lots would have to be built by the city.

Mayor Hammond stated that it was not the function of the Council to improve the economic value of property along McHenry but to assure compatibility and harmony of the uses.

RESOLUTION NO. 59-326

A RESOLUTION REFERRING THE APPEAL OF SAMUEL JACOBS FROM THE DECISION OF THE BOARD OF ZONING ADJUSTMENT FOR PARKING IN A RESIDENTIAL ZONE BACK TO THE BOARD OF ZONING ADJUSTMENT FOR FURTHER CONSIDERATION

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

DISCUSSION OF DISCHARGE STORM DRAINAGE INTO BEARD BROOK 7-70

The City Manager briefly reported on the discussion held with some of the property owners along Beard Brook who had raised questions regarding the possibility that drainage from the McHenry Avenue storm drain may result in pollution of the water and increase flood waters. They had also raised the question as to the legality of the city adding storm drainage water to Dry Creek. He requested the Council to give the property owners some assurance that the city will recognize its responsibility for the control of pollution and to take whatever action is required to keep it to an appropriate level.

Lewis Hawkins, 924 12th Street thanked the Council for the opportunity to discuss the matter and to hear the Council's position. He stated that he wished to further discuss with the staff the treatment of drainage during the summer months when the water in the creek was low and there would be no storm water to dilute the contamination in the run-off.

Carson Taylor, 122 Chabot, asked if the city had conducted an engineering survey of this entire drainage system prior to its design. If so, he requested permission to review the figures as he is considering building a home near Beard Brook.

The City Attorney assured him that the figures were available from the Director of Public Works. The city has the right to discharge water into the stream, the City Attorney stated, provided 1) that the city does not pollute the water stream and 2) that the additional amount of water deposited in the stream is not an unreasonable amount so as to jeopardize the public welfare or the interests of the property owners abutting the stream.

Councilman Spaulding reported that he had checked the pollution problem with public health officials and it was their opinion that the stream waters below the drain would be improved due to the dilution factor.

Mayor Hammond thanked the property owners who had evidenced concern about this matter and assured them that the city would take whatever steps possible to protect their premises.

Henry Zimmerman, owner of property on Dry Creek and President of the Tuolumne River Park Association, stated he was interested in the effect the storm drainage would have on Dennett Dam during the summer months. He asked that the staff's discussion be delayed for two or three weeks to give the Association time to study the matter.

The City Manager asked Mr. Hawkins and his clients to contact the staff for any further questions and discussion on this matter.

UNITED NATIONS DAY-APPOINT PERCY N. WOOD CHAIRMAN 8-90

Mayor Hammond reported that he had appointed Percy N. Wood to act as chairman for the United Nations Day celebration to be held on October 24. Mr. Wood reported on his plans to obtain Vice President Richard N. Nixon as speaker for the celebration.

MOTION

That Mayor Hammond issue an invitation to Vice President Nixon to speak in Modesto on United Nations Day, Oct. 24, if Chairman Wood is successful in his efforts to obtain Mr. Nixon as speaker for this day.

Moved by Spaulding Seconded by Adams Unanimously carried

DISCUSSION ON COUNCIL PROCEDURE 8-120

This matter was held over for further discussion at a later meeting.

APPLICATION FOR SEWER SERVICE AT 131 E ORANGEBURG AVE- JULIUS WARD 9-05

The City Manager reported that he had received a request from Julius and Willie May Ward for sewer service at 131 E. Orangeburg Avenue. He stated that this was the remaining three-fourths of the lot adjacent to the new Orangeburg Avenue Fire station. He stated that the property was not adjacent to the city limits but a new sewer line was being constructed for the fire station and if there were no objections from the Council, the staff would proceed on the basis the area would be annexed and sewer service furnished. He also reported receipt of a similar request from Safeway Store on the south side. No objections were offered.

CONSIDER PROCEDURE FOR ESTABLISHING CITY SALARIES 9-20

Discussion of this matter was held over until a later meeting.

REPORTS FROM THE PLANNING COMMISSION 9-23Questionnaire on Advance Planning

Further consideration was given to the questionnaire received from the Stanislaus County Planning Director relating to the continuance of the Advance Planning program.

Councilman Adams' suggestion for a change in the answers given by the City Planning Commission on questions 11 and 12 was discussed. Copies of these answers had been previously distributed to the Council members for study.

MOTION

That the answers to the County's questionnaire prepared by the Planning Commission be approved with the additional changes to questions 11 and 12 and that the questionnaire be forwarded to the County.

Moved by Adams Seconded by Mayor Hammond

Before the vote was called Councilman Martin proposed an amendment to Councilman Adams' motion

AMENDMENT TO MOTION

That item 15 in the questionnaire be answered--that the sharing of costs could best be based on a formula at the present moment the assessed valuation seems to be the most equitable formula.

Moved by Martin Seconded by VanderWall

Bill Warner asked for permission to make a statement on planning at this time. He was given the unanimous approval of the Council to do so. He stated that he wished to congratulate the Council on its cooperation with the county and other cities on extending the Advance Planning program. He pledged his support to the Council in furthering this program.

Mayor Hammond called for a vote on the amendment to the motion. All the Council members voted "aye".

Mayor Hammond called for a vote on the original motion, as amended and all members voted "aye", and he declared the motion as amended carried.

Recommendations for amendment to zoning map

RESOLUTION NO. 59-327

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 9 OF THE ZONING MAP (MODESTO INDUSTRIAL PARK ADDITION)

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

The hearing date was set for August 19 at 4:45 P.M.

RESOLUTION NO. 59-328

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19 OF THE ZONING MAP (CARVERWOOD ADDITION)

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

The hearing date was set for August 19 at 4:50 P.M.

RESOLUTION NO. 59-329

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31 OF THE ZONING MAP (PARADISE CENTER NO. 2)

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

The hearing date was set for August 19 at 4:55 P.M.

REPORT ON WATER MAIN INSTALLATION IN CITY FROM 1956-59 10-30

The City Manager presented a report, dated July 20, 1959, entitled "Report on Installation of Water Mains in the City of Modesto 1956-59", a copy of which is on file with the records of this meeting. Copies have also been sent to representatives of contractors and labor and it was agreed to check the equipment rental charges shown in the report.

REPORT BY CITY ATTORNEY ON HOLIDAY PAY CASE 10-35

The City Attorney reported on the background of the Police officers' holiday pay case. The District Court of Appeals has now rendered its decision in favor of the officers which
page 9 8-5-59

leaves two alternatives to the city, 1) a rehearing in the District Court of Appeals 2) appeal the decision in the State Supreme Court. He stated that he had received a settlement offer from the claimants which gives the city 20 days to accept or until the city appeals in court. He request^{ed} Council direction to either accept the settlement offer or to proceed with a rehearing in the District Court of Appeal and if necessary, to the State Supreme Court.

The City Manager reported that copies of the letter received from Attorney Robert Elledge, representing the Police Officers had been previously distributed to the Council members. He pointed out that the deadline date for accepting the settlement offer was August 27.

MOTION

That the City Attorney be instructed to advise the attorney for the claimants the Council does not wish to settle at this time and directing the City Attorney to advise Special Counsel to proceed with the petition for re-hearing before the District Court of Appeals and if it is denied to proceed with a petition for a hearing before the Supreme Court of the State of California.

Moved by Spaulding Seconded by Adams Unanimously carried

PROGRESS REPORT ON CAPITAL IMPROVEMENT PROGRAM 11-32

The City Manager reported that he was clearing his portion of the capital improvement program before his vacation and would forward it to the Planning Commission for its review and recommendation to the Council. Lists of priority work projects were being prepared for distribution to the Council.

REPORT ON PROPOSAL FOR GOLF COURSE CLUBHOUSE 11-40

With the unanimous consent of the Council, the City Attorney reported on a meeting which had been attended by the Council Committee, Director of Parks and Recreation Lowrey, Harold Millerman, representing the Golfer's Committee, Roy Anderson, Vice President of Parr Industrial Corporation and Donald Coleman of Hannaford and Talbot, a bond house of San Francisco. Details for the financing of the proposed golf course clubhouse were briefly reviewed by the City Attorney.

Mayor Hammond considered that the Council should make no decision on this matter until after it had an opportunity to review the Capital Improvement program.

The City Manager presented a preliminary sketch of the size and location of the proposed clubhouse prepared by the citizens committee.

Councilman Martin considered that the construction of a swimming pool at the golf course along with the clubhouse would add appeal to the course as a recreation center. After Council discussion, it was decided to consider the pool as a separate item at a later date.

MOTION

That negotiations be opened on the proposed clubhouse along the lines of the preliminary drawing.

Moved by Arata Seconded by Martin Unanimously carried
page 10 8-5-59

REMIND COUNCIL OF CITY-COUNTY ADVISORY PLANNING COMMITTEE MEETING
12-85

Mayor Hammond reminded the Council that the City-County Advisory Planning Committee meeting would be held in Oakdale City Hall on August 13.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Mayor Hammond Unanimously
carried

The meeting was adjourned at 6:55 P.M.

ATTEST:


ACTING CITY CLERK

Modesto City Council
August 12, 1959

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 Acting City Clerk called the roll and there were

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

Councilman Spaulding arrived at 7:37 P.M.

Absent: Councilmen: Knoles, Martin

In the absence of City Manager Miller, Assistant City Manager Bill Masonheimer acted in his place.

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

Rev. David Cohagan gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of July 8, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM STATE DIVISION OF HIGHWAYS RE: STATE STUDIES ON ROUTE LOCATIONS IN THE CITY 1-28

Acting City Manager Masonheimer read the letter received from the State Division of Highways advising that route location preliminary studies were being held by the Division on a number of state highways in Modesto. The letter was ordered filed.

LETTERS FROM FRANK ANDREWS RE: TAX LEVY ELIMINATED BY M.I.D. 1-52

Letters received from Frank Andrews expressing his opposition to the recent decision of the M.I.D. Board to dispense with the annual tax levy, were briefly discussed.

MOTION

That the letters be referred to the Council Committee on Electric Rates.

Moved by Adams Seconded by Spaulding Unanimously carried

LETTER FROM CITY OF SACRAMENTO RE: MANAGER OF GREATER MODESTO CHAMBER OF COMMERCE 1-60

The letter received from Mayor Clarence L. Azevedo of the City of Sacramento was read congratulating the City of Modesto upon its selection of Mr. Joseph M. Good as Manager of the Greater Modesto Chamber of Commerce. A copy of the letter was ordered forwarded to Mr. Good.

AWARD BID TO STANDARD MATERIALS INC. FOR IMPROVEMENT OF COLLEGE AVENUE 1-80

8/12/59 Page 1

A tabulation of all bids received was reviewed by Director of Public Works Marvin Ray. He recommended that the low bid of Standard Materials Inc. in the sum of \$43,169.75 be accepted.

RESOLUTION NO. 59-331

A RESOLUTION ACCEPTING THE BID OF \$43,169.75 FROM STANDARD MATERIALS INC. FOR THE IMPROVEMENT OF COLLEGE AVENUE BETWEEN CECIL WAY AND BRIGGSMORE AVENUE

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

The City Attorney reported that one parcel of property located near the intersection of Pearl and College Avenue belonging to Paul E. and Lillian G. Wieseahn had not been dedicated. He requested authorization to institute condemnation proceedings to acquire this parcel. He also pointed out that an appraiser would have to be employed in connection with this proceeding.

RESOLUTION NO. 59-332

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

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

MOTION

That an appraiser be employed in connection with this proceeding.

Moved by VanderWall Seconded by Adams Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER MAINS TO SERVE YORKSHIRE MANOR NO. 1 1-105

RESOLUTION NO. 59-333

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE INSTALLATION OF WATER MAINS TO SERVE YORKSHIRE MANOR NO. 1

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

The bid opening was set for 2:00 P.M. August 24, 1959.

CONSIDER ADJUSTMENT OF SALARIES FOR LIBRARY PERSONNEL 1-110

Mr. Masonheimer briefly reviewed the report from the Personnel Department which pointed out that since 1953 the four City Librarians working at McHenry Public Library have been paid in the same salary range as that adopted by the County for its 11 professional people. He also pointed out that the Council had increased Librarians' salaries once when other City salaries did not move and increases had been withheld three times when other City salaries were moving. The

8/12/59 Page 2

cost of the additional increase to match County rates would be \$345 for 11 months, including retirement and compensation insurance, he stated.

RESOLUTION NO. 59-334

A RESOLUTION AMENDING RESOLUTION NO. 59-305 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

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

HEARING ON IMPROVEMENT DISTRICT NO. 9 STREET LIGHTS ON McHENRY AVENUE 2-20

Mayor Hammond announced that the hour of 7:45 P.M. had arrived, the time set for the public hearing on the installation of street lights on McHenry Avenue (Improvement District No. 9).

The City Clerk certified that the notice of the hearing had been published in the manner required by law, notices mailed to property owners, notice posted on the Council Chamber Door and one letter of protest against the assessment had been received from Lawrence Robinson & Son. This protest was read by the Clerk.

Mayor Hammond asked if there were any oral protests.

Mr. Lawrence Robinson, Sr., stated his firm was opposed to the assessment involved in the improvement district and considered that mercury vapor street lights on McHenry Avenue were not a necessity.

The Director of Public Works answered questions raised by the following persons relating to plans and procedures for both districts, Improvement District No. 8 drainage for the North Central District, and Improvement District No. 9, McHenry Avenue street light installation:

Dr. Ernest F. Soderstrom, 1335 Magnolia Ave.
 Paul Cleveland, Rt. 1, Box 509
 J. L. Wallace, 709 McHenry Avenue
 Ray Gordo, 207 McHenry Avenue

There being no others who wished to speak, Mayor Hammond closed the hearing.

RESOLUTION NO. 940-S.P.

A RESOLUTION OVERRULING PROTESTS

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

RESOLUTION NO. 941-S.P.

A RESOLUTION ORDERING THE WORK

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

The time set for the opening of bids was 2:00 P.M. August 24.

8/12/59 Page 3

RESOLUTION NO. 942-S.P.

A RESOLUTION ADOPTING SCALE OF PREVAILING WAGE RATES

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

Director of Public Works Ray reported that the specifications provide for the work to be completed 90 days from execution of the contract, and, barring difficulties, such as delays caused by the steel strike or bad weather, the lights would be completed by December. Questions having been raised, and at the Mayor's request, Mr. Ray briefly reviewed the plans for the North Central Drainage District for the information of the audience.

CONSIDER AMEND PERSONNEL RULE 13 RE: WORK HOURS OF FIRE DEPARTMENT 4-20

The Acting City Manager reported briefly on the recommendation of the Personnel Commission to change the work week for fire personnel from 72 to 67.2 hours per week, except the Fire Chief, Assistant Fire Chief and Fire Marshal. The work week for the three chief officers would be established at 40 hours per week.

RESOLUTION NO. 59-335

A RESOLUTION AMENDING SECTION 13.1 OF THE PERSONNEL RULES RELATING TO HOURS OF WORK

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

Mr. Masonheimer stated that the Council action taken on a uniform allowance for the Police and Fire personnel had not been formalized and a proposed resolution would be on the agenda for next week.

REPORTS FROM PLANNING DEPARTMENT 4-33

Director of Planning Smeath reported that a rough draft of the Capital Improvement Program had been presented to the Planning Commission, where it is now under consideration. It will be considered at the Planning Commission meeting of August 18 and again at a special meeting.

APPROPRIATION TRANSFERS 4-40

Director of Finance Charles Bird asked for approval on the following appropriation transfers to cover the recent salary increase and to complete improvements in the McHenry Village Subdivision:

FROM:	General Reserve - 600	\$600.
TO:	Public Works-Street Division (McHenry Village Sub. #1)	600.
FROM:	General Reserve - 600	\$72,306.
TO:	Salaries & Wages	64,986.
	Uniform Allowance 339-21	3,480.
	Uniform Allowance 339-22	3,840.

8/12/59 Page 4

FROM:	Service Working Capital	\$1,765.
TO:	Salaries & Wages Regular 110-48	1,760.
	Salaries & Wages, Utility Crew 110-48	5.

FROM:	Parking Reserve - 600	\$286.
TO:	Salaries & Wages Regular 110-57	286.

Mr. Masonheimer pointed out that these transfers included salaries for the additional fire personnel needed to implement the shorter hours and uniform allowance, but not for the librarians.

Mr. Bird stated that these transfers did not provide additional funds for compensation insurance or retirement contributions as the study on the new retirement rate has not been completed and compensation insurance rates will probably be increased in October according to advance notice.

RESOLUTION NO. 59-336

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

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

REPORT ON POLICE SPONSORED TEENAGE DANCE 4-80

Chief of Police George Bowers reported that over 600 young people had attended the first Teenage dance held on July 31 at the California Ballroom. He stated that the net profit from the dance, excluding minor damage which must be repaired at the hall, amounted to slightly in excess of \$500. He invited the Council to attend the next dance which is planned for August 14.

JUNIOR LEAGUE BASEBALL CHAMPIONSHIP GAME - DEL WEBB FIELD 4-120

With the unanimous consent of the Council, Councilman Spaulding requested consideration be given to proclaiming Sunday, "Modesto Baseball for Boy's Day".

Frank Russo, President of Modesto Baseball for Boy's Little League, reported that the baseball championships playoff games would be held on Sunday, August 16, at Del Webb Field and urged the Council to dedicate Sunday to the boys.

RESOLUTION NO. 59-344

A RESOLUTION PROCLAIMING SUNDAY, AUGUST 16, AS MODESTO BASEBALL FOR BOY'S DAY

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

CONSIDER SPECIAL RATES FOR OVERTIME PAY FOR POLICE OFFICERS FOR SPECIAL EVENTS 4-120

The Acting City Manager briefly reviewed the existing policy under which the Police Department furnishes off-duty personnel at the rate of \$7.50 per game day at Del Webb Field to help with traffic congestion. It is now proposed to pay the off-duty police personnel working at the Teenage dances at a rate of \$10 per dance, the city to be reimbursed from the proceeds of the dances. It was pointed out that the police service at the ball games is without reimbursement.

RESOLUTION NO. 59-337

A RESOLUTION AUTHORIZING OVERTIME PAY FOR OFF DUTY POLICE PERSONNEL PERFORMING SPECIAL SERVICES AT DEL WEBB FIELD AND THE TEENAGE DANCES CONDUCTED BY THE MODESTO POLICE DEPARTMENT

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

CONSIDER USE OF POLICE PERSONNEL FOR PRIVATE DANCES 5-30

Chief of Police Bowers reported that since the Teenage dances had been started, he had received several requests for off duty police personnel to work on a pay basis for private dances and other public affairs. He requested Council direction in this matter. He stated that in the past the private police patrol agencies had been used for private dances.

Ed Russell, Merchants Private Patrol Service, gave a brief background of his business and urged that the City not go into competition with private enterprise.

Lupe Hernandez, operating the Modesto Latin Club dances at the California Ballroom, urged the Council give favorable consideration to his request for police protection at his dances. He stated he was dissatisfied with the service being given by the private patrol service.

Mr. Bowers reported on the many ramifications involved in starting this practice of using police personnel. He stated that if the request were granted, the men would be put on the rolls as being on duty and would be working for the city at all times.

MOTION

That the request for off duty police personnel for private dances be denied.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

CONSIDER TRAINING OF LIE DETECTOR OPERATOR 7-15

Chief of Police Bowers reported that at the present time the city has no lie detector operator and is using the county facilities. Although there is no charge for this service, he said, it is desirable to train a polygraph operator since the service is available on a "when convenient" basis and that ultimately the city demand for this service would reach the point where a machine would have to be purchased. He requested Council approval to assign a qualified member of the Police Department to attend a course to be given in September for specialized training in the use of the polygraph machine. The cost of the training would be approximately \$800. It was pointed out the funds are budgeted in the Police Department budget and the expenditure would be eligible for 50% reimbursement under the new State law effective in September.

MOTION

That police participation in the polygraph course to be held in September be approved.

Moved by VanderWall Seconded by Spaulding Unanimously carried
 8/12/59 Page 6

CONSIDER REQUEST FOR SIDEWALK VARIANCE - FRANCIS GNESA 7-60

Mr. Masonheimer reported receipt of a request from Donald E. Crump, landscape architect for Francis Gnesa for a variance to permit construction of a pebble-mosaic concrete driveway and entry walk with redwood strips at 1223 Princeton Ave.

The Director of Public Works reported that construction had been started without a permit, but all work had been stopped on the driveway by the contractor as soon as he had been notified by the Public Works Department. He stated that the proposed sidewalk was not in conformance with the Code, but the owners had agreed, that at such time as sidewalks are installed in the neighborhood, or at the City's request, to remove and replace with a sidewalk and driveway in conformance to city standards. He stated that the proposed sidewalk would not represent a potential hazard, and recommended that if the permit were granted that a bond in the sum of \$150 be required.

RESOLUTION NO. 59-338

A RESOLUTION DENYING A VARIANCE TO FRANCIS GNESA TO CONSTRUCT A PEBBLE-MOSAIC CONCRETE DRIVEWAY AND SIDEWALK ON PROPERTY LOCATED AT 1223 PRINCETON AVENUE

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

SET DATE OF HEARING ON APPEAL FILED BY RAYMOND S. GADA 8-05

RESOLUTION NO. 59-343

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY RAYMOND S. GADA FOR AN AMENDMENT TO SECTION 20 OF THE ZONING MAP (COOLIDGE AVENUE WEST OF McHENRY AVENUE)

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

The time set for the hearing was Sept. 2 at 4:45 P.M.

CONSIDER REQUEST OF VETA BUNDY RE: DRY WELL AT 916 13TH ST. 8-10

The Acting City Manager reported receipt of a request from Attorney Robert B. Fowler for Mrs. Veta Bundy, owner of Modesto Blue Printers, for permission to have a dry well dug on her premises at 916 13th Street as a disposal unit for water now being discharged from a water cooler. He stated that the Director of Public Works and the Health Officer were studying this situation in relation to public health problems. The letter was referred to the staff for study and report.

POLICY REGARDING RESERVATIONS OF PICNIC FACILITIES IN PUBLIC PARKS 8-24

Mr. Masonheimer briefly reviewed the report from the Director of Parks and Recreation dated August 5, 1959, in which he stated that under the present policy reservation of picnic facilities for large groups is permitted only in Legion Park. Because of additional requests it is recommended that Beard Brook Park be added to that list. It is proposed that picnic facilities in all other parks remain on a first come, first serve, basis.

8/12/59 Page 7

In answer to a question from Mayor Hammond about Graceada Park, Mr. Lowrey reported on the clean-up problems of the parks during the summer season. The Mayor then asked that consideration be given to providing additional clean-up service, especially over the weekends.

RESOLUTION NO. 59-339

A RESOLUTION REGULATING THE RESERVATION AND USE OF PICNIC TABLES, BARBECUE PITS, AND SUCH OTHER PICNIC FACILITIES AS MAY BE PROVIDED IN THE PUBLIC PARKS OF THE CITY OF MODESTO

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

SET DATE HEARING ON AMENDMENT TO ZONING MAP 18 WEST SIDE OF TULLY
 (RICHARD C. SMITH) 8-75

RESOLUTION NO. 59-340

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 18 OF THE ZONING MAP (RICHARD C. SMITH)

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

The time set for the hearing was September 2, 1959 at 4:50 P.M.

LETTER FROM PLANNING COMMISSION RE: STREET LIGHTS IN MORAN SUBD. 8-80

Mr. Masonheimer read a letter from the Planning Commission stating that the tentative map of Moran Estates Subdivision had been approved on July 21. One condition of approval was that street lights be installed at the intersections of Fortuna St. and Oakshire Ave. with Encina Ave. Since both of these intersection are separated from the boundary of the subdivision itself by a strip of Modesto Irrigation District land to be used for park purposes, and both are entrances to the subdivision, the Commission felt that the Council should consider paying some fair share of the cost of the lights, which would be approximately \$600 each.

Director of Public Works Ray reported on the city's policy of paying one half the cost of installing perimeter lights only when reimbursement at some future date to the city could be expected from the other area benefited.

Director of Planning Smeath brought up the matter of the street paving and installation of curbs and gutters through the park on Fortuna and Oakshire. He stated the Commission had discussed with the subdivider the possibility of the city sharing in the cost since it is to be a city park, and outside the subdivision proper.

MOTION

That the recommendation of the Planning Commission that the City pay one half the cost for street light installation in the Moran Subdivision be approved.

Moved by Adams Seconded by VanderWall Unanimously carried

8/12/59 Page 8

In answer to a question from Mayor Hammond, Mr. Smeath reported that the Planning Commission had held many discussions on the advantages and disadvantages of alleys in subdivisions. He stated that the Commission considered each subdivision separately on the basis of design, the problems involved, the request of the subdivider, and the problems in which the utility companies might find themselves. He reported that the Commission recently had approved about 3 subdivisions without alleys and 7 or 8 with alleys.

After Council discussion it was decided to set a hearing date and invite members of the Planning Commission and representatives of the utility companies and the M.I.D. to further discuss alleys in subdivisions. The staff was directed to contact each Councilman concerning field trips to neighboring cities to view the pros and cons first hand.

MOTION

That the matter of alleys in subdivisions be set for an informal hearing before the Council on September 23 and that an invitation be extended to the Planning Commission, and public utility companies and other interested groups.

Moved by VanderWall Seconded by Spaulding Unanimously carried

APPROVE AGREEMENT AND FINAL MAP OF HACIENDAS DEL OESTE SUBDIVISION
9-110

RESOLUTION NO. 59-341

A RESOLUTION APPROVING THE FINAL MAP OF THE HACIENDAS DEL OESTE SUBDIVISION OF THE CITY OF MODESTO

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

Phil Humphreys, subdivider of the Haciendas Del Oesta Subdivision, commended the staff on the cooperation shown in clearing out the many problems encountered in planning the subdivision.

REPORT ON LABOR SHORTAGE FOR PEACH HARVEST 10-25

With the unanimous consent of the Council, Councilman Arata brought up the matter of the critical shortage of labor facing the farmers of this area. He urged the Council, by adopting a formal resolution, to join in asking the citizens of the community to lend whatever aid possible in harvesting the crops. He specifically pointed to the immediate and pressing need for workers in the peach harvest.

RESOLUTION NO. 59-342

A RESOLUTION URGING THE CITIZENS OF THIS COMMUNITY TO ASSIST IN ALLEVIATING THE FARM LABOR SHORTAGE IN STANISLAUS COUNTY

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

REPORT ON ESTATE OF ESTO BROUGHTON 10-50

City Attorney Grimes reported that the will of Esto Broughton left property at 115 Downey Avenue to the City to be used as a memorial to her father for educational purposes, subject to the terms

8/12/59 Page 9

of the life estates of Jackson B. and Merna Broughton. He recommended that the city not accept the bequest at the present time, but set up a tickler system so at the deaths of these two people, the matter would be considered by the then existing Mayor and City Council.

MOTION

That the recommendation of the City Attorney be approved.

Moved by VanderWall Seconded by Spaulding Unanimously carried

REPORT ON EMINENT DOMAIN FOR MODESTO FREEWAY (MAZE WREN PARK) 10-65

The City Attorney advised the Council that a complaint had been filed in the Superior Court by the State of California in eminent domain to acquire Maze Wren Park for the proposed freeway. No action was required.

REPORT ON EXPENDITURES TO DATE FOR McHENRY AVENUE WIDENING AND DRYDEN PARK MUNICIPAL GOLF COURSE 10-70

Acting City Manager Masonheimer briefly reviewed the report dated August 7, showing the expenditures thru June 30, 1959 for the McHenry Avenue widening project and Dryden Park Municipal Golf Course, copies of which had been distributed to the Council members.

REPORT ON PROPOSAL FOR AIRPORT CONTROL TOWER 10-80

Director of Public Works Ray reported that he had received notice from the Federal Aviation Agency that in order to qualify for financial assistance during the fiscal years 1959-60, 60-61, an application must be submitted by Sept. 1, 1959. He asked for Council direction on proceeding with the proposed control tower at the Modesto City-County Airport. He stated that Federal participating funds would be on the same basis as used on the runway, or 54.12%. The estimate for the tower given by the Airport Engineer was from \$105,000 to \$120,000, and a later estimate set the minimum at \$120,000, he reported.

Mayor Hammond considered that discussion of this matter should be held over until after the Capital Improvement Fund was reviewed.

Council Arata suggested that the County should be contacted to determine their reaction on this matter.

MOTION

That the County Board of Supervisors be contacted with regard to this and the matter be placed on the agenda of Aug. 19.

Moved by Arata Seconded by Adams Unanimously carried

MEMORANDUM FROM THE CITY MANAGER REGARDING THE FIRE GRADING COMMITTEE ACTIVITIES 11-25

Mr. Miller's memorandum reported he was planning to attend the American Municipal Association Conference in Colorado Springs in November. This would be in carrying out his duties as the Chairman of the A.M.A. Committee on Fire Insurance Grading and Rating, a City Council approved assignment. Mr. Miller reported that he had now been invited to make a report on the committee's activities at the International City Manager's Conference to be held in St. Louis on October 26, 1959.

8/12/59 Page 10

Members of the Council pointed out the fine work Mr. Miller and his committee had done in bringing about better understanding of fire grading problems. Councilman Arata expressed the opinion that he should continue to work actively on the grading and rating problems.

MOTION

That the City Manager be authorized to attend the International City Manager's Association Conference on Oct. 26, 1959.

Moved by Arata Seconded by Adams Unanimously carried

BULLETIN FROM LEAGUE OF CALIFORNIA CITIES RE: FINANCING OF HIGHWAY IMPROVEMENTS IN CITIES 11-35

Acting City Manager Masonheimer reported on the bulletin received from the League of California Cities requesting the city write to the President, House Speaker Sam Rayburn, Chairman Wilbur Mills of the House Ways and Means Committee, and to all the city's Senators and Representatives, urging continuation of the Interstate Highways construction program at its present pace. Information from the American Municipal Association relates that serious consideration is being given, both in the White House and in Congress, to the eliminating of cities from the Interstate Highway System. The proposal being considered is to by-pass the big cities as well as the small ones, using the 90% federal-aid funds to construct the Interstate System as strictly a rural highway. Cities would then be forced to finance their own expressways and connecting links.

Mr. Masonheimer reported that the state has already cut back on its program and in spite of the fact that the city has executed agreements for certain projects, such as the Yosemite Ave. street lights, these bids will not be let and the projects will not be undertaken until such time as the federal government indicates whether or not it is going to continue the federal aid for the interstate highway program. He recommended that the suggestion from the League be followed and letter be sent urging continuation of the program.

Councilman Spaulding suggested that more Council consideration should be given to the problems of construction of highways in cities before action could be taken.

Mayor Hammond considered that the Council should evidence concern on the projects already committed on the basis of this program. He agreed with Councilman Spaulding that all the ramifications of the program should be evaluated.

MOTION

That the staff notify our Senators and Congressmen of the city's concern over the possible curtailment of the federal assistance in financing Interstate Highway program in cities and that those projects which have already been planned be permitted to continue to completion pending further review.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Unanimously carried

ATTEST: Chene M. Collins
ACTING CITY CLERK

Modesto City Council
August 19, 1959

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.

Due to the absence of both the Mayor and Vice Mayor and pursuant to Sec. 2-1.05 of the Municipal Code, Acting City Clerk Anne M. Collins called the Council to order and entertained a motion for the election of a temporary chairman.

MOTION

That Councilman Richard VanderWall be named temporary chairman.

Moved by Martin Seconded by Arata Unanimously carried

The Acting City Clerk called the roll and there were

Present: Councilmen: Arata, Knoles, Martin, Mayor Pro Tempore VanderWall

Councilman Adams arrived at 4:03 P.M.

Absent: Councilmen: Spaulding, Mayor Hammond

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

Rev. John R. Becker gave the invocation.

City Manager Ross Miller being absent, Assistant City Manager C. W. Masonheimer acted in his place.

APPROVAL OF MINUTES

Council members having received copies of the minutes of July 15, and the same being available for public inspection and there being no objections, the minutes were approved.

INVITATION TO COUNCIL TO ATTEND GOLDEN JUBILEE CELEBRATION IN PATTERSON 1-20

A letter received from the City of Patterson was read inviting the Council members to attend its Golden Jubilee Celebration on Saturday, Sept. 19. The City Clerk was instructed to remind the members of the date and, if necessary, to arrange transportation.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR COMFORT STATION AT DRYDEN PARK MUNICIPAL GOLF COURSE 1-35

RESOLUTION NO. 59-345

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATION AT DRYDEN PARK MUNICIPAL GOLF COURSE

Moved by Arata Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Mayor Pro Tempore VanderWall

Noes: None Absent: Spaulding, Mayor Hammond

The time of the bid opening was set for Aug. 31 at 2:15 P.M.

Page 1 8-19-59

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR REMOVAL OF CITY HOUSE LOCATED ON COLLEGE AND NORTHERN BLVD. 1-65

RESOLUTION NO. 59-346

A RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR REMOVAL OF HOUSE LOCATED AT 1728 COLLEGE AVENUE

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

The date set for the bid opening was Aug. 31 at 2:00 P.M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE IN HACIENDAS DEL OESTE SUBDIVISION 1-72

RESOLUTION NO. 59-347

A RESOLUTION APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WATER LINES IN HACIENDAS DEL OESTE SUBDIVISION

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

The date set for the bid opening was Aug. 31 at 2:30 P.M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF EXTENSION OF SANITARY SEWER FACILITIES TO NORWEGIAN AVENUE, MONTGOMERY VILLAGE NO. 3 AND YORKSHIRE MANOR SUBDIVISION 1-80

RESOLUTION NO. 59-348

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF EXTENSION OF SANITARY SEWER FACILITIES TO UNIT A-NORWEGIAN AVENUE, UNIT B-MONTGOMERY VILLAGE NO. 3, UNIT C-YORKSHIRE MANOR SUBDIVISION

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

The date set for the bid opening was Aug. 31 at 3:00 P.M.

APPROVE UNIFORM ALLOWANCE FOR SAFETY MEMBERS 1-85

RESOLUTION NO. 59-349

A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT OF UNIFORM ALLOWANCE FOR POLICE AND FIRE PERSONNEL

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

APPROVE APPROPRIATION TRANSFER FOR SALARY INCREASE-LIBRARIANS 1-100

RESOLUTION NO. 59-350

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$931 FROM LIBRARY RESERVE TO SALARIES & WAGES, REGULAR FOR SALARY ADJUSTMENTS APPROVED BY THE COUNCIL AUGUST 12, 1959

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

CITY HALL MATTERS 1-112

Assistant Director of Public Works Campbell stated the proposed completion date for the city hall has been set for the end of February, 1960. He urged the Council members to see the building while the work is in progress.

REPORTS FROM THE PLANNING COMMISSION 1-125

Director of Planning Smeath stated there were no reports at this time.

CONSIDER REQUEST OF VETA BUNDY FOR DRY WELL AT 916 13TH STREET 2-05

Acting City Manager Masonheimer stated that the report was not yet completed concerning this matter but it would be ready for Council consideration at the next meeting. He stated a report would also be prepared on the problem of water conservation in connection with water coolers.

ACCEPT CONSTRUCTION OF SUB-TRUNK SEWER TO HILLVIEW ACRES FROM GEORGE REED 2-25

Assistant Director of Public Works Campbell reported that all work on the construction of a sub-trunk sewer along M.I.D. Lateral No. 4 to Hillview Acres Subdivision had been completed by George Reed, and it would now be in order to accept the construction, authorize recordation of Notice of Completion with the County Recorder and authorize payment due under the contract. The total cost of the work is \$10,853.40, he stated.

RESOLUTION NO. 59-351

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUB-TRUNK SEWER ALONG M.I.D. LATERAL NO. 4 TO HILLVIEW ACRES SUBDIVISION BY GEORGE REED: AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

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

DISCUSSION ON AGREEMENT FOR STRATHMORE SUBDIVISION 2-35

Mr. Charles Jeffers, Subdivider of the Strathmore Subdivision, appeared before the Council to discuss some of the provisions in the proposed agreement relating to the development of this subdivision:

Paragraph 2--relating to water lines: He asked that the city give some expression on the time which would be involved in furnishing water service. He pointed out that time was an important factor to him as the interest on the \$80,000 cash bond which he had had to file with Stanislaus County was considerable.

Paragraph 7 (b) street trees: Mr. Jeffers stated that it would be necessary for him to plant between 135 and 150 street trees at an approximate cost of \$10 per tree. He asked if there would be any reimbursement to him if the area was annexed after 50 or 20 houses had been constructed.

Paragraphs 10 and 11 - posting of Bond: He reminded the Council that it was not only necessary for him to post the \$80,000 cash bond with the County but it was also necessary to post a \$5,000 bond with the city.

The Acting City Manager pointed out that it had been the city's policy to require subdividers who develop outside the city and who want either water or sewer service, or both, to agree to annex to the city, to put in the developments according to city standards and to provide street trees. The City plants the trees for subdivisions developed inside the City. This problem could be solved now if the subdivision was contiguous to the city and could be annexed at this time.

Director of Parks and Recreation Lowrey reported that there had been a few other similar instances where the city required the subdivider outside the city to reimburse the city for trees, materials and planting provided by the city under contract. This policy has been followed so that the city will know exactly what is being done and to control the type of tree planted. In no case has a subdivider planted his own trees. These trees must be planted during the bare root planting season and will be planted only in front of houses which have been constructed or are under construction. The city has furnished letters of certification to F.H.A. that the city will furnish street trees under an agreement basis until all trees are planted in front of all the houses in an area.

The Acting City Manager recommended that the staff confer with Mr. Jeffers prior to the next Council meeting to work out some satisfactory arrangement on the planting of trees and a report be made to the Council. It was so ordered by the chair.

Mr. Jeffers stated that he was going to sign the agreements with both the city and county and that he was ready to proceed on his contract for the construction of the houses.

COMMUNICATION FROM CITY EMPLOYEES RE: PROCEDURE FOR SALARY INCREASES 2-125

The Acting City Manager read a communication signed by 24 city employees, filed with the City Clerk on Aug. 7, objecting to percentage raises for city employees as being unfair and inequitable and asking that consideration be given to the feasibility of straight dollar increases. He pointed out that considerable time and effort was spent in 1954 on the study when the 5% salary plan was adopted. He recommended that if changes were to be considered, the matter should be referred to the Personnel Commission for another detailed study.

Councilman Adams stated that the letter should be referred to the Commission for its information, along with earlier reports from the 1954 study.

Councilman Martin considered the Council should not refer the matter to the Personnel Commission with a request for a procedure for salary increases, but for information only, and if in the course of its proceedings it wishes to restudy the salary plan it could do so. He expressed the point of view that percentage salary plans were necessary to provide proper and adequate salary incentives for personnel in the more responsible jobs.

Councilman Arata explained this was necessary if the City is to attract qualified people to the higher jobs.

MOTION

That the communication be referred to the Personnel Commission for its information.

Moved by Knoles Seconded by Adams Unanimously carried

REFER PETITION FOR ANNEXATION OF ALLEN ADDITION TO THE PLANNING COMMISSION 3-80

Director of Planning Smeath reported the County Boundary Commission has approved the boundaries of the Allen Addition and it is now necessary for the Council to refer the petition for annexation to the Planning Commission for report and recommendation.

RESOLUTION NO. 59-352

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

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

CONSIDER AGREEMENT FOR SEWER SERVICE TO GANT PROPERTY AND ANNEXATION THEREOF 3-90

The agreement has not been signed by the Gant's and the matter will be given consideration at a later meeting, the Acting City Manager reported.

REPORT ON SEEDING AND FERTILIZING OPERATIONS AT DRYDEN PARK MUNICIPAL GOLF COURSE 3-100

The report from Director of Parks and Recreation Lowrey entitled, "Seeding and Fertilizing Operations - Dryden Park Municipal Golf Course", dated August 10, 1959, a copy of which is on file with the records of this meeting, was reviewed by the Acting City Manager.

REPORT ON CITY'S CONTRIBUTION RATE FOR STATE EMPLOYEES' RETIREMENT SYSTEM 3-105

Mr. Masonheimer briefed the report concerning the increased contributions for prior service liabilities. He reported because of financial impact the State Retirement Board had offered an extension of 10 years to the period over which prior service liability could be liquidated. He recommended the amendment to the State Retirement contract be approved.

Mr. Masonheimer reviewed the report dated Aug. 14 from the Director of Finance on the city's contribution rate for State Employees' Retirement System. He reported on the results of the actuarial study to furnish the city employees:

- 1) Minimum \$100 per month retirement payment after 10 years of service.
- | | |
|--------------|--------|
| Rate | .004% |
| 1959-60 Cost | \$760. |

Page 5 8-19-59

- 2) Permit members---at their own expense for retirement costs--- to pick up credit for the first 6 months of employment.
- | | |
|--------------|----------|
| Rate | .250% |
| 1959-60 Cost | \$4,750. |
- 3) Payment of \$400 lump sum death benefit for employees eligible to retire.
- | | |
|--------------|----------|
| Rate | .103% |
| 1959-60 Cost | \$1,959. |

In view of increased costs beyond the City's control and because of the upcoming retirement system changes, involving social security and survivors' benefits, it is recommended that action on these changes be deferred at this time, he stated.

RESOLUTION NO. 59-353

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT PROVIDING FOR THE PARTICIPATION OF THE CITY OF MODESTO IN THE STATE RETIREMENT SYSTEM, MAKING ITS EMPLOYEES MEMBERS OF SAID SYSTEM

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

This extends the period of prior service liquidation.

HEARING ON AMENDMENT TO SEC. 9 OF ZONING MAP - MODESTO INDUSTRIAL PARK 4-45

Mayor Pro Tempore VanderWall announced that the hour of 4:45 P.M. had arrived, the time set for the public hearing on the proposed amendment to Section 9 of the Zoning Map - Modesto Industrial Park.

The City Clerk certified that the notice of the hearing was published in the Modesto Bee in the manner required by law, notices mailed to property owners within the area and the property posted.

A communication was read from Robert Moore, Rt. 4, Box 3081, Modesto, owner of property in the Modesto Industrial Park area, asking that the Council delay consideration of his property until Sept. 2 to permit him to appear in person to oppose the proposed zoning.

Mr. Smeath briefly reported on the location of the area and the interim zoning to M-P, industrial, recently adopted by the Council.

Mayor Pro Tempore VanderWall asked if there were any oral protests. No oral protests were filed.

Carl M. Puryear urged the Council to postpone the hearing until Mr. Moore could be present.

MOTION

That the hearing be continued until September 2, 1959 at 5:00 P.M.

Moved by Arata Seconded by Martin Unanimously carried

HEARING ON AMENDMENT TO SEC. 19 OF ZONING MAP - CARVERWOOD ADDITION
5-05

Mayor Pro Tempore VanderWall announced that the hour of 4:50 P.M. had arrived, the time set for the public hearing on the proposed amendment to Section 19 of the Zoning Map - Carverwood Addition.

The City Clerk certified that the notice had been published in the Modesto Bee as required by law, notices mailed to property owners in the area, and the property posted. No written protests were filed with the City Clerk.

Director of Planning Smeath reported the property was located north of Glenwood Drive and briefly reviewed the interim zoning of the property, recently adopted by the Council.

Mayor Pro Tempore VanderWall asked if there were any oral protests. No protests were filed or comments made. The hearing was declared closed.

ORDINANCE NO. 329-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CARVERWOOD ADDITION)"

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

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

HEARING ON AMENDMENT TO SEC. 31 OF THE ZONING MAP - PARADISE CENTER #2
5-25

Mayor Pro Tempore VanderWall announced that the hour of 4:55 P.M. had arrived, the time set for the public hearing on the proposed amendment to Section 31 of the Zoning Map - Paradise Center No. 2 Addition.

The City Clerk certified that the notice had been published in the Modesto Bee as required by law, notices mailed to property owners in the area, and the property posted. No written protests to the proposed amendment had been received.

Acting City Manager Masonheimer reported that Paradise Center No. 2 was located on the southern side of Paradise Road just south and west of Sutter Ave.

Mayor Pro Tempore VanderWall asked if there were any oral protests. No protests were filed or comments made. The hearing was declared closed.

ORDINANCE NO. 330-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PARADISE CENTER NO. 2)"

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

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

REPORT ON PROPOSAL FOR AIRPORT CONTROL TOWER 5-45

Assistant Director of Public Works Campbell briefly reviewed the information received from F.A.A. informing the city that in order to qualify for financial assistance during the fiscal years 1959-60 and 60-61, an application must be submitted by Sept. 1, 1959. He reported on the meeting with the Board of Supervisors. No formal action was taken by the County, he stated.

Acting City Manager Masonheimer suggested that the staff be instructed to prepare the application, and then approach the County to see if they would enter in with the City with the full understanding that if the tower is built at all, it would not be before 1960-61 fiscal year.

Harry Sham, Airport Manager, urged the Council to file the application at this time due to the fact that the traffic at the airport in the last 4 years had tripled and the tower is needed for safety. He pointed out it would also bring additional business to the city.

MOTION

That the staff prepare the application and confer with the County on its feelings on participation.

Moved by Knoles Seconded by Arata Unanimously carried

REPORT ON CONFERENCE TO DISCUSS ITINERANT VAGRANT PROBLEM 6-15

Chief of Police Bowers briefly reported on a conference held in Berkeley by representatives of San Joaquin Valley cities regarding the itinerant vagrant problem. He described the severity of the problem to the City Council and in general outlined some of the costs involved. He stated no solution has been arrived at, but said a rehabilitation facility would be necessary for even a partially successful program.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting was adjourned at 5:20 P.M.

ATTEST: 
 ACTING CITY CLERK

Modesto City Council
August 26, 1959

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, Spaulding, VanderWall
Mayor Hammond

Absent: Councilmen: Martin

In the absence of City Manager Ross Miller, Assistant Manager Bill Masonheimer acted in his place.

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

Rev. Arthur Thurman gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of July 22, August 5 and 12 and the same being available for public inspection and there being no objections, the minutes were approved.

APPLICATION FROM SPORTSMEN OF STANISLAUS FOR SEWER AND WATER SERVICE FOR CLUBHOUSE 1-25

An application from the Sportsmen of Stanislaus for sewer and water service for its clubhouse to be constructed on Sunset Avenue at Neece Drive, adjoining the Dryden Park Municipal Golf Course was given Council consideration.

MOTION

That the request be referred to the staff for engineering study, negotiation with the Club and a report on financing submitted to the Council.

Moved by Arata Seconded by Adams Unanimously carried

APPROVE AGREEMENT ON STRATHMORE SUBDIVISION 1-35

Acting City Manager Masonheimer reported on his conference with Charles Jeffers, subdivider of the Strathmore Subdivision, regarding the planting of trees and the timing of the city's improvements to serve the area.

RESOLUTION NO. 59-354

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES V. AND MARGUERITTE K. JEFFERS FOR SEWER AND WATER SERVICE TO THE STRATHMORE SUBDIVISION

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

8-26-59 Page 1

APPROVE AGREEMENT ON DOWNEY PARK

RESOLUTION NO. 59-355

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TITLE COMPANY FOR SEWER AND WATER SERVICE TO THE DOWNEY PARK SUBDIVISION

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF TRUNK SEWER IN ROSE AVENUE 1-68

RESOLUTION NO. 59-356

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF ROSE AVENUE TRUNK SEWER

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

The time set for the opening of bids was 2:15 P.M., September 8.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER MAINS IN DOWNEY PARK SUBDIVISION, STRATHMORE NO. 1 SUBDIVISION AND ROSE AVENUE 1-73

Mayor Hammond reported that he had advised Mr. Kennan Beard of the Del Este Water Company that prior to the awarding of a bid for the doing of this work, the staff would confer with him relative to mutual problems of water lines in the Rose Avenue area.

Acting City Manager Masonheimer reviewed the history on the Council's decision to serve water to this area in conjunction with providing sewers and the subsequent installation of a water line by the Del Este Water Co.

Assistant Director of Public Works Ross Campbell pointed out that the date for opening the bids was scheduled for September 8 at 2:00 P.M. but the proposal would allow the awarding of the bid as late as October 8, 1959.

RESOLUTION NO. 59-357

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE INSTALLATION OF WATER MAINS IN DOWNEY PARK SUBDIVISION, STRATHMORE NO. I SUBDIVISION AND ROSE AVENUE

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

ORDINANCE ESTABLISH TAX RATE FOR 1959-60 1-107

The Acting City Manager noted that the Council members had previously been furnished with a copy of the report dated August 21, prepared by the Finance Director on "1959-60 Tax Rates". the major points contained in the report are as follows:

8-26-59 Page 2

APPROPRIATION TRANSFERS

No transfers needed.

REPORTS FROM THE PLANNING COMMISSION 2-45

Chadwick Subdivision: Resolution No. 543, adopted by the Planning Commission on August 18, was noted by the Council recommending approval of the granting of an exception to the Subdivision Regulations and approval of street dedications and an agreement to accept street improvements constructed to city standards in the proposed three lot Chadwick subdivision located on the west side of Tully Road opposite the westerly terminus of Granger Avenue.

Planning Director Smeath reported on the Planning staff's studies on this area and subsequent recommendations to the Commission. He pointed out that the subdivision is less than four lots. The Subdivision Committee can grant a lot split, and it is proposed that it be subdivided by the abbreviated process. He suggested the adoption of a resolution by the Council to:

- 1- Approve the granting of an exception to the subdivision regulations by the Planning Commission for the off-set of the center line of Granger Avenue, an extension of approximately 25';
- 2- Agree to accept dedications from the Chadwick subdivider of 25' for the widening of Tully Road and 50' for the extension of Granger Avenue west of Tully Road;
- 3- Agree to accept improvements on this dedicated property to city subdivision standards.

Mr. Smeath pointed out the alternatives would allow the subdividers to provide access to his property by a private road as narrow as 30 feet in width and still offset. Mr. Masonheimer stated the staff generally did not recommend off-set center lines, but in view of the alternatives in this instance it appeared to be in the city's interest to do so.

Mr. Campbell recommended the adoption of the resolution subject to the execution of an agreement providing for filing of a bond by the subdivider guaranteeing improvements to city standards.

RESOLUTION NO. 59-359

A RESOLUTION APPROVING THE GRANTING OF AN EXCEPTION TO THE SUBDIVISION REGULATIONS AND APPROVAL OF STREET DEDICATIONS AND STREET IMPROVEMENT IN THE CHARLES T. CHADWICK SUBDIVISION

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

Status of consulting projects on planning: Mr. Masonheimer noted that the Council had received copies of a report from the Planning Director, dated August 21, 1959 on the subject: "Progress Report-Consultant Studies for the City of Modesto".

Mr. Smeath briefed the report:

Frank Cox and Associates on a study of the downtown areas of the city

All of the basic work is being finished and they will then work with the downtown merchants, Chamber of Commerce, property owners, and official groups.

LeLeuw, Cather and Company on the possible relocation of the Tidewater Southern Railroad from Ninth Street:

This study is almost completed.

Pacific Planning and Research preparation of precise plans of two neighborhoods.

The Planning staff has been unable to complete some of the basic work which the consultant needs in order to get started. No start has been made on this particular project. It is hoped that in neighborhoods where there are no problems, the study can be reduced or eliminated entirely.

IMPROVEMENT DISTRICT NO. 9 - ACCEPT BID FROM COLLINS ELECTRICAL COMPANY, INC.

Copies of the tabulation of the five bids received on August 24 at 2:00 P.M. for the installation of street lights on McHenry Avenue--Improvement District No. 9 were distributed for Council information. The low bid was submitted by Collins Electrical Company, Inc. in the sum of \$52,397.20. The engineer's estimate for the work is \$71,431.50.

RESOLUTION NO. 943-S.P.

A RESOLUTION OF AWARD OF CONTRACT

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

ACCEPT CONSTRUCTION OF CHICAGO AVENUE FROM M. J. RUDDY & SON 3-32

Completion of the improvement on Chicago Avenue between Paradise Road and Sutter Avenue by M. J. Ruddy & Son was reported. Acceptance of the work, recordation of notice of completion with the County Recorder and authorization of payments due under the contract is recommended by the City Engineer, the Acting City Manager reported.

RESOLUTION NO. 59-360

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CHICAGO AVENUE BY M. J. RUDDY AND SON: AUTHORIZE PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

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

DENY REQUEST OF VETA BUNDY TO DRILL A DRY WELL AT 916 13th STREET

Mr. Campbell reported that the amount of water being discharged from the air conditioning unit at the Modesto Blue Printers located at 916 13th Street, owned by Mrs. Veta Bundy, had been checked by the Public Works Department. It is determined that approximately 480 gallons per hour was being discharged which is about one-half of the capacity of the unit. Section 9-2.15 of the Municipal Code provides that not more than 200 gallons per hour for any place of business

8-26-59 Page 5

or building, may be discharged into the street gutter or any other location approved by the Director of Public Works. Where there is more than 200 gallons being discharged the cooling water must be recirculated.

Mr. Campbell stated that, considering the mandatory provisions of the Code and the amount of water being discharged, he could only recommend denial of the request and that a recirculating system be provided as required by the Code.

MOTION

That the request be denied.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

REPORT ON HEADQUARTERS FOR CIVIL AIR PATROL 3-85

The Acting City Manager noted that reports had been sent to the Council on the subject "Headquarters for Civil Air Patrol".

Mr. Masonheimer reported that studies indicate the only satisfactory location was the Community Service Center. Presently there is available vacant space in this building. The staff recommends that the Civil Air Patrol be permitted to use this space on the following conditions:

- 1- On the basis these would be temporary quarters for an interim period, pending the establishment of regular headquarters, perhaps at the airport;
- 2- The C.A.P. would assume its full civil defense responsibilities which would be included in an amendment to the city's Operational Plan and all C.A.P. members eligible would sign up as civil defense volunteers;
- 3- The assignment of quarters would be temporary, subject to revocation with 30 days notice;
- 4- Occupancy of the quarters might be terminated if some managing agency agreed to take over the responsibility for operation of the Community Service Center.

It has been the staff's recommendation to the Council in the past, that unused space in the Center be allocated, at reduced rentals or without charge, to worthwhile organizations that provide a substantial community-wide service on a voluntary basis, with the understanding that if revenue-producing rentals could be arranged the organization must then either pay rent or move. On the aforesaid basis and conditions set forth, Mr. Masonheimer recommended that one of the rooms on the second floor of the Community Service Center be made available to the C.A.P. for headquarters.

The Council's policy on making the Center self-supporting was discussed. Mr. Masonheimer stated that the only justification for providing temporary space without charge was that the organization did add substantially to the civil defense organization of the City.

Lt. Richard Barham reported on progress being made in securing a building from the Air Force to be installed for a permanent base, at a site to be selected later. Some temporary buildings at Castle Air Force Base are now being dismantled. Some of its pre-fab buildings and quonset huts may become available, and a hold can be

put on one of these buildings for forty days by the C.A.P.

MOTION

That the staff be directed to prepare for Council approval an agreement for occupancy of a room at the Community Center by the Civil Air Patrol, as outlined by Mr. Masonheimer.

Moved by Spaulding Seconded by VanderWall Unanimously carried

APPROVE AGREEMENT ON PARK MANOR SUBDIVISION 4-32

Agreements relating to the development of Park Manor Subdivision, located west of Carver Road between Evergreen and Lateral No. 3, were presented by the Acting City Attorney for Council approval. He reported that the required bond and cash payments had been filed.

RESOLUTION NO. 59-361

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK MANOR NO. 1 SUBDIVISION OF THE CITY OF MODESTO

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

RESOLUTION NO. 59-362

A RESOLUTION APPROVING AGREEMENT BETWEEN LANCE E. AND CAROL L. ELLIS FOR SEWER SERVICE IN PARK MANOR SUBDIVISION (SUB-TRUNK SEWER AND LIFT STATION)

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

TERMINATE AGREEMENT WITH GRISWOLD & WIGHT 4-57

The Acting City Attorney presented for Council approval, a resolution providing for the termination of the agreement dated April 17, 1957 between the City and Griswold and Wight for the lease of ten parking spaces in Off-Street Parking Lot No. 5, located on Tenth Street between K and L Streets, as requested by the Company in its letter of August 17. He reported the required 30 days notice of termination had been given.

RESOLUTION NO. 59-363

A RESOLUTION TERMINATING LEASE AGREEMENT BETWEEN THE CITY AND GRISWOLD AND WIGHT FOR LEASE OF TEN PARKING SPACES IN OFF-STREET PARKING LOT NO. 5 IN THE CITY OF MODESTO

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

SET DATE HEARING ON APPLICATION OF LOIS LANE TO OPERATE ONE ADDITIONAL TAXI (RED TOP TAXI) 4-68

It was noted that the Council had previously received a report from Director of Parking & Traffic Carmody reviewing the request of Lois Lane, dba Red Top Taxi, for a permit to operate one additional taxicab.

RESOLUTION NO. 59-364

A RESOLUTION SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE APPLICATION OF LOIS L. LANE, DOING BUSINESS AS RED TOP TAXI, FOR PERMIT TO OPERATE ONE ADDITIONAL TAXICAB

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

The time set for the hearing was 8:00 P.M. Sept. 10, 1959.

AUTHORIZE INSTALLATION OF WATER MAINS TO SERVE YORKSHIRE MANOR
 NO. 1 SUBDIVISION 4-83

With the unanimous consent of the Council the Acting City Manager was granted permission to raise this matter which had been inadvertently omitted from the agenda.

He reported that no bids had been received at 2:00 P.M. August 24 for the installation of water mains to serve Yorkshire Manor No. 1 subdivision. The engineer's estimate for the installation, using city forces was \$1,861.30. He recommended that the Council approve the doing of the work with city forces.

RESOLUTION NO. 59-365

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS TO SERVE YORKSHIRE MANOR NO. 1

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

UNANIMOUS APPROVAL GIVEN BY COUNCIL TO CONSIDER MATTERS NOT ON THE
 AGENDA 4-87

Note was taken of the date scheduled for the Fifth Annual Business-Education Day being held on September 3. The city will be hosting 25 teachers this year, Mr. Masonheimer reported. He asked that as many Councilmen as possible plan to attend the luncheon being held at Community Center and to stay for the afternoon presentations by the various department heads in so far as possible.

Jr. Chamber of Commerce request use sidewalk for polio fund raising project

Bud LaCore, representing the Modesto Junior Chamber of Commerce stated the Jr. Chamber was in the midst of a fund raising drive for the National Foundation for the treatment of polio victims in this community. A "mile of dimes" project is being proposed. The plan is to install a sticky tape on the east side of 10th Street, between Thrifty Drug Store and Woolworth Store, for the collection of funds. Clearance from the Police Department and the adjacent merchants has been secured. The project is scheduled for August 27, starting at 6:30 P.M. through 9:30 P.M.

MOTION

That approval be given to the "Mile of Dimes" project sponsored by the Modesto Junior Chamber of Commerce, as outlined by Bud LaCore.

Moved by Knoles Seconded by Spaulding Unanimously carried
 8-26-59 Page 8

Mayor Hammond stated that the Council was appreciative of the many worth while projects sponsored and carried out by the Junior Chamber of Commerce.

Letter from Dr. J. S. Pyne and verbal protest of Carl Ulrich relating to Improvement Project No. 8 - storm drainage in North Central Addition

The letter from Dr. J. S. Pyne was read protesting the cut-off date proposed by the city for installation of curbs and gutters in the North Central Storm Drainage Improvement District.

Carl Ulrich verbally protested the proposed plans for the storm drainage system as it related to Griswold Avenue, because it called for the removal of the trees. He reported that he had let a contract to a private contractor for the installation of curbs and gutters around his vacant property located on Griswold and Carolyn Way. After he learned that a large Walnut tree would have to be removed in order to place curb and gutter, the work was held up. All the trees along Griswold Avenue seem to be "worshipped" not only by the adjacent property owners but by all the people in the surrounding area, he stated.

If the directions given to the city engineering department are carried out, Griswold Avenue to be widened to a 40 foot street, requiring that the majority of the trees on Griswold Avenue will be removed. He said he believed that 95% of the property owners facing this street and many in the adjacent areas, would sign a petition of protest to the removal of these trees. The alternative would be to reduce the width of the street and save the trees. The street is presently carrying the traffic in a satisfactory manner and there is room for curbs. The curbs will be near the trees and if sidewalks were to be installed they could be placed inside the trees which is a customary procedure in a good portion of the city.

He asked that the Council permit Griswold to remain at its present width and retain the trees. The majority of the people are now at the point where it is not a question of drainage and curbs, but a question of trees. The trend will be to say "no" to everything when in reality the two things are not related. Mr. Ulrich explained that he was not opposed to drainage but he was portesting only the tree removal.

Mayor Hammond stated that the Council appreciated the concern of the citizens in this area. Most everyone in the city is anxious that Modesto keeps its status as a "city of trees". These fine old trees on Griswold are something that cannot be replaced in just a few years.

Mr. Masonheimer pointed out that it had always been the city's policy not to remove any trees which could be saved and everything possible will be done to save the trees which have taken so long to grow and which will take so long to replace. The staff would like an opportunity to work with the citizens in this area on the various alternatives which will be available to see what can be worked out. The fact, however, must be faced that the city will lose some trees if this drainage district is approved.

Mr. Ulrich stated that the particular concern in the minds of many of the property owners is the deadline date established by the Council for construction of curbs and gutter under private contract. He said that concern was felt by many owners of the fact that the hearing had been scheduled so soon, on September 23.

8-26-59 Page 9

Mr. Masonheimer pointed out that the hearing date on the district had not yet been set. The city was proceeding slowly to permit the people in the area to voice their opinions. The city has had to set a final date for private work in the area so that all uncompleted work can be included in the engineering plans, because when the public hearing is held specific plans and specifications must be filed. They can only be modified after a lengthy re-hearing process. It is possible that the Council might wish to extend the time for the construction of curb and gutter after permits have been taken out.

In order to clear some confusion among the property owners, Mayor Hammond explained the reasons for the establishment of the cut off date for private work, in order to give the city staff sufficient time to complete plans and specifications for the work to be done.

Councilman Spaulding stated the city must "slow down on this" because too many people have misinformation on the district. Every assurance should be given to the people in this area that whatever time is necessary will be taken, even if it is another year, to get the correct information out to everyone. They must have all the information before they decide to protest out the district which they really want and need. If they have the facts they will see that the district will improve their property to a great extent.

Mr. Ulrich considered that there was no room for honest objection on the district itself, but the question of the trees and width of Griswold Avenue was the prime problem. If this street is to be improved to the established width of 40' the majority of the trees will be removed. There will be no skipping or going around trees, because they will be removed. This removal will materially diminish the value of the property. The whole issue will be resolved on one item--the width of the street. If it is the decision to have the street 40 feet, the property owner's answer on the district will be negative. The present plans for this street calls for the curb to go down through the middle of the trees.

Councilman Spaulding stated the Council should give the people assurance that everything possible will be done---there is nothing sacred about a forty foot street. A street can be made any width by the Council and there may be times when some exceptions should be made. The people obviously do not want a 40 foot street.

Mayor Hammond invited the people in this area to be present at the next Council meeting when the plans and specifications could be available, listing the trees to be removed.

MOTION

That an informal hearing be held at 5:15 P.M., September 2, 1959, and the staff be prepared to indicate the locations where removal of trees are proposed and have available alternatives for Council consideration if it decided the trees should remain.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

Mayor Hammond pointed out to Dr. Pyne:

- 1- That the September 11 date was not an ultimatum from the Council.

- 2- That the Council is merely the agency through which an improvement district is processed, and this proposal is not a cut and dried affair as indicated in his letter.
- 3- The people in the area will decide whether the work will be done after a formal public hearing that has not yet been set.
- 4- That the Council was not "forcing the issue" but it was a matter of orderly progress to furnish the people an opportunity to express themselves as to what they wish in the area.

Dr. Pyne considered that the people should have been told that the trees would have to be removed as this was the most important factor to them.

Mr. Ulrich stated he was sympathetic to the trees and the neighbors and the prices paid for the property. He approved of the motion which would give the owners a chance to consider alternate plans and he was certain that they would go along with the will of the best service for the majority of the people. He stated that he did not care whether gas tax funds would be available for street improvement, or if the street became a through street. The traffic was fast enough already, he stated.

Mr. Masonheimer asked for Council clearance on a question. A property owner, representing 11 owners, had indicated their intention to put in curb and gutter although the plans call for removal of trees. They wanted to do the work by private contract, but did not wish to proceed unless they could be certain the district would be approved. There should be some way of assuring these people that the time for them to construct curb and gutter will be extended to permit them to get the work done if it has been finally determined that the district will proceed.

Mayor Hammond directed the staff to present some proposals at the informal hearing next week as to how this could be handled.

COMMUNICATION FROM FEDERAL AVIATION AGENCY

With the unanimous consent of the Council, permit was granted to the Acting City Manager to present for Council consideration a letter from C. G. Hand, District Airport Engineer, Federal Aviation Agency, advising that the deadline for filing application for federal aid for 1960-61 airport projects has been extended to November 30, 1959.

ADJOURNMENT

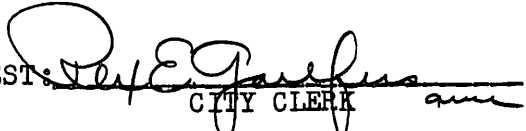
MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting was adjourned at 9:20 P.M.

ATTEST:


CITY CLERK

8-26-59 Page 11

Modesto City Council
September 2, 1959

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.

The City Clerk called the roll and there were

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

Councilman VanderWall arrived at 4:20 P.M.

Absent: Councilmen: None

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

S. L. Turner gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of August 19, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM WILLIAM FALGER RE: CURB CUTS AT 1020 MAGNOLIA AVENUE 1-17

City Manager Ross Miller reported that the matter on two curb cuts at the home of William Falger, 1020 Magnolia Avenue, had been cleared administratively.

LETTER FROM YOSEMITE-MODESTO EXCHANGE CLUB RE: USE OF DEL WEBB FIELD ON SEPTEMBER 27 1-20

The Yosemite-Modesto Exchange Club requested permission to use Del Webb Field on September 27 to hold a "Dawg Daze" project. The income from the activity would be used in the furtherance of community and youth projects.

The City Manager reported that the field would not be in use by the Modesto Reds but a further check will be made. He recommended approval to use the field under the usual provisions for the use of city facilities previously approved by the Council.

RESOLUTION NO. 59-366

A RESOLUTION GRANTING A PERMIT TO THE EXCHANGE CLUB OF YOSEMITE-MODESTO TO USE THE DEL WEBB FIELD ON SUNDAY, SEPTEMBER 27, 1959 TO HOLD A "DAWG DAZE" PROJECT.

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

ACCEPT BID OF EDWARD A. TOMLINSON FOR CONSTRUCTION OF COMFORT STATION AT DRYDEN MUNICIPAL GOLF COURSE 1-40

Tabulation of bids received was considered by the Council. The City Manager recommended acceptance of the low bid submitted by Edward A. Tomlinson.

Page 1 9-2-59

RESOLUTION NO. 59-367

A RESOLUTION ACCEPTING THE BID OF EDWARD A. TOMLINSON IN THE SUM OF \$5,150 FOR THE CONSTRUCTION OF COMFORT STATION AT DRYDEN MUNICIPAL GOLF COURSE

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

FINAL ADOPTION OF ORDINANCES 1-50

ORDINANCE NO. 329-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CARVERWOOD ADDITION)"

introduced on August 19, 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, Mayor Hammond
 Noes: None Absent: VanderWall

ORDINANCE NO. 330-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PARADISE CENTER NO. 2)"

introduced on August 19, 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, Mayor Hammond
 Noes: None Absent: VanderWall

DISCUSSION ON COUNCIL PROCEDURE 1-65

Pursuant to Council direction the City Manager stated that the staff had submitted a report on "Council Agenda" (dated July 15) containing suggestions for procedures on the agenda and Council actions. City Attorney Allen Grimes read the report. Matters contained in this report were considered and cleared by the Council.

1. Correspondence: Formal reports from various state or federal agencies and letters of a general, not personal, nature should be left off the agenda and referred to the interested department. No dissent.

Personal correspondence directed to the Council should be presented to the Council. The City Clerk should duplicate the letters as soon as received and distribute copies to the City Manager, City Attorney, and any interested department head prior to the meeting so that a report and recommendation might be given to the Council either for action, or further study by the staff, time permitting. The Clerk will have the duty to advise the corresponding party when the matter

is to be considered by the Council. He shall also have the duty of advising the citizens of the action taken by the Council immediately after the meeting. No dissent.

2. Agenda: Each item on the agenda should have a brief explanatory statement or material about the matter included underneath it and action required by the Council. Material is to be furnished to the Clerk by the department head who asks that the item be placed on the agenda. Extra space could be left under each item so that the Clerk could type in the blank space the action taken by the Council the day after the meeting for distribution to department heads. This report could act as a work procedural order to the staff to follow up on the action. Copies of the form proposed were distributed by the City Clerk. No objections were offered to the suggestions and unanimous consent was given to leaving the space after each item on the agenda.

Delivery of agendas to Council members: The present practice of delivering the agenda by messenger on Friday evening should be continued.

Reports, Minutes, agendas, maps received from various Commissions: The question of whether the Council members wished to receive copies of minutes, agendas, reports, maps, etc. from all City boards and commissions was discussed. Councilmen Spaulding, Adams, VanderWall and Knoles indicated they wished to receive all types of information received by the City Clerk for distribution. All members indicated they wished to receive a complete file on any matters which were up for Council consideration prior to the meeting, irrespective of the fact that they might have previously been furnished this information.

3. "Planning Department Reports" item on agenda: The Council considered the question of whether it wished to consider under the agenda item "Reports from the Planning Department" matters which had been referred to the Council by the Planning Commission at its Tuesday meeting before the staff had had sufficient time to prepare the necessary documents, reports and recommendations.

MOTION

That items from the Planning Commission meeting of the previous day, (Tuesday) not be brought up at the Council meeting and if there are any matters which must be cleared that they be brought up with the unanimous consent of the Council.

Moved by Spaulding Seconded by Martin Unanimously carried.

Councilman Adams suggested that if there were some matters coming up which would give the Council a week's notice it would be advantageous for the staff to report on it as a special item.

4. Ordinances: The matter of whether the Council was willing to continue the past procedure of acting on ordinances without having received a copy was discussed. The City Manager suggested that the City Attorney might summarize the matters on the agenda which the ordinance is to accomplish for Council information. The City

Attorney pointed out that the City's charter did not require a full reading of the ordinances and resolutions at their introduction or final adoption. This permits the saving of considerable time at the meeting. One method could be to send a reproduction of the ordinances in advance of the meeting. This has not been done in the past except at the discretion of the City Attorney on ordinances of considerable import. He stated that it is the Council's responsibility to ascertain that they are drafted in accordance with its desires.

The City Manager stated that in the past routine ordinances have not been sent out, but where the precise wording of an ordinance was important, the Council has received copies for reading.

The Council indicated its desire to continue with the present system with ordinances being sent out in advance from the City Attorney's office when he feels that it is appropriate.

The City Manager stated that the Council would know which ordinances and resolutions are proposed in each case and if any of them wished to see them or read them prior to the meeting, a call to the City Hall would make them available.

The City Attorney brought up the question: Do you want the staff to propose/and draft legislation in new fields without first having approval of the Council of its desire to consider this legislation?

The Council indicated that this matter was in the realm of both the City Manager and City Attorney, exercising good judgment as to what the matters are. The Council considered that this procedure had worked out satisfactorily in the past years and should be continued.

5. Council Book: The Council indicated it did not wish the City Clerk to prepare a Council Book for each member containing rules and regulations, members of the various commissions, Council policies and other pertinent matters.

The City Manager stated that if some of the members wished information on special items, the staff would work with them.

6. Matters for the good of the community item on the agenda: Under the present procedural rules governing Council procedure, only members of the public are entitled to bring up items under this agenda item. Individual Council members may bring up items under this topic provided unanimous consent of the Council is obtained. They also have the right to request the City Clerk to place an item on the agenda by calling him or the City Manager prior to the time the agenda closes at 2:00 P.M. on Friday. The staff is also under the "unanimous consent" procedure rule. This item is basically for the public to have the opportunity to bring any items to the Council's attention.

Electric voting system for Council Chamber in new City Hall: The City Manager reported that while visiting a Council meeting in Newport Beach he had an opportunity to observe an electric voting system set up in the Council Chamber for the use of the members to register their votes on resolutions, motions and ordinances. The

saving of time in calling the roll on each action is considerable and the installation cost nominal. The City Manager was asked to furnish a report on the estimated cost to install a similar electric voting system in the Council Chamber of the new City Hall.

INSTALLATION OF STEAM LOCOMOTIVE PROJECT IN THE CHILDREN'S PARK IN BEARD BROOK PARK 4-30

S. R. Hafely, president of the Modesto Children's Park Corporation, reported receipt of an offer from the Atchison, Topeka and Santa Fe Railroad Company, through Tom K. Beard, of an engine to the City of Modesto to be installed in the Children's Park at Beard Brook Park. Sufficient ties and rails would also be furnished in order to install the engine in the park for permanent exhibition. The Company should be notified as soon as possible if the City will accept its offer.

The City Manager reported that the basic questions to be cleared before the offer can be accepted are: (1) whether the big type locomotive offered was properly an item for the Children's playground; (2) how it would be moved into the park; (3) if it cannot be placed in this park, whether it should be placed in another location. There might also be an alternative of securing a smaller engine.

The staff was directed to check further on the matter and report at the next Council meeting (September 10).

HEARING ON APPEAL OF RAY GADA TO THE DECISION OF THE PLANNING COMMISSION 4-62

Mayor Hammond announced that the hour of 4:45 P.M. had arrived, the time set by the Council to hear the appeal of Ray Gada to the decision of the Modesto City Planning Commission denying his request for the reclassification from R-1 single-family residential to C-2 General Commercial property located on the north side of Coolidge Avenue adjacent to McHenry Avenue.

Certification from the City Clerk was noted that the notice of the hearing had been published in the City's official newspaper in the manner prescribed by law; that notices had been delivered to property owners involved and the property had been posted with notices of the hearing.

Resolution No. 534 adopted by the Planning Commission on July 21 denying the request for an amendment to Section 20 of the zoning map to reclassify the property as requested was noted.

Ray Gada presented a sketch of the area involved and outlined his reasons for requesting the rezoning:

1. He had been compelled to purchase additional property in the rear of his McHenry Avenue store due to the widening of McHenry Avenue;
2. It had been necessary to buy an entire parcel of land, 100 feet fronting on Coolidge Avenue, at a cost of approximately \$15,000. Sixty feet of this parcel of land is presently zoned commercial and 40 feet R-1, residential.

3. The property on the opposite side of Coolidge Avenue, owned by the Modesto Building and Loan Company, was recently rezoned commercial by the Planning Commission.
4. The proposed storm drainage district for this area would reduce Coolidge Avenue so that parking might be restricted due to the narrowness of the street.
5. If only 25 feet of additional land could have been purchased, parking would be the only matter in question. The fact that the whole parcel had to be purchased makes it imperative that a new building be built facing on Coolidge and the center area between the two buildings be used for parking for both buildings.
6. A building could be built on the presently zoned commercial property but the parking would not be as convenient.

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

The hearing was declared closed.

Council Discussion:

Zoning and uses permitted in the immediate vicinity of the Gada property was explained by Director Smeath. He reported that the Commission's primary objections to rezoning the 40-foot area to C-2 were:

1. Rezoning of the property would not necessarily provide additional parking or access to the existing business property;
2. Necessary parking can be provided by the granting of a conditional use permit by the Board of Zoning Adjustment; and
3. Rezoning would permit the facing of a new commercial business on the residential street frontage of Coolidge Avenue, thus encouraging commercial traffic in conflict with residential uses and traffic.

The Commission considered that since the building of the commercial building on the rear 40 feet would open up new business frontages on the residential streets, with commercial trucks and all other kinds of traffic created by a business; that this area is all zoned to its reasonable depth and was purchased by Mr. Gada with the knowledge that it was not zoned for commercial use, that the proper action was to deny the request for rezoning. A house could be built on the 40 feet, Mr. Smeath pointed out. In the McHenry Avenue study it was recommended that Coolidge Avenue be closed.

RESOLUTION NO. 59-368

A RESOLUTION AFFIRMING THE DECISION OF THE MODESTO CITY PLANNING COMMISSION IN DENYING THE REQUEST OF RAY GADA AS EXPRESSED IN RESOLUTION NO. 534

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

HEARING ON REZONING SMITH PROPERTY ON TULLY ROAD 6-80

Mayor Hammond declared the hearing open on the proposed amendment to Section 18 of the Zoning Map requested by Richard C. Smith to reclassify from Single Family Zone, R-1 to Multiple-Family Zone, R-3, property located on Tully Road and Ronald Avenue.

The City Clerk certified that the notice of the hearing was published in the City's official newspaper as required by law, notices delivered to property owners and the property was posted with notices.

Resolution No. 541 adopted by the Planning Commission on August 4 recommending the requested rezoning was noted.

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

The hearing was declared closed by Mayor Hammond.

ORDINANCE NO. 332-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SMITH PROPERTY)

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

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

CONTINUED HEARING ON ZONING OF MODESTO INDUSTRIAL PARK 6-80

Mayor Hammond opened the hearing which had been postponed by the Council on August 19 for further discussion on the zoning of the Modesto Industrial Park at 5:00 P.M. to give Robert Moore an opportunity to appear before the Council to outline his reasons for opposing the M-P zoning of his property bordering the east side of Crows Landing Road, and requesting C-1 zoning.

Planning Director Smeath reviewed the background on the interim zoning and the proposed zoning of the area which provided for C-1 commercial on the Marshall property and M-P Industrial Park for the Moore property along with the balance of the Tidewater Southern Railway property. He pointed out that Mr. Moore's property was zoned C-2 by the

county before annexation by the City. Only a strip of his land was annexed and the major portion is still in the county and zoned C-2.

The City Clerk read two letters protesting the proposed zoning:

James L. Rogers and Dorothy L. Stephens,
1647 Crows Landing Road

Manford Marshall, 1606 Crows Landing Road

Mr. Robert Moore filed copies of various documents with the Council members substantiating his protests. He listed names of various commercial operators on Crows Landing Road who opposed the M-p Zoning on the basis that industrial plants would lower the value of their properties and prevent the sound growth of compatible commercial enterprises in an expanding commercial area.

He contended that the Planning Department's report on the acreage zoned for commercial use was incorrect and instead of 69 acres there are only 43.56 acres. The State has purchased rights of way which will reduce this acreage. No offers have been received from anyone to purchase his property for industrial purposes since 1952.

Mr. Smeath summarized the Planning Commission's findings on which it based its decision to zone the property as proposed. He pointed out that the Planning Department had figured the areas of zoning on the basis of the measurements given in zoning maps and did not attempt to work out the area on exact footage. He reviewed a recent report on the area located within one and one-half mile of Mr. Moore's property which indicated the acreage for commercial, industrial and A-1 zoning, all of which permits commercial operations.

There is now zoned in front footage of commercial property 42,650 linear feet or 8 full miles of street frontage or 291 acres. There is zoned in industrial, which permits commercial in the same area, 17,200 linear feet of street frontage, 3.16 miles and 231 acres. There is zoned in the A-1 zone, which also permits commercial uses, 14,650 linear feet or 2.7 miles or 185 acres, so there is, in the immediate neighborhood of Mr. Moore's property, 707 acres. This is several times the entire commercial area of down-town Modesto.

The reasons for the Commission's decision were:

1. The Commission has understood that it is a basic policy, at this point, strip and string zoning along the major streets should be discouraged;
2. That commercial zoning could most effectively be done in clusters and groupings. The general plan proposal which was adopted by the Council and the Commission provides for a policy statement to this effect;

There is far more commercial zoning than can possibly be used anytime in the future and this is not similar to industrial zoning. Industrial land takes a long time to develop and zoning of industrial and agricultural land must be for a long holding period, but commercial zoning permits spot areas, with vacancies in between.

3. M-P Zoning can be used for all the commercial purposes provided in C-2 zone. The county C-2 zoning permits industrial uses heavier and with no restriction of any kind on these industrial uses that are permitted in the city M-P zoning. So the proposed M-P zoning in the city is more restrictive and more nearly in harmony with commercial zoning than the C-2 zone which was in effect in the county. In the M-P zone there are provisions to the side yard lots and a front yard of 25 feet, with a minimum landscaping area of 10 feet, no storage of materials outside of a fenced area and limitation on signs to be used for uses of the property.

Mr. Moore stated his chief objections to M-P zoning was the setback requirements and limitation in signs. He considered that during his normal lifetime the Modesto Industrial Park would not be developed for industrial uses. There are over 600 acres zoned industrial in this immediate area and only 10 acres being used. This condition has continued over a period of seven years and there is no evidence it will be changed in the near future.

The City Manager pointed out that it had been a legal necessity for the city to annex a portion of Mr. Moore's property to conform with the State annexation laws in order to annex the industrial area being developed by the Tidewater Southern Railway. The minimum amount of Mr. Moore's land was taken so that the city could fulfill its obligation and contract with the Railway Company regarding the development of the industrial area. The only basis upon which the Tidewater Southern Railway Company came into this area was that the city committed itself to assist in making this a major industrial area by zoning the area for industrial purposes. This industrial park development idea, which was approved by the Company, permits industrial development and also permits commercial development with some restrictions which will make it more attractive and fits in better with whatever development there might be. This city has spent a lot of money and made some strong long term commitments to this area. The purpose of the M-P zone is to accommodate good usage and still preserve this general character.

Mr. Moore stated that the reasons the industrial area would be slow in development were (1) high freight rates; (2) tax rates, the taxes on the CVC plant are higher than plants in the East Modesto Industrial area or the Railway Company's tract in the City of Turlock and in the county (3) higher electrical rates which graduate down in the M.I.D. to six-tenths of a cent, in the T.I.D. to only one cent per kilowatt hour, which amounts to 60% more cost in the lowest bracket in the T.I.D. in which this area is located.

Mayor Hammond considered that the recommendation of the Planning Commission on permanent zoning to match the interim zoning previously established should be overruled and the matter be referred back to the Commission for a further report, for the reason that the annexation was an encroachment on Mr. Moore's property and he should be entitled to the same zoning as he had before his property was annexed.

RESOLUTION NO. 59-369

A RESOLUTION OVERRULING THE RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION THAT THE ZONING AS APPROVED ON AN INTERIM BASIS FOR THE MODESTO INDUSTRIAL PARK ADDITION BE FORMALLY ESTABLISHED AND REFERRING IT BACK TO THE COMMISSION FOR FURTHER STUDY AND REPORT

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

CONTINUATION OF DISCUSSION OF TREE PROBLEM IN IMPROVEMENT DISTRICT
NO. 8 9-35

Mayor Hammond opened the meeting for further discussion of the tree problem in Improvement District No. 8. He stated that there were two separate problems: (1) trees, and (2) their relation to the drainage district. He asked that the first discussion be confined to "trees".

A petition filed by Carl Ulrich, with signatures of 74 persons owning property in the proposed district, was noted, protesting the removal of any or all trees on Griswold Avenue and the widening of this street to forty feet, which would place the curb line at a position requiring the removal of these trees. Mr. Ulrich asked the Council to take whatever action it deemed necessary to guarantee the owners on Griswold Avenue that the present trees will not be removed for any future street improvement.

The City Manager stated that the tree problem would be given every possible consideration. The City should proceed on the basis that while storm drainage is important, if there is any way that it can be provided and not disrupt the beautiful permanent trees, this should be done. There are some engineering problems involved and the staff would welcome the opportunity to work this out with the property owners line by line and tree by tree, if necessary to determine how the major purpose can be accomplished and still not hurt or destroy the trees which the property owners wished to save.

The basic problem is the city is trying to fit a number of facilities in an area, Griswold Avenue, which was originally not designed for this kind of improvement. There are already four or five utilities in this street, sewer, water, gas, electric street light facilities. Every tree has been plotted on an engineering basis, block by block. These charts are available for inspection. In some of the blocks no problems exist and some curbs are already installed. It is entirely possible the major purpose, storm drainage, can be accomplished with a minimum of disruption on Griswold Avenue. The staff will confer with each property owner who wishes to call at the City Hall and work out his specific problems where maps, charts and plans are available. The City's purpose is not to destroy trees but to accomplish what is needed and yet preserve the trees which should be preserved.

Mayor Hammond stated that although the Council is anxious to see this program go forward, it also wishes it to proceed with the minimum disturbance to the trees. There may be a few trees which might create a problem from the drainage installation standpoint which will

have to be removed, but as a whole, the Council would like to offer the citizens the assurance that these trees will be left wherever it is possible. Before any trees are removed, the alternatives will be discussed with the property owners concerned. At this point it is difficult to arrive at a hard and fast rule as regards to every single tree.

Mr. Ulrich stated that if the present plans for the district were made final that 99% of the trees on Griswold would have to be removed. A mere expression of sympathy and intent to try and leave the trees is not going to be engineeringly possible unless there is some assurance that the street will not be a 40-foot street.

The City Manager pointed out that there were no final plans on this district. There are several alternatives: (1) not to do the storm drainage work at all; (2) proceed on the basis there will be drainage and save the trees; (3) leave out the curbs where people have tree problems or do not want curbs. The plans were drawn for Griswold with the curbs at 40 feet. Any type of plans can be drawn for Griswold with the direction of the Council, making this street any width. He urged the people to clear out any problems with the staff individually. Those plans which could not be resolved by the staff and citizens can be presented to the Council for final action.

Mayor Hammond considered that it would be unwise for the Council to adopt any legislation which would reduce the width of Griswold at this time because the State law provides that gas tax funds cannot be used on any street less than 40 feet. In years to come it is quite possible that the residents of this community will need a 40-foot street. Even if the street was reduced to 36 feet, some of the trees will have to be removed. It would be better to eliminate curbs and gutters in these areas and "let time and people in the area decide later on curb and gutter". If this street had to be widened later on, it would be costly for the citizens.

The City Manager recommended that the Council defer the dead line dates of September 11 and September 23 established for issuance of permits and consideration of the plans. The time desired by the property owners can be taken and when questions are cleared the Council can then consider the whole matter.

Mr. Ulrich approved of this suggestion. He also asked that additional information be given on the drainage system and the cost per square foot to the owner. Prices varying from four cents per square foot to twenty-eight cents are "floating around". This should be cleared. He considered that it was not necessary to use gas tax funds to improve Griswold Avenue and the street should be narrowed and the funds used on some other street.

Mayor Hammond pointed out that one of the responsibilities of the City's elected officials, the Council, was to look far enough in the future to take action at the present time to assist in the reduction of the tax rate. The lack of planning which happens in communities create a big tax burden. If the Council is doing its job, it must look ahead farther than just today. (11-1) Until the tree problem is resolved satisfactorily, any further proceedings on the District can be held in abeyance. The Mayor stated that there had been no drainage districts in the city since 1922. Sometime the community must take some

action to provide that drainage. The Council recognizes that the tree problem is a major concern and every member is endeavoring to assist the people to get the much needed drainage at the minimum possible disturbance to the trees. There are minor inconveniences whenever any changes are made. He pointed out that the District could not proceed unless over 50% of the property owners permitted it.

The City Manager recommended that the Council adopt a motion removing the dates previously established, assuring the people they will be kept fully informed and no formal action be taken on the district until each owner has a chance to check out his own personal problems and matters to be cleared by the Council are presented for its consideration.

MOTION

That the staff is directed to remove no trees in connection with this improvement district for drainage and not to finalize the plans for the drainage district until the tree problem is resolved and rescinding the previous action establishing cut-off dates for permits and construction for curb and gutter.

Moved by Spaulding Seconded by VanderWall Unanimously carried

The City Attorney pointed out that improvement district proceedings get their impetus from the property owners. The Council only furnishes as the machinery to accomplish the improvements. In order to get underway, plans and specifications must be prepared, and in order to do this, the staff must know what to prepare for, then the matter comes up of adopting a resolution of intention to proceed with the work. This resolution of intention to do the work provides that a public hearing be set before the Council, at which time all the public can attend. Notices are required to be mailed to all property owners on the last equalized assessment roll within the proposed district. Notices are also posted at certain distances along and within the boundaries of the district proposed to be improved. Any property owner has the legal right to file a written protest with the City Clerk prior to the hearing against the doing of the work. If a majority protest is filed the proceedings are terminated automatically. This is the legal protection which exists with respect to the property owners. This does not include tenants or others. It is a property owner protest, because the cost of the improvement, under improvement district proceedings, is assessed against the properties benefited by the improvement. If a person can prove that his property is not benefited, in the sense of the law, by the improvement it is not necessary to pay. After the passage of the resolution of intention and the hearing is held and there is no majority protest, the Council is required to call for public bids for the construction of the work. The Council must consider the lowest responsible bid, and award the contract for the doing of the work to the lowest responsible bidder. After the work is accomplished the law requires another public hearing on the amount of the assessments that are proposed against each parcel of property. Each owner has the right to come before the Council at their hearing and to protest the manner in which the assessment against his property was computed. After the work is completed the property owner has a certain period of time, 30 days, within which he may pay the assessment in cash. If he does not pay it in cash then it goes to an improvement bond under which the normal term would be approximately 15 years. It is carried on the tax roll but he

must pay the amortization costs, which is approximately 6% on the bond. If the owners put in their own curbs and gutters they would not have to pay again for somebody else's curbs and gutters.

At a request from Councilman Spaulding to clear the misinformation that the owners would be required to pay for the trunk sewer being constructed now on McHenry Avenue, the City Manager pointed out that the only reason this drainage district was possible was on the basis the city worked out with the State and property owners on McHenry Avenue, a joint agreement under which the project was being constructed. This trunk sewer is designed to serve the entire area, as well as other areas, without any cost to anybody in these areas or to the people on McHenry Avenue, except that they dedicate the land for the street. This project was proposed and is proceeding on the basis that they would dedicate the land, the city would design the storm drain and pay all the costs of damages to property and it would be built with State money only. The storm drain will then be turned over by the State to the City for maintenance and operation and it will be a city storm drain. Those persons on McHenry Avenue who refused to voluntarily dedicate their land are to be charged their share for the storm drainage on McHenry Avenue.

Mr. Ulrich suggested that the staff send a letter to each one of the property owners in the district giving some of the basic facts as to what the approximate cost per square foot would be to each property owner, and if anyone is expected to remove his trees, or anything which is important to any individual property owner. One of the problems which has developed is that many of the owners have contacted various parties for information and have not all received the same information from which to "springboard". (12-55) Most of the owners wish to know the approximate cost of the storm drainage before they install curbs and gutters by private contract. Many of them are concerned on this point alone. If all of these facts are summarized in a letter to each owner, the City's progress can be speeded up also.

Don Davis, 517 W. Fairmont, asked if the Engineering Department could make its cost estimates on the storm drainage alone. The curb and gutter could be put in by private contract and eliminated from the estimated cost.

The City Attorney stated that the estimated cost could be given but in order to go forward with the district, it will be necessary to know how many curbs and gutters have to be installed because if the district proceeds without plans and specifications for the curbs and gutters, the City has lost control of their being put in, at the property owners' expense. Therefore, in order to make the drainage district work and comply with the legal proceedings, it is necessary to know how many curbs and gutters will be installed by the property owners and then after a cut-off date to be fixed, how many will be put in under the district. There would be no legal objection to giving the owners a breakdown on the estimated costs separating the curbs and gutters and the storm drainage.

Mr. Ray pointed out that prior to the public hearing an estimated cost is sent out both on the curbs and gutters and the storm drainage, and they could be broken down at this time.

The City Manager pointed out that the problem raised by some of the owners is that they do not want to install curbs and gutters by

private contract unless they are certain the district will proceed, because problems are created by putting in a short stretch of curb. A method by which people do not have to install the curbs and gutters until they are assured the district will proceed should be worked out.

Mrs. Ray Ferrucci, 424 Smith Avenue, stated that she did not have any drainage problem, but with the putting in of curbs and gutters, there may be a drainage problem.

The City Manager stated there would be drainage problems if isolated sections of curbs and gutters are installed. This is one of the problems to be cleared.

Mr. Ray pointed out the letters sent out established the date of September 11 for obtaining permits but it also provided a 30-day period after that date for construction. It was hoped that the hearing on the storm drainage district would be held within that period so that the owners would know if the district was to proceed or not.

Archie Dixon, 721 Enslin Avenue, asked if every property owner within the district would be required to put in curb and gutter, Tidewater Southern Railway Co. on its rights of way and the schools around the Enslin School property.

Mr. Ray stated there was none proposed on the railroad side of Virginia Avenue.

Mr. Dixon stated that he had been informed that on the south side of Roseburg Avenue, east of Virginia, there were a number of properties where there will be no curb and gutter required.

Mayor Hammond assured that all of these questions would be cleared before the district proceeded.

Mrs. Harold Nobbe, 1004 Hackberry Avenue, asked if those persons who did not have a tree problem could be required to install curb and gutter if they did not want them.

The City Manager pointed out that drainage, unless there is some compelling reason, such as trees, required curbs and gutters. You cannot get adequate drainage without curbs and gutters, as they are a part of a drainage system designed to carry the water to inlets into the system and to be carried away. There will not be complete drainage on any street where there are no curbs and gutters. He suggested that a summary of the legal steps in an improvement district, as previously outlined by the City Attorney, be prepared for distribution to the property owners.

Don Davis asked why the property owners, as a group, had to protest, and if it could not be put to a vote as in a regular election. The City Attorney stated that the state laws under which a district operated, required a written protest prior to the time set for the public hearing. There is no alternative if the cost of the project is to be spread throughout the area to proceed in accordance with the statutory provisions contained in the laws of the State of California.

I. C. Wilcox, owner of property on Griswold Avenue, pointed out the serious need for drainage in the area. If the work was done

it would benefit the entire area, although some might not actually need the storm drains in front of their own homes. The protest is not on the drainage but the removal of the trees.

Don Bodes, 713 Griswold Avenue, pointed out that some of the trees are blighted and would have to be removed shortly. There is more to this problem than just saving the trees, such as traffic. If a 30-foot or 35-foot street is developed on Griswold, will the parking be eliminated on one side of the street in future years, and if so, a barrier should be installed at Virginia so that all the through traffic will not go down on the beautiful street of trees which will remain. There is a lot more involved than just saving the trees. Some of these things can be resolved with the staff. He stated that his property was located in an area where there was a severe problem every time it rained and his children had to remove their shoes to get into his house.

Mayor Hammond declared a five-minute recess at 7:30 P.M. The meeting was reconvened by Mayor Hammond at 7:35 P.M.

FORMER MAYOR HARRY MARKS SUGGESTS THE NAME OF THE MODESTO CITY-COUNTY AIRPORT BE CHANGED TO SHAM FIELD IN HONOR OF AIRPORT MANAGER, HARRY SHAM 15-07

Harry Marks, former Mayor of the City of Modesto, proposed that the Council consider honoring Harry Sham, Airport Manager, by changing the name of the Modesto City-County Airport to "Sham Field". He stated that there was no man in private aviation in the State of California more highly regarded than Mr. Sham.

MOTION

That Mayor Hammond and Harry Marks appear before the Board of Supervisors at its next meeting to determine if it would have an interest to join with the City in changing the name of the Modesto City-County Airport to "Sham Field" and the City Clerk is directed to make the necessary arrangements for this appearance before the Board.

Moved by Spaulding Seconded by VanderWall Unanimously carried

GRANT PERMIT TO MODESTO FOOTBALL FOR BOYS TO USE CITY PARK FACILITIES 15-86

A communication received from the Modesto Football For Boys, V. G. McHenry, Secretary, was read relating to the use of the City's park facilities for the holding of games and practice session.

V. G. McHenry spoke on behalf of the request and outlined the type of program to be carried on for youngsters between the ages of 11 to 15.

Director of Parks and Recreation, Lloyd Lowery, recommended that although the Department did not sponsor such activities, the organization be permitted to use both Enslin and Beard Brook Parks because of the lighting facilities for night practice. The cost of the lights is to be provided by the City. The City is to be designated as an additional assured in the Club's insurance policy. The schedule for games and practice sessions is to be cleared through the Parks and Recreation Department.

RESOLUTION NO. 59-370

A RESOLUTION GRANTING A PERMIT TO MODESTO FOOTBALL FOR BOYS TO USE ENSLEN AND BEARD BROOK PARKS

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

REMOVAL OF HOUSE ON COLLEGE AVENUE

The Director of Public Works reported that no bids had been received on August 31 for the removal of the City-owned house on College Avenue, which is to be removed to permit the extension of Northern Boulevard. He recommended that the staff be authorized to secure informal bids during the week and if unable to do so, be authorized to do the work with City forces, or drop the project for this year.

MOTION

That the staff be authorized to solicit informal bids to remove the house, and proceed with the work.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

INSTALLATION OF WATER MAINS IN HACIENDAS DEL OESTE SUBDIVISION TO BE DONE WITH CITY FORCES 16-35

The Director of Public Works reported that no bids had been received on August 31 for the installation of water mains in the Haciendas Del Oeste. The Engineer's estimate for doing the work by City forces is \$4,082.80.

The City Manager recommended that the work be done by City forces.

RESOLUTION NO. 59-371

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS IN HACIENDAS DEL OESTE SUBDIVISION

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

AWARD BID ON SANITARY SEWERS TO SERVE VARIOUS AREAS 16-42

Tabulation of bids received for the installation of sanitary sewers to serve Unit A - Norwegian Avenue; Unit B- Montgomery Village No. 3; Unit C - Yorkshire Manor Subdivision received on August 31 was considered by the Council.

RESOLUTION NO. 59-372

A RESOLUTION ACCEPTING THE BID OF GEORGE REED IN THE SUM OF \$28,606 FOR THE CONSTRUCTION OF SANITARY SEWER LINES

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

TRANSFER OF FUNDS FOR SEWER SERVICE EXTENSIONS 16-60

The City Manager recommended that \$50,000 be transferred from the Sewer Service Fund to the General Fund to cover costs for sewer extensions. Other projects which have previously been approved by the Council will be up for consideration in a short time and this appropriation will take care of a number of these installations.

RESOLUTION NO. 59-373

A RESOLUTION AUTHORIZING A TRANSFER IN THE AMOUNT OF \$50,000 FROM THE SEWER SERVICE FUND TO THE GENERAL FUND FOR SEWER SERVICE EXTENSIONS AND AUTHORIZING THE NECESSARY BUDGET ADJUSTMENTS

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

HOLD OVER MATTER OF GANT PROPERTIES INC. SEWER SERVICE AND ANNEXATION 16-61

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

CITY HALL MATTERS 16-63

No matters to be considered.

REPORTS FROM THE PLANNING COMMISSION 16-60

Director of Planning Smeath reported that the members of the City Planning Commission will meet with the members of the County Planning Commission September 15, time and place to be cleared later. The Commission has asked that the Council members attend this meeting to discuss and clear some difference of opinions between the two bodies. The City Clerk was directed to notify the members when final arrangements have been completed.

CANCEL LEASE BETWEEN CITY AND BILLIE MADGE ALTSTATT 16-81

The City Manager reported that Billie Madge Altstatt had requested the cancellation of her lease for the dwelling located at 428 Briggsmore Avenue. The 30-day notice provision in the lease would provide for the cancellation of the lease as of September 23. Unless the tenant secure a new renter, he recommended that they be required to pay rent to this date, as provided in the agreement.

RESOLUTION NO. 59-374

A RESOLUTION TERMINATING LEASE AGREEMENT BETWEEN THE CITY AND BILLIE MADGE ALTSTATT FOR LEASE OF PROPERTY LOCATED AT 428 BRIGGSMORE AVENUE IN THE CITY OF MODESTO

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

GRANT VARIANCE TO DOUGLAS EVEY 16-93

The Director of Public Works reported receipt of a request from Douglas Evey, 122 N. Santa Cruz Avenue, for a variance to permit the installation of two exit driveways, one 26' and one 16' in width in width to serve a donut drive-in. Although this exceeds 40% of the frontage of the lots to be served, as provided by Section 7-1.104(c) of the Municipal Code, he recommended that in view of the problems, the variance be approved as the building was constructed through error with the wrong construction plans which makes it necessary that Mr. Evey have a driveway in addition to his driveway just constructed.

RESOLUTION NO. 59-375

A RESOLUTION GRANTING A VARIANCE TO DOUGLAS EVEY TO PERMIT THE INSTALLATION OF EXIT DRIVEWAYS LOCATED AT 122 N. SANTA CRUZ AVENUE

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

CITY MANAGER GIVEN UNANIMOUS APPROVAL TO PRESENT MATTERS NOT ON THE AGENDA 16-110

Traffic Signals at 12th and J Streets

RESOLUTION NO. 59-376

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, FOR INSTALLATION OF FIXED-TIME TRAFFIC SIGNALS AT INTERSECTION OF 12th AND J STREETS

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

Report on College Site Meeting

Mayor Hammond reported on the recent meeting held in Sacramento regarding the selection of a site for the four-year college in Stanislaus County. This meeting was attended by representatives of the State Public Works Board, City and County officials, and Modesto Irrigation District officials. All but three sites were eliminated, leaving sites 6 and 7 in Modesto and one site in north Turlock to be considered at a later date. The state staff was asked to present precise figures for the Board to consider in making its final decision.

REPORT ON HOLIDAY PAY CASE 17-21

With the unanimous consent of the Council, the City Attorney reported that the District Court of Appeal had granted the city a re-hearing on the brief submitted on the recent decision on the Holiday Pay Case.

REQUEST OF MRS. EARL COIL FOR VARIANCE HELD OVER TO CONSIDER WITH IMPROVEMENT DISTRICT NO. 8 17-55

With the unanimous consent of the Council the request of Mrs. Earl Coil for a variance to permit two driveways at 422 Mensinger

was outlined by Director of Public Works Ray. Since the deadline dates for installation of curbs and gutters in Improvement District No. 8 have been removed, it was agreed that action on this request could be delayed to permit further clearance.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Unanimously carried

ATTEST: 
REX E. GALLFUS, CITY CLERK

September 10, 1959

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: Councilmen: Spaulding

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

Rev. W. B. Kramer gave the invocation.

APPROVAL OF MINUTES

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

LETTER FROM FRANK ANDREWS

A letter from Frank Andrews protesting the ad placed in the Modesto Bee by the Modesto Irrigation District was read and ordered filed. Mr. Andrews considered that the money spent for the ad should have been used to reduce the electrical rates.

PETITION REQUESTING INSTALLATION OF ADDITIONAL SIGNALS ON McHENRY AVENUE 1--45

A petition signed by 445 persons requesting that the State Division of Highways install fixed time traffic and control signals at the following locations:

Griswold and McHenry Avenue	Roseburg and McHenry
Granger and McHenry	Judith Lane and McHenry
Briggsmore and McHenry	Wright and McHenry

The widening of McHenry Avenue now in process, the expected increase in traffic flow on this main arterial will make it imperative in the interest of public safety that the signals be installed at this time while the widening work is going forward.

Director of Parking and Traffic Carmody reviewed the City's prior efforts in 1957 to secure traffic signals on McHenry Avenue at Roseburg, Granger, Orangeburg and Briggsmore Avenues. The Division of Highways considered that actuated signals should be installed at Orangeburg Avenue only, instead of an inter-connected set of fixed time signals at the other intersections. After the street is widened to four lanes there will still be need for these signals. A recent request for the installation of signals on these streets to the State Division of Highways did not meet with favor. Mr. Carmody stated that the complete records of traffic flow on these intersections was available. The total cost would be divided between the State, County and City

depending on the number of legs within the City limits. Installation of signals after the street work is completed would not be too much of a problem, he stated.

Councilman Arata stated that since Griswold Avenue did not cross McHenry Avenue traffic signals should not be installed.

Mayor Hammond considered that the petition should be forwarded to the State, the City should evidence its continued interest in the traffic signals on Roseburg, Granger and Briggsmore Avenues, and the State should be asked to provide the City with some traffic checks as soon as possible.

RESOLUTION NO. 59-378

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO RELATING TO TRAFFIC SIGNALS ON McHENRY AVENUE

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

HOLD-OVER AWARD OF BIDS FOR CONSTRUCTION OF WATER MAINS IN DOWNEY PARK, STRATHMORE NO. 1 SUBDIVISION AND ROSE AVENUE AREA 1-124

This matter was ordered held over for further clearance.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE CONSTRUCTION IN PARK MANOR SUBDIVISION 2-1

RESOLUTION NO. 59-379

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN PARK MANOR NO. 1 SUBDIVISION

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

The time set for opening of the bids was September 21, 1959
at 2:15 P.M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR EXTENSION OF SANITARY SEWER FACILITIES 2-04

RESOLUTION NO. 59-380

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR CONSTRUCTION OF EXTENSION OF SANITARY SEWER FACILITIES AT CARVER ROAD FROM PEARL STREET TO EVERGREEN ROAD AND A SEWAGE LIFT STATION FOR PARK MANOR SUBDIVISION

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

The time set for opening of the bids was September 21, 1959
at 2:00 P.M.

HOLD OVER CALL FOR BIDS FOR IMPROVEMENT OF TULLY ROAD FROM HIGHWAY 99 TO STODDARD AVENUE 2-07

The City Manager reported that this matter had not yet been cleared by the Public Utilities Commission.

FURTHER CONSIDERATION OF REQUEST FOR PERMISSION TO INSTALL A STEAM LOCOMOTIVE IN THE CHILDREN'S PARK 2-12

This matter was held over for further clearance with the Exchange Club, sponsor of the project.

APPROVE AGREEMENT WITH CIVIL AIR PATROL USE OF ROOM IN MODESTO COMMUNITY SERVICE CENTER 2-34

Terms of an agreement between the City and the Civil Air Patrol were outlined by the City Attorney authorizing Squadron No. 25 of the C.A.P. to occupy Room No. 207 Community Service Center for headquarters on a temporary basis pending the establishment of regular headquarters and subject to termination by either party on 30 days written notice.

RESOLUTION NO. 59-381

A RESOLUTION AUTHORIZING THE CIVIL AIR PATROL, SQUADRON NO. 25, TO OCCUPY SPACE IN THE COMMUNITY SERVICE CENTER FOR ITS HEADQUARTERS IN THE CITY OF MODESTO

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

SET DATE PUBLIC HEARING ON APPEAL FILED BY SAMUEL JACOBS 2-43

An appeal filed by Samuel Jacobs to the decision of the Modesto Board of Zoning Adjustment denying permission to extend parking into the R-3 Zone at 601 McHenry Avenue was acknowledged by the Council.

RESOLUTION NO. 59-382

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT FILED BY SAMUEL JACOBS FOR THE EXTENSION OF PARKING INTO THE R-3 ZONE AT 601 McHENRY AVENUE

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

The time set was 4:30 P.M. October 7, 1959.

City Hall Matters 2-47

No matters needed to be cleared.

APPROPRIATION TRANSFER 2-49

None.

CONSIDER PETITION RE: IMPROVEMENTS ON NORTH ORANGE BETWEEN BLOCK 469 AND 468 2-50

A petition signed by 20 property owners in Blocks 469 and 468 (North Orange Avenue, between Coldwell and Morris Avenues) was read, requesting that since more than 50% of the property in these blocks is improved with curbs and gutters that in order to have more efficient drainage and improved appearance, the Council take the necessary action to assure the improvement of the balance of these properties, as provided by State law.

Councilman Adams suggested that in subsequent agendas streets be named instead of listing block numbers or a map be furnished.

MOTION

That the petition be referred to the staff for study and report.

Moved by Arata Seconded by Knoles Unanimously carried

SET DATE FOR PUBLIC HEARING ON ANNEXATION OF ALLEN ADDITION 2-69

A recommendation from the Modesto City Planning Commission that the Allen Additon be annexed to the City of Modesto, was noted by the Council.

RESOLUTION NO. 59-383

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

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

The time set for the hearing was 8:00 P.M. October 28.

HOLD OVER MATTER VACATION OF INTEREST IN PROPERTY IN BLOCK 2264 2-82

This matter was ordered held over for further clearance by the staff, in line with the Council's previously expressed policy that Planning matters should not be presented even as a report until all matters are cleared.

REPORT ON PLANS FOR THE STARTING OF THE NEW DRYDEN PARK MUNICIPAL GOLF COURSE 2-110

The City Manager reported that the construction of the permanent comfort station facilities at the far end of the course was proceeding satisfactorily. The construction of a minimum type shelter with temporary toilet facilities is proposed for the starter station. It is proposed that the Course be under the supervision of the present professional, Andy Silva, possibly with some revised terms which had not yet been cleared, until the Clubhouse matter is cleared and the building available.

The present plans provide for the opening of the Course in the latter half of October if weather conditions permit. However, until the Course is actually ready for play, it will not be opened.

No objections were voiced by the Council to these plans.

GRANT PERMIT TO RED TOP TAXI TO OPERATE ONE ADDITIONAL TAXICAB 3-22

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set by the Council for the public hearing on the application of Lois Lane, operator of the Red Top Taxi-Co. for a certificate of public convenience and necessity to permit the operation of one additional taxicab.

Director of Parking and Traffic Douglas Carmody pointed out that since the filing of the application August 18, 1959, one change had been made -- a request for one additional taxi stand. Joe's Taxi has voluntarily given up its stand located adjacent to the Covell Hotel. The Red Top Taxi was permitted to temporarily use this stand so that service would be maintained.

He reviewed the Municipal Code provisions relating to the request and reported on the operations of the Company. He recommended that due to the conditions outlined in his report, previously distributed to the Council, the request for one additional cab and cab stand be approved. He reported that the other taxicab operators had been notified of the hearing. Yellow Cab Company has indicated it has no objections to the granting of a permit for one additional cab and cab stand, but Joe's Taxi Company objected.

Mayor Hammond declared the hearing closed.

RESOLUTION NO. 59-384

A RESOLUTION GRANTING THE REQUEST OF LOIS L. LANE, DOING BUSINESS AS RED TOP TAXI, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE ONE ADDITIONAL TAXICAB IN THE CITY OF MODESTO

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

The City Attorney pointed out that the Director of Parking and Traffic had been delegated authority by the Municipal Code to grant taxi stand locations.

DEFINE CONDITIONS AND LIMITS OF EXTRA TERRITORIAL POLICE ACTIVITIES OF MODESTO POLICE OFFICERS 3-62

The report prepared by the Chief of Police, dated September 8, 1959, on the subject: "Request for Council action on extra-territorial use of Modesto police officers" was read by the City Manager. He stated that the staff had been working with both the Fire and Police Departments to be certain that the conditions are cleared under which they act outside of their regular duties and regular areas, both for the protection of the City and the employee and for the protection of the public to the extent that this is feasible within these limits.

The report offered as a suggestion for Council approval that officers of the Modesto City Police Department be authorized and limited to:

- a. Take immediate, necessary action in cases involving danger to life and property which are actually observed by the officer occurring in areas immediately contiguous to the city limits, keeping in mind that such action is only a temporary measure until the regular police authority for the area can be contacted and relieve the Modesto officer from further responsibility.
- b. Respond to requests by the desk officer or other officers of higher rank of the Stanislaus County Sheriff's office and other police agencies in situations not amounting to an area emergency (such as searches for and assistance in apprehending criminals), when the requesting agency is temporarily unable to handle the situation adequately, to a distance not exceeding approximately five (5) miles from the city limits. (This does not affect the obligations of the City to furnish aid to other jurisdictions even at greater distances in situations amounting to an area emergency when requested through proper authority.)
- c. Respond to citizens' calls of an emergency nature where life and property are in immediate danger in areas contiguous to the City and not exceeding approximately one (1) mile. The responsibility of the Modesto police officer so responding will be merely to take emergency action and to stand by until a police officer having regular responsibility in the area arrives to relieve the Modesto officer.

The Council discussed the suggestions and the following points were made:

1. Item "C" might create a situation where outside citizens would call the Police Department although they knew the Sheriff's Office should be contacted. If they are to enjoy the benefits of the Police Department they should annex to the city..
2. Police Chief Bowers stated that the interpretation of the wording in item "C", "life and property are in immediate danger", would mean a burglary, assaulting, traffic accident or some major activity requiring immediate action.
3. If some of the outside calls were turned down on "judgment" it would be possible that the department might be placed in the position of neglecting its duty.
4. The City Fire Department does not respond to fires outside the City unless it is officially asked by the agency in charge, on the basis of actual or potential conflagration or disaster.
5. Calls which come into the department by citizens in the contiguous area who do not know where they should place their call for help and the referral service now available was discussed. The only direct connection to the Sheriff's office at present was a joint telephone system but a radio system was under consideration.
6. If item "C" was eliminated the person must contact the Sheriff's Office instead of the department. If the Sheriff's Office cannot

handle the call, the clerk can come back to the city under item "B" and request the city to take care of the emergency. The control is placed in the Sheriff's office instead of the department.

Answering a question raised by Councilman Adams on the frequency of calls, Police Chief Bowers stated the department was frequently called upon for help by the Sheriff's office in searches, apprehending of vehicles, locating missing persons, etc., in areas outside of the department's jurisdiction. This has been given as a matter of cooperation but there is an area of liability involved. The Sheriff's office assists the city when help is needed by the department. In order to clear all matters, the department felt that the Council should establish a policy "where the department will go and what it will do".

RESOLUTION NO. 59-385

A RESOLUTION ESTABLISHING COUNCIL POLICY ON EXTRA-TERRITORIAL USE OF MODESTO POLICE OFFICERS

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

GRANT CITY ATTORNEY PERMISSION TO ATTEND THE NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICER'S CONFERENCE IN PITTSBURG, PENNSYLVANIA 4-120

A letter from Ralph S. Locher, President of the National Institute of Municipal Law Officers, was read urging approval of the attendance of City Attorney Allen Grimes to its 24th Conference in Pittsburg, Pennsylvania.

MOTION

That the attendance of the City Attorney to this conference be approved.

Moved by Adams Seconded by VanderWall Unanimously carried

MATTERS BROUGHT UP WITH UNANIMOUS APPROVAL OF THE COUNCIL 5-07

With the unanimous approval of the Council, the City Manager brought up the following matters which had not been included in the agenda:

Approval of lease with Stanislaus County Retarded Children

RESOLUTION NO. 59-386

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS ASSOCIATION FOR RETARDED CHILDREN, INC. FOR RENTAL OF ROOM 102 IN THE MODESTO COMMUNITY SERVICE CENTER

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

Matters relating to Improvement District No. 8 (Storm Drainage in North Central area) 5-27

The City Manager reported that during the past week some of the property owners in the Improvement District No. 8 area had presented

certain problems to the staff, and Council guidance in these matters is needed.

A number of persons who have already secured permits to construct curbs and gutters and have no tree problems wish permission to continue with the installation which has already been let to a private contractor. There are some others where trees are involved, which are no problem to the owners or anyone else in the area, as far as they know, who wish to proceed with curbs and gutters. Carl Ulrich, speaker for the Griswold Avenue area, has been contacted.

The staff would like permission from the Council to proceed with the curbs and gutters at locations where there are no trees and where trees are no problem to the property owners involved.

The following points were brought out in the discussion by the Council.

1. That any property owner should be permitted to install his curb and gutter.
2. That the motion previously adopted by the Council would prevent this in the area until the tree problem was resolved.
3. The City Attorney interpreted the motion to mean that until the whole problem in the district was resolved that the removal of any trees within the District is held up, that the implications of any action by the Council at this time would be adverse.
4. The very fact that there were a large number of people at the last Council meeting opposing the removal of trees in the District, even those who do not live on Griswold, and the Council adopted a motion that no trees would be removed until the problem was resolved, the adoption of a motion at this time without having any of these people present would not be good public relations. Even if the property owner involved wanted to remove the tree in front of his property, there might be people in the area who would oppose this removal. The objections were based on trees, as a thing of beauty, and not individual trees in front of individual properties.
5. Without prior notice to the protestants any Council action would be looked upon as bad faith.
6. The Committee should be notified before any action is taken. The staff should meet with the committee about pulling out some of the undesirable trees and installing curb and gutter where people wish to do the work.
7. The trees really belong to the people of the City and not to individual property owners.
8. If the individual property owners wished to come before the Council and present their problems, such as removal of trees, permit to complete their curb and gutter installation so that they will not lose their favorable price given by the private contractor, it would be in order.

9. The staff should clear numerous details on individual problems before they are presented to the Council.

The City Manager reported that there were approximately 66 trees in the area which appeared to need clearing. A man could devote his full time on this and not clear more than 2 or 3 a day. This man should know what he is talking about and it would be necessary to take one of the City's top people off of engineering just to work on trees. There are some people in other areas who need drainage, asking why the drainage cannot be put in while the tree problem is being resolved.

MOTION

That the Council go on record that anybody who has a problem in the Improvement District No. 8 area make an application to the City so that the Council can discuss it.

Moved by Mayor Hammond

Seconded by Martin

Unanimously carried

Mayor Hammond pointed out that the people who appeared at the last Council meeting indicated they felt they had not been given adequate information on the district. The City should utilize every means to keep them as fully informed as possible, although it will be a tedious and lengthy process. The Council should recognize that these people need to be kept constantly informed and the only way it can be done, in line with the discussion on the tree problem, is where a problem exists it should be brought to the Council for discussion on an individual basis.

The City Manager stated that a preliminary report would be presented at the next Council meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata

Seconded by VanderWall

Unanimously carried

The meeting was adjourned at 8:50 P.M.

ATTEST


REX E. GAILFUS, CITY CLERK

Modesto City Council
September 16, 1959

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, Spaulding, VanderWall
and Mayor Hammond
Councilman Adams arrived at 4:02 P.M.

Absent: Councilmen: None

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

A few moments of silent prayer were observed.

LETTER FROM MRS. C. L. BROADWELL RE: WATER BILL AT 519 McHENRY AVENUE 1-13

Mrs. Broadwell requested the water meter placed on her combination business and residence located at 519 McHenry Avenue be removed and she be permitted to have the residential flat rate for water. She pointed out that there were no water facilities in that portion of her house used as a shop.

The City Attorney pointed out that it would not legally be possible to make an individual exception. Whenever there is a joint use of premises the Municipal Code provides that the whole system be on a meter. If the Council wishes to consider changes in the method of charging for water bills in general, particularly the method now established, it could be done.

By order of the chair the staff was directed to check the meter and determine if everything was in order from the standpoint of the city and to acknowledge receipt of the letter and advise Mrs. Broadwell that under the present regulations her request cannot be granted.

ACCEPT BID OF J. & M. CO. FOR TRUNK SEWER IN ROSE AVENUE 1-56

Bid tabulation for the trunk sewer in Rose Avenue was considered by the Council. Director of Public Works Ray reported that the low offer of \$73,586.08 submitted by Downer Corporation included a clerical error. The company has requested by letter that it be excused from its bid. This error has been checked by the staff and it has been determined that a natural clerical error took place which would effect the bid to the amount of \$17,607. Even with this figure this bid would have been the lowest bid but it is not possible to accept those conditions after bids have been opened and read. In view of this it is recommended that this bidder be allowed to withdraw its bid and that the award be made to the second low bidder, J. & M., Inc., in the sum of \$94,847.30.

The City Attorney pointed out that the Supreme Court of the State of California has ruled that a city cannot enforce a contract

Page 1 9-16-59

awarded on a bid which contains an honest mathematical error in computation and the bidder is entitled to recision if the contract has already been entered into when the error is discovered. He advised that the Council adopt a motion to grant the application for the withdrawal of the bid.

MOTION

That Downer Corporation be permitted to withdraw its bid.

Moved by Adams Seconded by VanderWall Unanimously carried

RESOLUTION NO. 59-388

A RESOLUTION ACCEPTING THE BID OF J. & M. COMPANY OF \$94,847.30 FOR THE CONSTRUCTION OF ROSE AVENUE TRUNK SEWER

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

APPROPRIATION TRANSFERS 1-90

The City Manager reported on "1959-60 budget for sewer projects" and "Analysis of sewer construction costs and available funds", a copy of which reports are filed with the records of these minutes.

Councilman Arata suggested that before any further commitments were made on sewers a study should be made.

RESOLUTION NO. 59-389

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$80,134.00 FROM SPECIAL CAPITAL OUTLAY RESERVE TO SEWER CONSTRUCTION

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

RESOLUTION NO. 59-390

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$14,330.00 FROM GENERAL RESERVE TO SANITARY SEWER EXTENSIONS

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None
AUTHORIZE WATER MAINS IN DOWNEY PARK INSTALLED WITH CITY FORCES 2-21

Director of Public Works Ray reported that two bids which had been received for the installation of water mains in Downey Park Subdivision, Strathmore No. 1 Subdivision and Rose Avenue had been held over from the last Council meeting at the request of the Del Este Water Company. The low offer of \$16,225.41 submitted by the Downer Corporation exceeds the engineer's estimate of \$11,638.53 for performing the work with city forces by more than 10 per cent.

The City Manager recommended, based on these estimates, that the work be done with city forces.

RESOLUTION NO. 59-391

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN DOWNEY PARK SUBDIVISION, STRATHMORE NO. 1 SUBDIVISION AND ROSE AVENUE

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

The City Manager reported that, as directed by the Council, the staff, and the Council Public Relations Committee has conferred with the staff of the Del Este Water Company regarding the duplication of water facilities in the Rose Avenue area. He reviewed the Council's previous policy action approving the furnishing of water services to this general area including the provision of a well at Downey High. The Del Este Water Company subsequently constructed a line up Rose Avenue which would connect two of its service areas. The question raised by the Company was regarding the city duplicating its service. Out of this discussion there came the possibility that there might be some analysis to determine who might most logically serve the various areas to minimize the duplication of facilities and costs.

Mr. Ray reported that one-half of the Downey Park Subdivision was now being developed, the streets are graded and since there are no alleys in the subdivision, it will be necessary to install the water lines in the streets. This needs to be done very promptly in order that the street work can be completed prior to commencement of the rainy season.

Work in the Strathmore Subdivision has also started, Mr. Charles Jeffers, Subdivider, reported. Mr. Ray stated that a good many of the lines in the Strathmore Subdivision would also be located in the street.

Mayor Hammond stated that out of the discussion came the realization that there was a possibility of conflict of areas in which the city would serve and which the Del Este Water Company would serve. It was concluded that none of the subdividers who already have commitments would be hampered in working out the necessary engineering procedures to determine which areas would be served by the city and which by the company. These subdividers need the assurance that their programs are not going to be delayed in any way.

Councilman Spaulding pointed out that the city had made a commitment to these subdividers that sewer and water would be furnished and they should be allowed to proceed without any change in the program at this stage.

Mayor Hammond considered that the staff should proceed with the installation of the water pipes as soon as needed and suitable settlement will be arrived at later.

MOTION

That the staff be authorized to proceed with the necessary studies to determine in which areas the City could most logically serve with water and which areas the Del Este Water Company could serve with its present facilities so that there would be minimum conflict or duplication of services and lines and that the installation of water lines in the areas already approved, would not be deferred beyond any point where it would hamper the subdividers.

Moved by Knoles Seconded by VanderWall Unanimously carried

APPROVAL OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT OF TULLY ROAD HELD OVER 2-103

The City Manager reported that all matters had not yet been cleared and it would be necessary to hold it over until some future date.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR SAND FOR SAND TRAPS AT THE DRYDEN PARK MUNICIPAL GOLF COURSE 2-105

RESOLUTION NO. 59-392

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE FURNISHING OF 1,000 CUBIC YARDS OF SAND FOR DRYDEN PARK MUNICIPAL GOLF COURSE.

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

The time set for opening of bids was 2:00 P.M. September 28.

REPORT ON STUDIES MADE RELATING TO CONSTRUCTION OF CLUBHOUSE AT DRYDEN PARK MUNICIPAL GOLF COURSE 2-118

The City Attorney reported that pursuant to Council instructions he had conferred with the Paar Industrial Corporation regarding the possible construction and financing of a clubhouse at the Dryden Park Municipal Golf Course. The Company has advised by letter that it would be unable to submit a proposal for this project.

MOTION

That this matter be referred back to the Council Golf Course Committee

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

FINAL ADOPTION OF ORDINANCE NO. 332-C.S. RECLASSIFYING PROPERTY ON TULLY ROAD 3-26

ORDINANCE NO. 332-C.S. entitled

AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SMITH PROPERTY)

Introduced on September 2, 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

ORDINANCE AMENDING CODE RELATING TO TAXICAB AND AMBULANCE REGULATIONS 3-29

Provisions of a proposed ordinance amending the Municipal Code relating to licensing of drivers of taxicabs and ambulances were reviewed by the City Attorney and Police Captain Coulson.

ORDINANCE NO. 333-C.S.

AN ORDINANCE ADDING SECTIONS 4-6.703.1, 4-6.703.2 ^{AND 4-6.709} AND AMENDING SECTIONS 4-6.705 and 4-6.708 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICAB REGULATIONS AND ADDING SECTIONS 3-8.14.1 3-8.14.2 AND AMENDING SECTION 3-8.16 OF CHAPTER 8 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO AMBULANCE REGULATIONS

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

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

AUTHORIZE ACCEPTANCE OF AMENDED EASEMENT AGREEMENT FROM THE PACIFIC FRUIT EXPRESS 3-100

RESOLUTION NO. 59-393

A RESOLUTION ACCEPTING AMENDED EASEMENT FROM THE PACIFIC FRUIT EXPRESS RELATING TO WIDENING OF TULLY ROAD BETWEEN NORTH 99 HIGHWAY AND STODDARD AVENUE IN THE CITY OF MODESTO

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

HOLD OVER DISCUSSION ON AGREEMENT WITH GANT PROPERTIES INC. ON SERVICE AND ANNEXATION 3-110

This matter was held over for further clearance.

FURTHER DISCUSSION ON TREES IN PROPOSED IMPROVEMENT DISTRICT NO. 8 3-110

A letter from Mario and Gina Caputi, 416 Smith Avenue, was read asking that the trees on the property directly across from their property, 419 Smith Avenue, be removed. They claimed that the trees were distorting the growth of their trees because there were double the amount of required trees. They also claimed that if the storm drainage was to function properly that every owner should install curbs and gutters and if the improvement district is formed no one should be exempt.

The City Manager reported that in line with instructions from the Council, the staff was processing those permits for curbs and gutters where no trees were involved.

Director of Public Works Ray reported that the staff had contacted every known holder of a permit to install curbs and gutters in the district, where a known tree problem exists. In each case the owners have decided to wait and "see what happens". There are no requests at this time for the removal of trees in order to install curbs and gutters.

The City Manager stated that the staff wished additional time to check with other owners to clear the tree matters before a final report is presented for Council consideration.

Melvin Pedersen, 1001 Enslin Avenue, asked when the owners would receive a notice of the estimated assessment relating to the drainage and curbs and gutters.

Mr. Ray stated that it is the normal process that these estimates are mailed out after the Council has set a date for a public hearing, at least 15 days in advance of this hearing. If they are sent out before this time, they must be sent again prior to the hearing to comply with state law.

The City Manager pointed out that there could be no action on the district until the estimates had been sent out, that estimates cannot be made until "we know what we are talking about". The staff talked to owners in two blocks yesterday where, if the trees are to be left on any reasonable basis, curbs cannot be installed. The owners also agreed that the only logical way to save the trees would be to eliminate curbs. If this is done it would be necessary to install additional outlets at some points to get rid of some of the water which normally would have gone down the curb into the storm drain. The City will have to know more about the final plans for the district before estimates are sent out.

Dr. J. W. Pyne, 414 Griswold Avenue, stated that 74 of the owners along Griswold want to be assured that the street will not be widened to 40 feet. He asked what assurance the Council could give them, and whether the street would be the same width its entire length.

The City Manager pointed out that at present the street has several different widths. The newest curbs have been installed 20 feet from the center line of the street and the permits issued have been on this same basis. There is no action or basis to indicate that this procedure will be changed. Unless the width of the street is changed there is no basis to install curbs except 20 feet from the center line. The final determination of any street section is the location of the curbs. He pointed out that some of the owners on this street feel that the street should remain 40 feet wide. He hoped that another argument--the final width of Griswold--would not be tied in the procedure for the storm drainage improvement district. If the city would not have to have the improvement district hinge on the width of the street, it would be easier to get drainage in the area.

Mayor Hammond pointed out that this street was a public right-of-way and if it was narrowed a parking problem might exist because of

traffic on the street. Before the Council could take any action, these matters would have to be cleared. Mayor Hammond considered that the width of a street should not be a factor in a drainage district.

Attorney Jared Hawkins, representing property owners along Beard Brook, presented a letter, which he read in full, protesting to the use of Beard Brook for emptying the waste from North Central Storm Drainage District. The basis of the protest was that:

1. The waste from the gutters and parking areas is filthy, consisting of sputum, slime, cigarette and cigar butts, leaves, small dead animals and many other undesirable articles and liquids.
2. The waste should be treated and not emptied raw into Beard Brook, passing the children's playgrounds in Kewin Estates Park, Beard Brook Park and across, in and over private property.
3. The problem could be adjusted without affecting any work now under contract. The method proposed by the Council can only become a nuisance and a probable health hazard and set a precedent for the County Board of Supervisors and other cities to follow when considering drainage above Lake Modesto.
4. The additional storm water flow will materially increase the danger of flooding homes in this area.

The letter stated that "if remedial action is not taken by the City Council, the property owners along the creek may be forced to take whatever legal steps are necessary to prevent the use of the McHenry Avenue pipeline to dispose of the waste and storm waters over and through private properties and have the court declare specifically the landowners' property rights in and to the creek bed, the creek and damages."

The City Manager stated that he had met with the property owners and asked for additional time to prepare a written statement on some of his suggestions for Council review and action.

He stated that the city should be sure that its activity does not, to any pertinent degree, add to possible flood damage or pollution of the stream. Ways to resolve this were discussed at these meetings and will be included in the written statement. This statement will be discussed with the property owners and the Council for clearance. He pointed out that there would be no volume of drainage this season which might create a flood problem, so that there will be some time to work out a satisfactory solution. This city cannot be in the business of polluting a recreational stream, he pointed out, to any extent which is harmful to the property owners or the activities.

Councilman Spaulding stated that there were some legal, engineering and health problems involved upon which the Council needed expert opinion. He asked that an expression of opinion be obtained by the staff from the City's Public Health Officer, the city's engineering staff and City Attorney and any other expert opinions which would be required to form a basis for the Council's decision.

Attorney Hawkins pointed out that the problem was not entirely confined to the City of Modesto because the stream would be used for

drainage by other agencies outside the city limits, such as other cities and subdivision developments. This drainage will increase as the area develops and will present a severe problem which must be resolved. If drainage is dumped into Beard Brook, it will be a step backward, and in the near future, the city will find itself in trouble again with the State by polluting this stream.

T. E. Allen asked that the curb and gutter be left out of two or three blocks on Griswold Avenue, where the trees were in the right-of-way, since the street was so near the correct level, in order to save the trees. He considered that this procedure would not affect the drainage for the area.

Mayor Hammond pointed out that the staff was proceeding on this premise in order to save the trees. All the members of the Council are just as concerned about saving these trees as the property owners.

MOTION

That the City Manager be directed to prepare a report for Council consideration including information from interested local and state bodies and provide some suggestions to the Council on the basis it may proceed.

Moved by Spaulding Seconded by Knoles Unanimously carried

COMMEND MODESTO REDS BASEBALL TEAM ON WINNING THE 1959 CHAMPIONSHIP OF THE CALIFORNIA LEAGUE 6-26

With the unanimous consent of the Council, Mayor Hammond presented a resolution for Council consideration commending the Modesto Reds Baseball team on winning the 1959 Championship of the California League. He introduced Charles E. Michael, President of the Modesto Community Athletic Association, sponsor of the team, and business manager Jerry Peplis.

RESOLUTION NO. 59-387

A RESOLUTION COMMENDING THE MODESTO REDS BASEBALL TEAM ON WINNING THE 1959 CHAMPIONSHIP OF THE CALIFORNIA LEAGUE

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

REPORT ON REQUEST OF JAMES SMITH, 146 SAN JUAN DRIVE, TO PLACE HOUSE TRAILER ON REAR OF RESIDENTIAL LOT 6-64

The City Manager reported that the Planning Department had worked out a proposal with Mr. Smith where a guest house was constructed instead of the installation of a house trailer.

CITY HALL MATTERS 6-65

No matters to be cleared.

FURTHER REPORT ON PROPOSAL FOR SIGNALS AT COLDWELL, WOODLAND AND 99 HIGHWAY 6-66

The City Manager reported that pursuant to Council direction the staff had checked this matter with the state and county to determine if there might be some reduction in costs. Both of these agencies have expressed interest in the project. The state has agreed to submit a specific proposal to its headquarters in Sacramento on the basis that if it can be cleared that an agreement would be prepared for execution for the work to be done in the fiscal year 1960-61. This will be included for Council consideration in the 1960-61 Capital Improvement Program.

MOTION

That this proposed procedure be approved.

Moved by Knoles Seconded by Spaulding Unanimously carried

GRANT REQUEST OF MRS. WM. HOLLOWAY TO INSTALL SPRINKLER SYSTEMS IN PARKING STRIP AT 321 NORTHWOOD DRIVE 6-80

A request filed by Mrs. Wm. Holloway to install a bubbler-type sprinkler system in the parking strip at 321 Northwood Drive was considered by the Council.

Code provisions which prohibited this type of installation without Council permission was reviewed by the Director of Public Works. He recommended that if permission was granted that it be on the basis that (1) a permit must be obtained from the City Inspection Office; (2) the sprinklers must be so installed as to not present a tripping hazard to users of the street area; and (3) the installation must be made in a manner to prohibit drainage of water onto the street area from the park strip to be irrigated. He stated that the best way to accomplish this would be to provide for a lowered section ramped up to the back of the curb and the edge of the sidewalks so that no hazards will be created.

RESOLUTION NO. 59-394

A RESOLUTION APPROVING REQUEST OF MRS. WM. A HOLLOWAY TO INSTALL BUBBLER TYPE SPRINKLERS IN THE SIDEWALK AREA ON THE SHERWOOD AVENUE SIDE OF HER PROPERTY LOCATED AT THE NORTHEAST CORNER OF NORTHWOOD AND SHERWOOD AVENUES IN THE CITY OF MODESTO

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

Councilman Adams raised a question on the provision of the code which required a person to obtain a variance from the Council to install a sprinkling system in the parking strip. The City Attorney stated that persons would be required to obtain a variance unless the Council delegated authority to the staff to issue permits under certain standards by amending the Municipal Code.

Councilman Adams considered that the Public Works Department could handle these permits without Council action. If the city was

going to make it so difficult for people to put in sprinkler systems they will become discouraged.

MOTION

That the staff be directed to prepare legislation to cover this matter within certain suggested standards.

Moved by Adams Seconded by Arata Unanimously carried

GRANT VARIANCE FROM CURB CUT REGULATIONS TO JIM PRICE AT TULLY ROAD AND LEONARD AVENUE 7-06

Jim Price requested a variance in order to install a 40 foot curb cut on the Leonard Avenue side of his property at Tully Road in order to provide a satisfactory entrance to 5 garages to be constructed as a part of a 13 unit apartment house building. Director of Public Works Ray reported that in addition to this curb cut there would be a 16 foot curb cut also located on Leonard Avenue in order to provide access to 8 other off-street parking spaces, and a small curb cut on the south side of the property on Tully Avenue to provide an exit for the 8 spaces. While the total frontage of the property does not exceed the 40% limitation the 40 foot driveway would be in excess of the 30 foot limitation. Mr. Ray recommended that in view of the circumstances the request be granted as there is no problem of heavy traffic on Leonard Avenue.

RESOLUTION NO. 59-397

A RESOLUTION APPROVING VARIANCE REQUEST OF JIM PRICE TO CONSTRUCT 40 FOOT CURB CUT ON LEONARD AVENUE AT TULLY AVENUE IN THE CITY OF MODESTO

Introduced by Spaulding Seconded by Adams

APPROVE AGREEMENTS FOR RENTAL OF CITY PROPERTY 7-10

Terms of lease agreements between Richard Northcutt and Lee Shearer for the rental of City-owned dwellings were outlined by the City Attorney. He reported that these were the regular standard type agreements with the exception they provided that the Director of Finance would be authorized to terminate the lease without Council action.

RESOLUTION NO. 59-395

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. AND MRS. RICHARD NORTH CUTT FOR THE LEASING OF CITY OWNED HOUSE LOCATED AT 428 BRIGGSMORE AVENUE

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

RESOLUTION NO. 59-396

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEE AND WANDA SHEARER FOR THE LEASING OF CITY OWNED HOUSE LOCATED AT 701 FRANKLIN AVENUE

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

MATTERS FOR THE GOOD OF THE COMMUNITY 7-42

G. W. Morgan, 633 Hudson Lane, retired from the United States Navy, stated that by act of Congress, the fleet reserve had been authorized to collect donations for the U. S. Arizona as an enshrinement of the 1,102 persons buried in Pearl Harbor. A drive is being conducted throughout the United States to be completed prior to the next session of Congress in January 1960. He asked for Council approval to display a mobile exhibit on the city streets for the period September 19 to collect donations for this worthy cause.

RESOLUTION NO. 59- 398

A RESOLUTION GRANTING PERMISSION TO THE UNITED STATES NAVY FLEET RESERVE TO USE THE CITY STREETS TO COLLECT FUNDS IN THE U.S.S. ARIZONA MEMORIAL DRIVE

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

HOLD OVER MATTER OF CONTINUED USE OF ALL AMERICA CITY EMBLEM 7-76

The City Manager recommended that in view of the time that this matter be held over. He stated that a report would be sent to the members and it could be considered at the next meeting.

REPORT ON REFUSE DISPOSAL PROBLEM 7-77

Mr. Ray reported that since the removal of the garden refuse disposal area from the Modesto City-County Airport to the sewage treatment plant area, it had become necessary to burn some of this refuse in the open. This has created intolerable problems for the people across Tuolumne River from the treatment plant and some speedy action is required by the city to eliminate this nuisance.

He reported that the City Manager and he had met with the City Manager of Stockton. This city is currently considering a contract for the disposal of garden refuse and garbage by incineration. Information has been received regarding the possible operation and the staff has contacted the company which is submitting a proposal to the City of Stockton and will confer with them further. The important thing is for the Council to realize that some kind of action must be taken because it is not possible to continue burning at this location.

Some of the materials were hauled to the garbage disposal area for a short period of time last summer. Experiments on composting these materials were also conducted but problems of composting are tremendous and the sales have not proved to be existent at this time. The cost of equipment and site preparation would be considerable with negligible tangible results presently known to the staff and it cannot be recommended as an economical method.

Mayor Hammond considered that the only satisfactory long-range method would be the installation of an incinerator.

Mr. Ray issued an invitation to the Council members to attend a meeting with representatives of the incinerator company who would be in the city on Tuesday, September 22.

The City Manager stated that the incinerator company would build and operate the incinerator on a long-term basis and the city would pay a fee for each cubic yard of garden refuse. This appears to be a possible solution which could be accomplished without any capital outlay by the city.

Mr. Ray commended Jack Crose, reporter for the Modesto Bee, for bringing the Stockton action to the attention of the staff.

PRESENTATION OF THE ANNUAL FINANCIAL REPORT

The City Manager filed copies of the annual financial report for the fiscal year in 1958-59.

PRESENTATION OF THE FIXED ASSETS INVENTORY FOR THE CITY 7-120

The City Manager filed the fixed assets inventory of the City for the fiscal year 1958-59. The report was ordered filed with the City Clerk. The total value of the assets shown in the report was \$5,674,523.68.

REPORT ON CHANGE IN LAWS RELATING TO SOCIAL SECURITY FOR POLICE AND FIRE PERSONNEL 8-07

With the unanimous consent of the Council, the City Manager reported on the change in state and federal laws which would extend social security to police and fire personnel. If these employees are to receive retroactive benefits from January 1, 1956, action must be taken by September 21.

A quick check was made with almost one-half of the ^{personnel of} these two departments during the past few days. The benefits and the fact that the coverage must be on top of the existing state retirement benefits and on the "all or none basis" were explained.

An informal vote was taken of those who attended the meetings which resulted in a ratio of three to one opposing adding the Social Security coverage. On this basis, the City Manager stated that it is recommended that no action be taken at this point.

MOTION

That no action be taken on this matter at this time.

Moved by Arata Seconded by Spaulding Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried.

The meeting was adjourned at 5:50 P.M.

ATTEST


REX E. GAILFUS, CITY CLERK

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

Councilman Arata arrived at 7:45 P.M.

Absent: Councilmen: None

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

Rev. Halsted Gates gave the invocation.

APPROVAL OF MINUTES OF COUNCIL MEETING 1-10

Council members having received copies of the minutes of the Council meeting of September 2, 1959, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM FRANK ANDREWS RE: CHANGE OF NAME OF AIRPORT 1-15

A letter from Frank Andrews protesting to the proposed change in the name of the Modesto City-County Airport to Sham Field was noted and ordered filed.

LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS RE: RELINQUISHMENT OF SUPERSEDED STATE HIGHWAYS TO LOCAL AUTHORITIES 1-20

The City Manager pointed out that the letter was a policy statement of the California Highway Commission relating to the relinquishing of state highways after they have been superseded by a new route. The statement was briefed and ordered filed.

HOLD OVER CALL FOR IMPROVEMENT OF TULLY ROAD BETWEEN STODDARD AND N. 99 HIGHWAY 1-32

The City Manager reported that the Public Utilities Commission had not yet cleared the city's application for the widening and the changing of the railroad crossing at Tully Road. The call for bids must be delayed until this approval is received by the city from the P.U.C.

AUTHORIZE INSTALLATION OF WATER MAINS IN PARK MANOR NO. 1 SUBDIVISION 1-40

Director of Public Works Ray reported that no bids had been received for this work on Sept. 21 at 2:15 P.M. He reported that the engineer's estimate for performing the work with city forces is \$4,620.

The City Manager recommended that on this basis the Council approve the installation of the water mains with city forces.

RESOLUTION NO. 59-399

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR

Page 1 9-23-59

INSTALLATION OF WATER MAINS IN PARK MANOR NO. 1 SUBDIVISION

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

ACCEPT BID OF W. M. LYLES COMPANY FOR EXTENSION OF SANITARY SEWER FACILITIES ON CARVER ROAD 1-47

The tabulation of the bids received at 2:00 P.M. Sept. 21 for the construction of Unit A-extension of the Carver Road Sanitary Trunk sewer from Pearl Street to Evergreen Road; Unit B-Sanitary Sub-trunk sewer and sewage lift station for Park Manor Subdivision was considered by the Council. Mr. Ray recommended that the lowest bid submitted by W. M. Lyles in the sum of \$14,455.07 be accepted.

RESOLUTION NO. 59-400

A RESOLUTION ACCEPTING THE BID OF W. M. LYLES COMPANY FOR THE CONSTRUCTION OF EXTENSION OF SANITARY SEWER FACILITIES

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

HOLD OVER PROPOSED AMENDMENT TO CODE RE: BUSINESS LICENSE REGULATIONS RELATING TO LICENSING OF BRANCH ESTABLISHMENTS 1-57

The City Attorney reported that a request had been received asking that this matter be held over until the Council meeting of October 7.

FINAL ADOPTION OF ORDINANCE NO. 333-C.S. AMEND CODE RE: LICENSE REGULATIONS FOR DRIVERS OF TAXICABS AND AMBULANCES 1-65

ORDINANCE NO. 333-C. S. entitled

"AN ORDINANCE ADDING SECTIONS 4-6.703.1, 4-6.703.2 AND 4-6.709 AND AMENDING SECTIONS 4-6.705 AND 4-6.708 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICAB REGULATIONS, AND ADDING SECTIONS 3-8.14.1, 3-8.14.2 AND AMENDING SECTION 3-8.16 OF CHAPTER 8 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO AMBULANCE REGULATIONS"

introduced on September 16 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, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

REVISED AGREEMENT WITH STATE ON TRAFFIC SIGNALS AT 12-J STREETS 1-69

Director of Parking and Traffic Douglas Carmody reported that the two agreements approved by the Council previously relating to traffic signals and interconnections at 12th and J Street had been combined into one revised agreement by the State Division of Highways providing for an estimated cost to the city of \$6500 instead of \$3800. The increased estimates have been checked and the prices listed are in order.

RESOLUTION NO. 59-401

A RESOLUTION APPROVING AMENDED AGREEMENT WITH THE STATE OF CALIFORNIA, DIVISION OF HIGHWAYS RELATING TO TRAFFIC SIGNALS AND INTERCONNECTIONS AT THE INTERSECTION OF 12TH AND J STREETS IN THE CITY OF MODESTO

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

ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE LIBRARY FUND FOR THE 1959-60 FISCAL YEAR 1-85

The City Manager reported on the terms of the agreement between the city and county on the joint operation of the McHenry Library. A bill has been submitted by the County in the amount of \$3,291.09 representing the balance due for the city's share of salaries for the fiscal year ended June 30, 1959. This sum is higher than estimated by the city and will require an additional appropriation in the Library Fund. A review of the requirements indicates that an additional amount of \$4,691.09 will be needed. An ordinance has been prepared for Council consideration providing for the appropriation of \$4,692 to contractual services and \$1,935 to Library Reserve.

ORDINANCE NO. 334-C.S. entitled

"AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES AND UNAPPROPRIATED FUND BALANCE IN THE LIBRARY FUND FOR THE 1959-60 FISCAL YEAR"

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

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

APPROVE AMENDMENT TO CONTRACT WITH STATE TO PROVIDE A RETIREMENT SYSTEM INTEGRATED WITH SOCIAL SECURITY 1-110

The City Manager noted that the Council had been previously furnished with a detailed report on this matter. The proposed amendment to the city's retirement contract would provide for the integration with social security. The approval of the amendment prior to the referendum election to be held on October 6 is desirable because of a cut-off deadline for the retroactive feature of the Social Security coverage which will limit the time available to clear. Actuarial analysis indicates there will be an additional cost of approximately \$5900 for the balance of this fiscal year. If the results of the election on Oct. 6 are not favorable, the resolution would not be effective.

RESOLUTION NO. 59-402

A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MODESTO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA STATE RETIREMENT SYSTEM

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

Councilman Arata arrived at this time. (7:45 P.M.)

EXTEND PROVISIONAL APPOINTMENTS IN THE FIRE DEPARTMENT 1-125

The City Manager reported that the provisional appointments made in the Fire Department pending completion of special training classes which are now proceeding, will expire shortly.

MOTION

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

Moved by Spaulding Seconded by VanderWall Unanimously carried

REPORT ON PETITION FILED BY PROPERTY OWNERS RELATING TO IMPROVEMENT OF NORTH ORANGE BETWEEN MORRIS AND COLDWELL AVENUES 2-01

The City Manager reported on the staff's investigation of the petition filed by property owners on North Orange between Morris and Coldwell Avenue asking that the city require the property owners who have not yet installed curb and gutter to do so under the provisions of the Streets and Highways Code of the State when more than 50% of the frontage in any block has been improved. Only three owners have not made these improvements.

The Director of Public Works recommended that he, as the Superintendent of Streets, be authorized to first informally contact the owners involved requesting them to install curbs and gutters. If this action is not taken it is then recommended that the Superintendent of Streets be directed to post the properties in accordance with the provisions of the Streets and Highways Code requiring that the work be done. It is also recommended that the City Clerk be instructed to notify the petitioners of such action as may be taken by the City Council.

MOTION

That the staff be authorized to check with the owners who have not made these improvements and to report back to the Council before any further action is taken and that the City Clerk notify the petitioners of the action taken by the Council.

Moved by VanderWall Seconded by Adams Unanimously carried

FURTHER CONSIDERATION OF ZONING OF MODESTO INDUSTRIAL PARK AREA 2-40

The City Manager reported that the Planning Commission had reconsidered the zoning on the Robert Moore property located on the east side of Crows Landing Road, as directed by the Council at its meeting of September 2. The Commission adopted Resolution No. 546 on September 15, reaffirming its recommendation that the property be permanently zoned as M-P.

A letter was read from Robert L. Moore, asking that the Council withhold consideration until its meeting of October 7, on his property so that he could present additional reasons why his property should be zoned C-2.

Mayor Hammond considered that due to the city's annexation of the Modesto Industrial Park, Mr. Moore's property was involved against his wishes, and that his property should be returned to the zoning which he enjoyed prior to the annexation.

Councilman Spaulding considered that for the city to make a basis of zoning property---the same type of zoning prior to annexation---would be contrary to all the Council's past policies. In many of the annexations, properties are annexed against the wishes of the owners and the areas are zoned on the basis of good planning. Everything annexed to the city is in the R-1 Zone and it is then the job of the Planning Commission to determine the zoning in the best interest of the community. In view of the fact the Commission has taken this area once more under advisement and studied it very thoroughly, and no facts have been presented to the Council which were not available to the Commission, the Commission's recommendation should be approved by the Council. He moved that an ordinance be introduced amending Section 9 of the zoning map to reclassify the Modesto Industrial Park property as recommended by the Planning Commission.

Councilman VanderWall stated that Mr. Moore had asked the Council to consider other reasons why his property should be zoned C-2 and the Council should hear these reasons.

Mayor Hammond considered that the case had been adequately presented to the Council by Mr. Moore and there was no reason to carry the matter over. He stated that he felt strongly on the matter since there was so much area lying between his property and the city which is contiguous that the city has "moved in on him". If the city is to think in terms of future annexations, this is the kind of thing which disturbs people.

Councilman Spaulding pointed out that this case was unique because usually people want more restrictive type of zoning. The recommendation of the Planning Commission is for a more liberal type of zoning than requested. The crux of the matter is on the regulations of the development of the property. The Commission considers that these regulations are good for the area.

Councilman Arata differed with the proposed zoning on the basis that Mr. Moore would be required to put a park in front of the area. He considered that the Commission was not an elected body and the Council was the body to make the decision.

The City Attorney pointed out that the Moore property was presently zoned M-P on an interim basis. The question to be resolved today is whether this zoning should be made permanent.

Mayor Hammond pointed out that commercial zoning exists on both sides of Crows Landing and it will not serve the interest of the city to propose a different type of zoning for the Moore property. Also the fact that this property adjoining the Moore property is in the county and will be for some time, should be considered.

Councilman Adams seconded the motion to introduce the ordinance and Mayor Hammond requested the City Clerk to call the roll.

Ayes: Adams, Spaulding, Knoles

Noes: Arata, Martin, VanderWall, Mayor Hammond

Absent: None

Mayor Hammond declared that the motion failed.

MOTION

That the staff be directed to submit a report and maps to the Council at its next meeting, indicating the uses which were

permitted in the Moore property prior to annexation and the uses permitted in each of the other pertinent zones.

Moved by Arata Seconded by VanderWall

Mayor Hammond declared that the motion carried.

INFORMAL HEARING TO CONSIDER SUBDIVISION REGULATIONS CONCERNING ALLEYS IN R-1 SINGLE FAMILY RESIDENTIAL SUBDIVISIONS 3-65

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the informal public hearing to consider subdivision regulations concerning alleys in R-1 single family residential subdivisions. The following documents were filed and discussed:

- 1- Memorandum to City Manager from Assistant Director of Public Works on the subject of "Alley Maintenance Costs", dated September 23, 1959.
- 2- Modesto Irrigation District Statement to Modesto City Council, dated September 23, 1959.
- 3- Report to the City Council from the City Manager on the subject "Alleys in single-family residential subdivisions".
- 4- Staff recommendation to Planning Commission concerning statement to City Council on alleys in Single Family Residential Subdivisions. Council Meeting on September 23, 1959.
- 5- Resolution No. 547 adopted by the Planning Commission on September 15, 1959 entitled: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO RECOMMENDING TO THE COUNCIL REGARDING ALLEYS IN SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS AND RECOMMENDING AMENDMENT TO THE MODESTO MUNICIPAL CODE".

The City Manager read his report (#3) to the City Council. He stated that he concurred in the Commission's recommendation that "the Municipal Code be amended where necessary to require all overhead utilities to be placed in rear lot and side lot easements except where cross streets or must be located outside of the easements for other good and sufficient reasons; or located in alleys where alleys are permitted by the Planning Commission". He pointed out that

- 1) The Planning Commission's recommendation does not propose that such underground utilities as sewers, water, or gas be installed in easements. It does recommend that overhead electric and telephone lines be located in easements.
- 2) It is recognized that there are both advantages and disadvantages to the provision of alleys in single-family residential areas. The cost of alleys, if provided--both in land and in improvement and maintenance--must be paid by the purchaser of the lot or by the taxpayers generally. Costs which result from not having alleys, such as any additional costs of refuse pick-up or of utility maintenance, similarly have to be paid.
- 3) While the cost of having or not having alleys are important other factors also must be weighed. If alleys provide greater convenience of service and access to properties, this is a benefit. If alleys create police protection problems, unnecessarily use up land, and are costly to maintain, these are also important matters.

Mayor Hammond asked for comments from the audience.

Page 6 9-23-59

Federal Housing Administration

Carl Mayer of the Fresno office of the FHA, introduced Bert Heidelberg, Land Planner from the San Francisco office, who outlined FHA's views on alleys in single-family residential area:

- 1- Alleys in these areas should be discouraged; they are unsightly in most instances, unnecessary except for row house developments which use the alley as access to the rear yards.
- 2- When alleys are shown on the subdivision plat and are to be used their suitable improvement should be required. These improvements usually require proper grading, impervious paving and necessary storm sewer facilities.
- 3- It should be noted that as far as FHA is concerned inclusion of alleys in single family residential development will not, when required by the local authorities, in itself be grounds for rejecting a subdivision. However, it is required that the alleys be suitably improved if they are to be installed.
- 4- Dedication of the alleys for continuous maintenance by the local authorities is required by the FHA. Therefore, if the use of alleys is to be continued in the Modesto area, a mutually accepted standard or specification for alley improvement should be developed by the principle authorities concerned.
- 5- The FHA believes that the alley surfacing should approximate the surfacing for the regular street improvements in a residential area. The pavement wearing surface should be of bituminous surface impervious to water in order to protect the face and provide a pavement which will be durable under the traffic load and the maintenance anticipated. A light oiled surface would not meet the FHA's general objectives.
- 6- In the area served by the FHA's insuring office in San Francisco Modesto is the only community of any size in which there are alley proposals. Of the western states covered by the Land Planning section, as a Zone VI function, Wyoming (Cheyenne and Casper) and some communities in Idaho are the only areas where the FHA is receiving alleys in single family residential areas. Denver was the only large city in the west that has been requiring alleys. This has recently been discontinued altogether in single family residential areas.
- 7- The FHA is generally in favor of eliminating alleys for the following reasons:
 - (a) The alley typically represents an unsightly appearance due to inadequate improvements and maintenance;
 - (b) The poor maintenance of alleys results in a fire hazard, potential that is, in some cases quite high. Police problems have been experienced in some cases. The adequate improvement of alleys to the standards set forth above results in a considerable expense to the subdivider and a continuous maintenance expense to the local authorities.
 - (c) Modern houses with attached garages makes it unnecessary to provide access from the rear.
 - (d) Garbage and refuse may be picked up from the street side from refuse areas located on the service side of the house. This pick up service should be regularly scheduled, preferably by early morning pick-ups if possible.

- (e) The FHA encourages the installation of overhead electric and telephone service along or near the rear lot and side lot lines of the subdivisions located in easements, dedicated for such use.
- (f) The utility companies are usually most anxious to cooperate in the location of these lines in easements. With a few exceptions due to topographic reasons, particularly in very steep land and a few other exceptions, in which they would place them in a street.
- (g) Alleys are not required by the Pacific Gas & Electric Company, for one specific example, only restrictions on the easements to the erection of structures therein or reasonable control over the planting, including trimming and tree removal restrictions. This company encourages the subdivider to submit his plans to them for a quick review particularly for curvilinear patterns in which there are irregular rear lot lines to work with, in order to get a reasonable sufficient layout for its utility distribution lines. This company has issued a guide book on easement planning for utility services.
- (h) The FHA discourages in general a grid type of street pattern in favor of a more modern curvilinear pattern which is designed for convenient and safe traffic circulation within residential areas. One of the advantages is that it reduces the number of street intersections, particularly hazardous four way street intersections. Inclusion of alleys will greatly increase the number of dangerous intersections and provision of adequate site distance at these intersections is a serious problem and is very often overlooked. Another advantage to the more modern irregular layouts is the provision of some house sites which face down open block ends. They will not look directly into the house across the street but down the rear lot lines. In those cases the FHA requires a 6 foot wall or fence as a screen to screen undesirable views down rear yards, but when alleys are required the open block end screening offers only a limited protection, as the provision of gates on the alleys is quite impractical.

Mr. Heidelbach assured the Council that the FHA would continue to cooperate in all matters which are of mutual concern to the city and the insuring agency.

Ray Shearn, member of the Modesto City Planning Commission

Mr. Shearn recommended as a Commissioner and as a citizen of Modesto that the policy of serving utilities on alleys in residential areas be changed. Modesto is one of a very few cities in California and the western part of the United States where alleys are still required. Alleys are expensive for the city to maintain and a typical waste of land. The City will lose close to one thousand acres in the next ten or 15 years in alleys. Money saved by the elimination of alleys could be used for drainage programs, etc.

Don Meyers, member of the Modesto City Planning Commission 4-103

Mr. Meyers stated he was appearing in a dual capacity, as a citizen and a member of the Commission. Inspection of subdivisions in

neighboring cities, he stated, point up the value of having subdivisions without alleys, which are in many cases in Modesto, unsightly and costly for the citizens of the entire city to maintain. He stated that as a citizen of the city he favored single-family subdivisions without alleys.

Milton Kidd, President of the Modesto Irrigation District 5-1

Mr. Kidd suggested that the members of the Council should not vote on this matter until they had a tour of easement problems which exist in the city. He read the report in full at this time.

The report indicated that "the District's present policy is to serve from alleys where available, otherwise to serve from streets where its poles, lines and equipment are more accessible for proper maintenance and operation, under the safest conditions and with the least inconvenience and damage to the public".

Points made in the report on easement problems involved in serving power were:

- 1- The cost of maintaining facilities in easements is considerably higher than in alleys or streets. The cost of all public service must be borne by the residents of this community.
- 2- Structures constructed over easements prohibit access.
- 3- Trees planted on easements cause frequent power outages. There is a longer delay in repair. Delay is also caused by the inability to move mechanical equipment to the source of trouble to make immediate repairs.
- 4- Inspection of poles for rot below the ground level cannot be readily determined.
- 5- The use of electricity will materially increase in the near future which will require the placing of a transformer on every pole to serve these loads. Mechanized methods of installing these transformers will save in labor costs materially.

The report indicated that "if it is determined the Modesto Irrigation District shall be forced to serve from easements then the members of this City Council will have to accept the responsibility for increasing the District's operating costs which, of course, will be reflected in increased electric rates".

Stan Ott, Director of Advance Planning 5-122

Mr. Ott stated that a model subdivision ordinance was being developed in which alleys are not being recommended for single-family residential areas. The staff is being guided by 1) the most modern practice of the newest ordinance of representative communities throughout the country; 2) by practices advocated by utility companies and lending institutions; and 3) by the results of the analysis of the Urban Land Institute, the research arm of the National Association of Real Estate Boards. As a land planner and advisor to private developers, Mr. Ott stated, that he had never advocated alley type residential developments for single-family residential areas. As a citizen property owner in this city of alleys, he stated that by choice he lived on a street without an alley and alley service.

John Tatoyan, representing the Modesto Junior Chamber of Commerce 6-07

He reported that a resolution had been introduced at the last meeting of the Junior Chamber of Commerce asking that the Council disregard the Planning Commission's recommendation for a change in the subdivision regulations regarding the elimination of alleys in single-family residential subdivisions. The resolution did not pass but in the discussion which followed the Junior Chamber noted the fact that while the Council and Commission have been concerned about this matter for a good many years, the actual reasons for and against the proposal is relatively new. The Junior Chamber felt that it was not qualified from the information available, to take a definite stand at this time, and that there were undoubtedly other organizations and citizens as a whole who also are not well enough informed to take a definite stand. Most of the people who have taken a definite stand are representing organizations directly concerned, such as the MID, Planning Commission, City of Modesto, and FHA.

For these reasons the Junior Chamber is asking the Council to defer taking any definite action on this matter at this meeting until there is more information available to other organizations to give them an opportunity to learn more about the "pros and cons" of this problem.

Mayor Hammond asked the City Clerk to furnish the Junior Chamber a copy of the minutes of this meeting.

Paul Birmingham, Civil Engineer 6-35

Mr. Birmingham stated that he had carried on a campaign for four years to do away with alleys and was happy to learn something was being done. He felt that there were two separate problems 1) to do away with alleys and 2) to require the MID to put its power in the back of lots. Some progress could be made if the doing away with alleys was considered first and then work more on the problem of power distribution. There may be some cases where it will not be as objectionable as the MID now thinks--to put the power in easements. This depends upon the particular circumstances connected with the design of each subdivision. A barrier has been erected because this one phase of this general change is blocking the entire program. The decision should be made--first on whether the city can or cannot afford to have alleys. Development and maintenance of residential areas are getting so high that the city cannot afford them. So if alleys cannot be afforded, it should be determined first, then it can be determined if the power can be put on easements. If it is too costly to put the power on easements then in some cases it may be necessary to leave the power lines on the streets. The City is pricing itself out of business, burdens are being put on the developer and taxpayers by such large development of alleys and waste of land and additional maintenance by the city.

Milford Julien

Opposed easements because of the unsightly appearance of the easement between Encina Avenue, Highland Drive, Cove... and Santa Barbara behind his former residence.

Francis O'Brien, 1233 Mills Avenue

As a private citizen he stated he wished to express his opposition to the elimination of alleys because the placing of garden refuse in front of the houses was unsightly and actually created a secondary alley. A situation which caused people to face this type of operation was unsuitable. The Council should inspect some of these areas throughout the city where this situation exists before it makes any decision. If there is a neighborhood established, it is the Council's responsibility to maintain the status quo.

Mayor Hammond declared the informal hearing closed and opened up the meeting for Council discussion on the matter.

Council discussion

Councilman Arata pointed out that the community actually was the owner of the Modesto Irrigation District, the distributing agent for the electric power. If the costs of operation of the District were increased, power rates would increase and this would affect the whole community. In other communities where the power is furnished by large companies, increased costs could be spread over a large state-wide area. "We and the MID are the same", Councilman Arata stated.

Mr. Heidelbach stated that the nation wide system had been developed of installing facilities in the rear, which the FHA favors for the appearance of the community. They install them in the rear and side lot lines rather than the streets, except where the land is steep, and then they are put in the street. He stated that he was not in a position to say whether the other power companies had raised their rates because of increased costs for installing in easements rather than alleys. Alleys installed, to meet FHA's objectives and good residential areas for the community, should be adequately improved instead of put through the back of the lot, with weeds growing up and no weather access provided to them. There is a significant cost involved in providing alleys, 1) the loss of subdivision land and 2) cost of maintenance by the city, the lower the initial cost for improvement, the higher the maintenance cost for the city. This is a cost factor to be weighed by the citizens of the city.

Councilman Arata asked the Director of Public Works if he had any figures on the increased costs to pick up the leaves off of the street, where alleys are not provided. The same situation would be effective in collection of garbage----where it would be necessary to go up the street twice as the drivers could not cross the street, due to traffic.

Mr. Ray stated that in so far as the city's present method of garden refuse is concerned, it would not be possible to pick up both sides of the street with one pass with a piece of equipment and personnel, because the material is piled loose in the gutter or on the park strip where there are no alleys, by the residents of the property. If it were placed in containers then one operation could work the same as for garbage service. In the carrying on of an occupation in a residential area, such as garbage collectors or garden refuse collectors, it is permissible to cross the street to get to the property and equipment. There is no direct comparison of costs as yet, because the city has had no experience with a collection other than the present method of operation. It would not, however, double the cost, if there were no alleys and all refuse placed in the streets, because there would not be the travel time to and from the disposal area.

Mr. Ray reported that he had reported to the Commission at one of its meetings, that if the streets were used, the present method of dumping rubbish on curbs and gutters continued and the city was required to sweep the streets after loading the material into the truck, that the cost would be approximately double.

Councilman Arata considered that the garbage collection rate would increase if it must be picked up from the street area.

Mr. Ray pointed out that if the regulations were changed to require placing of garden refuse in receptacles so that they could be dumped into the truck like garbage, there would still be a slight increase in costs for collection on the streets vs. alleys, because

of the delays in personnel getting back and forth across the street and concern with traffic.

Councilman Arata considered that it would be an imposition on the citizens to place their garden refuse in cans and increase their cost.

Mr. Ray pointed out that this was an imposition which most cities make.

The City Manager stated that in the collection of garbage where there are no alleys, it is regular practice to make one trip and walk across the street. There would be a different problem where there was loose refuse. He stated that he would be glad to check with other cities relating to their traffic accident hazard experience in the collection from the streets.

Mayor Hammond stated that the discussion was for the community to decide where they want their costs. It is recognized that there would be a saving of land costs if alleys were not provided and a material assistance in the layout of a subdivision as far as traffic is concerned. Against this saving of land and traffic must be evaluated the increased cost of serving the community. The function basically which the Council has before it is in what area the community must bear the burden of cost, whether it is in extra land cost for an alley, lessened traffic problems which is offset by the increased cost of maintenance. Everyone who is familiar with time and motion studies, must agree that it naturally costs more money to service a residential area with only easements to work from, basically because operations are mechanized to as high a degree as possible in the servicing of telephone, power line, sewage, etc., where easy access is afforded, maintenance costs are lower with mechanized equipment. The same situation is true for garbage and refuse collection. In viewing the subdivisions where there are no alleys provided, Mayor Hammond stated, that he had tentatively arrived at a figure in his own mind on the increased cost for garbage and refuse collection would be one-third higher. Where the Telephone Company would have to go back to hand labor to replace poles and transformers, their costs would be more than doubled. At this time, he stated, that his own personal opinion was, after observing costs, that the lack of alleys is a luxury which the community cannot afford because this is one of the ways the government costs are built in. Without alleys the community can be assured of additional costs in the servicing of the areas. He stated that he felt that the additional costs of servicing the area would not offset the advantages which are gained from a layout standpoint. Although it is recognized from a development and planning standpoint a subdivision can be laid out better, as it pertains to traffic, without alleys, but the costs involved are not justified.

Councilman Martin stated that the comparative costs is the basic issue but it is not the only issue. It is not necessary to have street trees, curbs, sewer for the water to run down, restrictions on lots as to the size of the buildings, set backs, or a whole host of things in the city, but we do have them to make a better appearing city and better neighborhoods. The issue of whether the lack of alleys and consequently neighborhood layout change, makes better looking communities, is a very real consideration. The possibility of land utilization and land layout as a result of freedom from the alley, is a real consideration. The community does pay for a lot of things to have a better looking city and this is one of the things the community may want to pay for.

Councilman Spaulding considered that the ultimate question to be resolved was----does the community want to eliminate alleys. The best way to find this out is to see what people are willing to buy. The simple thing would be to set up a subdivision and put it on the market. This would not be as simple as it sounds because many subdividers who have wished to build without alleys have not been permitted to do so because they were given a flat choice of either alleys or utility poles on the street. They have not wanted to put them on the street and they have not had an opportunity to put them on easements. The matter then resolved itself----how the integrity of an easement is maintained. What can be done to prevent construction over the easements. He asked for a report on the method which could be used to protect an easement from encroachments. He suggested that no action be taken on the alley matter until further information was available.

Councilman Adams considered that the Council decision should be held over for further information. The decision should not only be based on increased costs. Some of the costs developed have come from easements put in 25 years ago. It is not fair to compare costs at this time with present easements developed in a proper manner. He suggested that the Planning Commission should make the final recommendation on alleys as it was much more familiar with the whole problem. The location of the power poles could be worked out by the Commission and the Utility Companies.

City Attorney Grimes pointed out that under the present subdivision regulations, the Commission has the discretion to either allow or disallow alleys in subdivisions. When it approves a tentative map and a final map is submitted later, the Council has no choice but to approve the final map if it is prepared in accordance with the tentative map and pursuant to the subdivision regulations. The only thing which has stopped the Commission or the alley movement at the present time is the point Mr. Birmingham has brought up with reference to the location of the facilities and appurtenances of the utility serving the property. There is nothing in the regulations at this time which regulates or requires the placement of poles or lines either in streets or alleys or easements.

The City Manager stated that there had been considerable misunderstanding about this matter. This is not the Planning Commission's discretion except as it is allocated to them by the City Council. The only body which can determine that there will be or not be alleys in subdivisions by their action, if they wish to take it, is the Council. At the present time under the present ordinances, as pointed out by the City Attorney, it is left to the Planning Commission, but if the Council amends the ordinance to require alleys, it will be mandatory to have alleys. The vote of the Council is the deciding factor.

Mr. Frances O'Brien considered that the Council, the elected representatives of the citizens, should make the decision instead of the Planning Commission, an appointed body.

The City Attorney pointed out that the matter of subdivision regulations was adopted by the Legislature of the State of California and the city has no alternative but to follow the statutes of the State with respect to the regulations of its subdivisions. These regulations place in the Planning Commission the decisions for subdivisions within the framework established by the Council. Irrespective of alleys after the Council indicates its decision, in subdivisions, under the State law, as it is written, the Commission will still make the final decision when it approved the tentative map.

Mayor Hammond pointed out that the MID was one of a number of utility companies which served the community and the Council was responsible to the people of the community for the services and costs of the sewage, water, refuse and garbage pick up. The Council must not think in terms of power only but consider all of these other services.

Councilman VanderWall considered the Council should make a further study on the matter. Costs are not everything and conveniences should be considered. It was his personal opinion that alleys were much more convenient.

Councilman Knoles stated that at the present time he was in favor of an alley mainly because it permitted access to his carport. He wanted time to question some of the citizens in the community and officials of utility companies before he made his decision, particularly along the line of-----how does it happen that the City of Modesto is one of the remaining few cities which still use alleys-----is it that this system is so much better here and it does not work elsewhere-----is it an insurmountable problem in Modesto. He stated that he was not convinced that the city could not solve its problems relating to trees and easements. It should be considered again at a later date.

Councilman Martin pointed out that the other pole utility company involved had not considered the matter important enough to take a position on it at this meeting.

Mayor Hammond stated that the Telephone Company and the Pacific Gas & Electric Company were in a peculiar position in most communities as they were dependent upon the community to grant franchises and were not anxious to incur any disharmony as far as the city was concerned. It is a matter of public relations with them.

Planning Director Smeath stated that in other communities where the city owns the power, reports had been obtained by the staff from 9 cities. Six of these cities the power department of the city was required to put utilities on easements and the other three cities did so voluntarily.

Vernon Larsen, 141 Loma Vista, spoke in opposition to easements. If subdivisions are developed with easements, there should be some legislation adopted to regulate them.

The City Attorney pointed out that the easement being discussed by the Council was an easement for public utilities. In any case of an easement, use can be made of the land which does not unreasonably interfere with the purpose of the easement. An easement for an alley must be used for travel so buildings and landscaping could not be constructed in it but in an easement for utilities, it is for the purpose of installing, construction, maintaining and operating utilities. This would not prevent a lot of things being done with the land and in most instances, the fences of the property go back to the property line even though the rear five feet may be reserved for utility purposes. Improvements can be put in as long as they do not unreasonably interfere with the purpose for which the easement was granted. Different uses can be made of an easement for a sewer line than one for telephone utility because outside of digging the pole in the ground there would normally be no need to go into the balance of the area to use it for any purpose. If a sewer line is across the five foot, the construction of any building over the top of it would interfere with the reasonable access for the use of the easement. The purpose of the easement determines the use of the land. Fundamentally easements for utilities/ within the fencing of the property, whereas an easement for public transportation, such as an alley, is outside and in most instances is improved.

The City Manager suggested that a staff report be made on this matter.

Mayor Hammond stated that in view of the questions raised and the fact more information has been requested by a number of persons, he recommended that the discussion be held over.

MOTION

That the Council discussion be carried over until 8:00 P.M. October 14, 1959.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

REPORT ON DEDICATION CEREMONY AT DRYDEN PARK MUNICIPAL GOLF COURSE 10-70

Director of Parks and Recreation Lloyd Lowrey exhibited a sample draft of the program for the dedication ceremony at the Dryden Park Municipal Golf Course, proposed for Saturday, October 17 at 1:30 P.M. The Department is now compiling an invitational list of people in the community, representatives of the Golf Clubs, golf professionals, and various Mayors and City Managers of other cities. He suggested that play on the course for the Ceremony week end (Oct. 17-18) be free. The Course would be officially opened for public play on Monday, October 19. These plans are made on the basis that, barring any unforeseen detrimental weather of extended duration, the course will be ready for play.

The City Manager recommended that no charge be made for Oct. 17-18, and that preference be given to the special guests who have been involved in the development of the course and the official guests.

The Council agreed that the ceremony should be carried out on October 17, even if the course could not be used for play due to inclement weather.

Harry Rix, President of the Modesto Municipal Golf Club, expressed the Club's appreciation for the efforts and speed in development of the 18 hole course. He assured the Council that the Club was very much interested in seeing the entire project completed.

MOTION

That October 17, 1959 at 1:30 P.M., be established as the date for the dedication ceremony at the Dryden Park Municipal Golf Course.

Moved by Martin Seconded by VanderWall Unanimously carried

MOTION

That the Council Golf Course Clubhouse Committee work with the staff on the arrangements for the ceremony. (Arata-Knoles-Martin)

Moved by Spaulding Seconded by VanderWall

Mayor Hammond declared that the motion carried.

MOTION

That Dryden Park Municipal Golf Course be opened for regular play on Monday, Oct. 19, 1959.

Moved by Arata Seconded by Martin Unanimously carried

Page 15 9-23-59

City Manager Miller thanked Lloyd Lowrey, Andy Silva, Don Baker and their crews for their excellent work on the new course. He stated that this course would not have been possible except for 1) Horace and Dorothy Dryden who made the original gift of land and 2) the golfers and other volunteer workers who helped.

ESTABLISH GREEN FEES FOR DRYDEN PARK MUNICIPAL GOLF COURSE 11-46

A report was submitted by the City Manager on proposed green fees at the new golf course.

Harry Rix recommended the following changes in these rates: that the individual weekday greens fee for 18 holes of golf be increased from \$1.25 to \$1.50; for weekend and holiday to \$2.00 and that the monthly family ticket, unlimited play be a flat rate of \$12.50 and no difference be made in the rate for the number in the family.

Mr. Lowrey recommended that the present rates remain on the Modesto Municipal Golf Course.

After discussion the following provision was ordered by the Council to be included in the resolution setting the rates: "Tickets issued for play on the Dryden Park Municipal Golf Course shall be honored on the Modesto Municipal Golf Course".

RESOLUTION NO. 59-403

A RESOLUTION ESTABLISHING GREENS FEES FOR THE DRYDEN PARK MUNICIPAL GOLF COURSE IN THE CITY OF MODESTO

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

Mr. Rix asked that these rates be reviewed at the end of a year to determine if any adjustments would be required. Mr. Rix was given permission to display the new course to a "walking party" on Saturday morning, September 26.

APPROPRIATION TRANSFER OF FUNDS FOR COMPLETION OF 18 HOLE GOLF COURSE 12-57

RESOLUTION NO. 59-404

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM RESERVE TO DRYDEN PARK MUNICIPAL GOLF COURSE IN THE SUM OF \$34,625..

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

The original recommendation of the staff for the transfer of \$35,425 was reduced by \$800 to eliminate funds for the printing of starter sheets, etc. and rental of chemical toilets which were considered operating charges.

HOLD OVER CONSIDERATION OF SEWER SERVICE TO S.O.S. CLUBHOUSE PROPERTY 12-116

Mr. Ray reported that this matter was not yet entirely cleared with the S.O.S. Club. An agreement form will be prepared after all matters are cleared and presented for Council approval.

DISCUSSION ON REQUEST FOR VARIANCE TO PERMIT SIGN AT ASHER BROS. SHOE STORE, 1105 TENTH STREET 12-125

The City Manager reported that the Signs Designs Company had withdrawn its request for a variance to permit a large type sign to be located at the new Asher Bros. Shoe Company store, 1105 Tenth Street because it considered that it would not be structurally safe and the size of the sign would exceed the ordinance by too great a margin.

With the unanimous consent of the Council, Lou A. Papais, President of the Ad-Art Sign Co. Inc. 712 10th Street, requested that a variance be granted Asher Bros. Shoe Company, as provided in Section 9-6.20 of the Municipal Code for a proposed addition to an existing sign at the store located at 1105 10th St. He stated that the company proposed to install an addition to this sign which would have a total area larger than is permitted in the Code. He pointed out that the Code does not limit the number of signs although it does limit the square foot area. The company wishes to modify the existing sign to increase it 93 sq. ft. in size, making a total of 230 sq. ft. of perpendicular sign. He stated that the sign would be drawn by a structural engineer and its structural soundness would be guaranteed by the company.

The City Manager suggested that a check be made by the staff before the Council is asked to make its decision.

MOTION

That the matter be referred to the staff for further study and report at the next Council meeting.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

Mr. Ray noted that the request for the variance should be made by Asher Bros. Shoe Company.

LETTER IN PROTEST TO PROPOSED IMPROVEMENT DISTRICT NO. 8 - GEORGE H. BROWN AND LLEWELYN B. BROWN 13-72

The letter of protest from Mr. and Mrs. Brown was read.

The City Attorney pointed out that this could not be considered as a formal protest but merely an expression of their opinion at this point. The letter should be filed and they should be advised of the procedure to make a formal protest at the time the public hearing is held. Any protest made before the adoption of the Resolution of Intention by the Council cannot be considered a formal protest. The City Clerk was directed to forward this information to Mr. and Mrs. Brown.

HOLD OVER RESOLUTION OF INTENTION TO VACATE A PORTION OF SYDNEY AND BURNEY STREETS 13-83

The City Manager reported that the Planning Commission had adopted Resolution No. 516 recommending that the Council hold a public hearing on the request of the Tri-Valley Packing Association for the abandonment of that portion of Sydney and Burney Street located south of Grand Street. The basis of the Commission's decision was that both Sydney and Burney Streets, south of Grand Street, dead-end into the Tri-Valley Packing Association property and are not required as public streets. The Commission recommended that the following easements be retained:

- (a) The west 40 feet of the area of Sydney Street covered in the request of Tri-Valley Packing Association; and

- (b) The east 20 feet of Burney Street covered by the request of Tri-Valley Packing Association;

said easements to permit construction, maintenance, operation, replacement, removal and renewal of utility facilities and appurtenances and immediate access and travel for fire fighting purposes.

The City Attorney stated that upon abandonment of the street area, it would revert to the ownership of the abutting property owners.

By order of the Council this matter was held over until a later date for clearance of the matters raised by the City Attorney.

The City Manager asked if the Council would like to know more about matters of this nature before formal action is taken. A lot of work is done by the staff and some money is expended before the Council considers these matters. If the Council had these facts before any work was done it might indicate whether this study should be made by the staff. He asked if the staff should report on the actions of the Planning Commission in general terms and have the Council indicate its interest in proceeding with the matter.

The City Attorney pointed out that in this particular matter, a public hearing would be required in any case as provided by the State law.

CITY HALL MATTERS 14-15

No matters to be cleared.

MATTERS FOR THE GOOD OF THE COMMUNITY 14-17

Clarence Duke, 405 Northwood Drive, speaking for a group of property owners in the proposed Northgate-Montgomery Village Storm Drainage District, asked that the Council give immediate consideration to creating an improvement district in this area to relieve a very severe drainage condition.

BUILDING OF CLUBHOUSE AT DRYDEN PARK MUNICIPAL GOLF COURSE 14-40

With the unanimous consent of the Council, Councilman Arata reported that he had been contacted by a person who was interested in possibly building a clubhouse at Dryden Park on a lease-purchase arrangement and that he had referred the person to the City Manager to obtain a set of plans.

CLEAR EXTENT OF USE OF "ALL AMERICA CITY" EMBLEM 14-45

The City Manager reported that the staff had met with representatives from the Chamber of Commerce, Down-town Merchants Association, McHenry Village Merchants Association, City Employees' Association, McHenry Avenue Improvement Association to discuss to what extent, if any, the city should continue to use the "All America City" emblem.

This group generally agreed that the emblem should not be completely discarded as it was useful in preparing brochures on the city, but the city should not continue to emphasize it. The signs which are now on the highways and which need refurbishing, if left, should be removed and a different insignia used on the city cars. The City Manager recommended that the limited use of the insignia, as recommended by the group, be approved.

MOTION

That the recommendation of the City Manager on the limited use of the All America City emblem be approved.

Moved by Knoles Seconded by VanderWall Unanimously carried

FURTHER REPORT ON THE NORTH CENTRAL STORM DRAINAGE IMPROVEMENT DISTRICT NO. 8 14-75

The City Manager reported on the staff's work in clearing some of the matters involved in this district.

Mr. Ray read his report to the City Manager, dated September 23, 1959, on the subject "Storm Drainage-North Central District-Improvement District #8", a copy of which is on file with the records of this meeting. He recommended that due to the problems relating to tree removal proceedings be undertaken as soon as possible to initiate the storm drainage project by providing for storm drain lines only without the installation of curbs and gutters. The reasons for this recommendation were:

1. The longer the storm drainage construction is delayed the less benefit will be obtained by having the drainage available;
2. It will take some time to clear out the various questions raised in relation to the tree problem. This conclusion is reached because of discussions with various property owners in the district, many of whom have either adopted a stand that they do not want to see their trees removed or prefer to wait and see what happens to the district.
3. Additional delays and an injection of other issues into the discussion of this district may adversely affect acceptance of the proposed project by the property owners.
4. If curbs and gutters are to be left out in some locations because of a desire to retain trees then the case for requiring curbs and gutters in the balance of the district is weakened.
5. In addition to tree problems, there are other instances where curbs and gutters could not be constructed at this time due to the lack of rights of way needed for greater street widths. These locations are on portions of Roseburg Avenue, Orangeburg Avenue and Granger Avenue. Because of this, even if curbs and gutters are required where possible, if they are left out as they must be where insufficient right of way exists or if they are deleted where tree problems occur, a portion of the district would not have curbs and gutters at this time.
6. If the storm drains are installed, curbs and gutters will follow by voluntary action excepting where some specific problems, such as trees or lack of right of way might occur.

Mr. Ray pointed out that the staff had been working on the North Central and Northgate-Montgomery Village areas concurrently. Plans have been completed for the first area and plans for the second district are well along. The staff's time during the past month has been taken in answering questions raised by the owners in Improvement District No. 8 instead of completing the plans on the Northgate district. The McHenry Avenue storm drain is being constructed from the south to the north and it will be sometime before it will reach the Northgate area. The line will only be constructed to Lateral No. 3 and it will be necessary to extend it on up McHenry Ave., north of MID Lateral No. 3 to serve this area.

Page 19 9-23-59

Mr. Ray reported that if curbs are not constructed there would be some minor problems of the silt washing into the drains in Improvement District No. 8, but these should not be severe. Curbs and gutters could be installed later either by an improvement district or on a voluntary basis with a private contractor. Permits have already been issued for approximately 10,000 feet of linear curb and gutter, most of which is now being held up until the district is resolved.

Mr. Ray reported that most of the curbs and gutters were already installed in the Northgate-Montgomery District. Only the undeveloped areas remain without curbs and gutters. Trees would not be a problem either. The main problem now is assignment of engineering personnel to complete the plans.

The time factor involved in completion of the necessary legal steps to initiate proceedings in District #8 was discussed. If the Council approves the recommendation for deletion of curbs and gutters, the plans must be redrawn, which is not a major project. Mr. Ray reported the staff had discussed the possibility of obtaining funds from the Federal Home Finance Agency for engineering work but until the city has one successful drainage district, there is not much point in asking for these funds.

Councilman Martin asked why the city could not proceed with the easier district----Northgate-Montgomery District so that it could have a successful drainage district.

Mr. Ray stated that this will be recommended if there is going to be a delay on the North Central, if not and this district can be "wrapped up" and it is out of the way and the staff will not have to worry about further contacts and the loss of time, it will have more time to actually proceed with the second district. Furthermore the trunk line will be available to No. 8 district prior to the other district.

Allen Grimes, 811 Hackberry Avenue, resident in the proposed Improvement District No. 8, spoke in favor of proceeding in accordance with the recommendation of the Director of Public Works.

Mayor Hammond stated that after talking with a number of residents in this area, he felt that the majority favored the drainage district.

The City Manager considered that it would be a tragedy if this district failed. Drainage should not be confused with other matters. There is an excellent chance that it will be approved if it is untangled from everything else except "getting some drains in the grounds to which people can tie if they can and will". He considered that it would not be reasonably possible to clear the district on any other basis. He suggested that the Council set a specific time to consider it at the next meeting and at that time if there are any grave reservations, the Council could proceed with the other district north of MID No. 3 Lateral.

Richard Giddings, 1330 Magnolia Avenue, expressed his confidence that Improvement District No. 8 would be successful but a delay might be "fatal". He suggested that the engineering staff be increased to complete the plans for the Northgate-Montgomery district so that it could proceed more rapidly. The need for storm drainage is great and the willingness of the property owners to participate in an improvement district is practically unanimous.

OFFER OF FOSTER & KLEISER TO FURNISH SIGN TO CITY 17-78

With the unanimous consent of the Council, the City Manager reported on the offer of Foster & Kleiser, Outdoor Advertising Company, to the city to use one of its outdoor signs located at the south end of McHenry Avenue on a temporary basis, to express appreciation to the citizens for their cooperation in the McHenry Avenue widening project.

MOTION

That the staff be authorized to work out arrangements with Foster & Kleiser for the temporary use of the sign.

Moved by Arata Seconded by Spaulding Unanimously carried

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Spaulding Unanimously carried

The meeting was adjourned at 11:40 P.M.

ATTEST: 
CITY CLERK

Special Council Meeting
September 26, 1959

The Council of the City of Modesto met in special session this date at 2:00 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, Mayor Hammond presiding to consider the request of the Modesto 20-30 Club to use Del Webb Field for a Donkey Baseball Game on Saturday, Sept. 26, 1959 at 8:00 P.M.

The City Clerk called the roll and there were

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

Absent: Councilmen: Arata, Knoles, Martin

Letters were noted by the Council from the following:

- 1- Lowell R. Clark advising that the insurance required by the City had been obtained.
- 2- Robert F. Balch, President of the 20-30 Club, certifying the Club would accept all provisions of the permit.

RESOLUTION NO. 59-405

A RESOLUTION GRANTING A PERMIT TO THE 20-30 CLUB OF MODESTO TO USE DEL WEBB FIELD ON SATURDAY, SEPT. 26, 1959 TO HOLD A DONKEY BASEBALL GAME

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

ADJOURNMENT

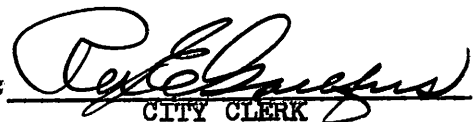
MOTION

That the special meeting now in session be adjourned.

Moved by VanderWall Seconded by Adams Unanimously carried

The meeting was adjourned at 2:05 P.M.

ATTEST:


CITY CLERK

Modesto City Council
October 7, 1959

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, Knoles, Martin, VanderWall and 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.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of September 10, 16, 23 and 26, and the same being available for public inspection and there being no objections, the minutes were approved.

INVITATION FROM MODESTO SENIOR CITIZENS TO ATTEND DINNER 1-10

An invitation to the Council members from the Modesto Senior Citizens to attend its annual dinner, Oct. 29, was read. The City Clerk was directed to remind the members of the date.

ACCEPT GIFT OF LOCOMOTIVE FROM SANTA FE RAILROAD COMPANY 1-18

With the unanimous consent of the Council, Tom Beard reported that the Yosemite-Modesto Exchange Club had been successful in obtaining a gift of a steam locomotive from the Santa Fe Railroad Company to be placed on exhibition in the city. Sufficient ties and rail will be furnished by the company to place the locomotive at its permanent location. He asked that the Council formally accept the gift so that the company could write it off and take its tax credit.

The City Manager reported that the staff had been checking the possibility of installing the engine in the Children's Park in Beard Brook Park. With the cooperation of the Modesto-Empire Traction Company a permanent location for the engine could be arranged. He recommended acceptance of the offer as the M&E T Co. has agreed to store the engine until a permanent site is arranged. This acceptance would not be a commitment by the city to place it in the Children's Park but merely to accept it pending arrangements for a site.

RESOLUTION NO 59-407

A RESOLUTION ACCEPTING THE GIFT OF A STEAM LOCOMOTIVE FROM THE SANTA FE RAILROAD COMPANY

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

Mayor Hammond was authorized to write letters of appreciation to the Santa Fe Railroad Company and Yosemite-Modesto Exchange Club.

The Council expressed its appreciation on behalf of the citizens of the city to Tom Beard for making arrangements with the Santa Fe Company.

REPORT ON DECISION OF DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL ON LIQUOR LICENSE FOR GEORGE'S PLACE 1-65

The Council noted the decision of the Department of Alcoholic Beverage Control recommending the granting of an on-sale beer and wine license to Wesley J. Busler and John Ruggiero, dba George's Place, 122 North Highway 99. The report indicated that the Council's resolution of protest had been taken into consideration but the Board considered that there was insufficient evidence to warrant denial of the license and that the issuance of the license would not be contrary to public welfare and morals.

The City Attorney recommended that the city not take advantage of the opportunity to submit written arguments to the Department, prior to October 19.

The City Manager stated that a presentation had been made by the staff at the public hearing indicating the Council's position at that point.

The Council indicated that it did not wish to proceed any further with its protest.

APPEAL FILED BY CLARENCE SHINN JR. RELATING TO TAXICAB DRIVER'S LICENSE 1-76

A letter was filed by Clarence Shinn, Jr., appealing the denial of the Police Chief to issue him a taxicab driver's license due to his driving record.

Mayor Hammond stated that the speeding convictions and failure to observe traffic signs listed in the Police Chief's report were a matter of serious concern when considering the issuance of a taxicab driver's license.

The City Attorney advised that under the existing code provisions it would be impossible to issue a license to a person convicted of a felony (Mr. Shinn's report indicated arrests for forgery and burglary in 1955). Police Chief Bowers pointed out that the record on the disposition of these two arrests had not yet been received. He recommended rejection of the license even if he was not convicted of the two felonies because of his driving record which indicated that he was not a safe driver. He stated that Mr. Shinn was presently operating on a probationary chauffeur's license, granted on the condition that he not violate any further.

The City Manager recommended that the appeal be denied on the basis of known citations.

MOTION

That the appeal be denied.

Moved by Martin Seconded by Knoles Unanimously carried

LETTER FROM STANISLAUS COUNCIL OF GIRL SCOUTS 2-06

A letter was read from the Girl Scouts requesting permission to rent the office and storage space presently occupied by the Parks and Recreation Department in the Community Service Center after completion of the new City Hall. They also requested permission to rent the northwest classroom on the first floor, when it was available, for conversion into a Leader's Training Center.

page 2 10-7-59

By order of the chair this matter was referred to the staff for study and report.

ACCEPT BID OF AMERICAN TRANSIT MIX COMPANY FOR SAND FOR SAND TRAPS AT DRYDEN PARK MUNICIPAL GOLF COURSE 2-15

RESOLUTION NO. 59-408

A RESOLUTION ACCEPTING THE BID OF AMERICAN TRANSIT MIX COMPANY IN THE SUM OF \$3,640 FOR FURNISHING OF SAND FOR SAND TRAPS AT DRYDEN PARK MUNICIPAL GOLF COURSE

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR IMPROVEMENT OF TULLY ROAD 2-23

RESOLUTION NO. 59-408

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF TULLY ROAD FROM 99 HIGHWAY TO STODDARD AVENUE

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

The time set for opening the bids was Oct. 19 at 2 P.M.

The City Manager pointed out that additional time would be allowed the contractor due to the late season. In view of the urgency for the improvement it is desirable to proceed on the project.

Answering a question raised by Councilman Adams, Director of Public Works Ray reported that College Avenue improvement would be practically completed by the time the contractor would start on Tully Road.

ORDINANCE AMENDING MUNICIPAL CODE RELATING TO BUSINESS LICENSES ON BRANCH ESTABLISHMENTS 2-58

The City Attorney reviewed the Council discussion on the revision of the business license regulations relating to licensing branch establishments. He pointed out that both the Citizen Committee and staff had recommended that these establishments be required to have separate licenses. However, after a public hearing, it was decided that branch dry cleaning and laundry establishments should not be required to have separate licenses as these auxiliary locations were used only for the convenience of customers to pick-up and give-out garments processed by the main plant.

The City Attorney reported on the unsuccessful efforts of the Director of Finance to obtain a license fee from the branch office of the Campbell Real Estate office on LaLoma operated by Herbert E (Buzz) Brooks. Both Mr. Brooks and his attorney, Robert Carter, interpreted this section of the Code to mean that a license was not required.

As a result of the study of this matter, the City Attorney stated, an ordinance has been prepared for Council consideration which would make it clear that separate licenses are required for branch establishment, including any branch establishment or location of a business required to be licensed under the Business and Profession Code

of the State of California or for which a license has been obtained under this code. This ordinance still carries a provision that warehouses and distributing plants used in connection with and incidental to business licensed under the provision of the Municipal code shall not be deemed to be separate places of business or branch establishments or separate types of business.

Attorney Robert Carter considered that the existing provisions of the Municipal Code did not apply to this branch office because it was incidental to the main office. All of the real estate transactions are consummated, closed and processed through the main office. He considered that the new ordinance singled out real estate offices; that the city was receiving a reasonable license fee from real estate offices if the registration license fee was paid only on the main office and the mill license fee paid on all transactions. There is only one broker's license issued by the state for both the main office and the branch office.

The City Attorney pointed out that Mr. Brooks had obtained two state licenses, a broker's license for his main office and one for his branch office on LaLoma, which is required under the Business and Profession's Code. There is advertising from the branch office, real estate transactions, people come in to put up deposits, and receipts are issued. There is no attempt to single out real estate offices in the proposed ordinance as all branch establishments will be covered except those on which the Council has previously established its policy--- exempting warehouses and distributing plants used in connection and incidental to businesses licensed under the Code. All other real estate concerns have obtained branch office licenses, he pointed out, as well as attorneys, optometrists, retail stores, etc, even if they have centralized their books for accounting purposes.

The City Manager pointed out that if the Council changed the branch establishment portion of the business license regulations it would bring the whole matter up again.

Mayor Hammond personally considered that the Council should review just what constituted warehousing and distributing facilities.

The City Attorney stated that the interpretation of warehousing and distributing plant provisions of the regulations would have to rest on the facts of each particular applicant or taxpayer. It is not a matter to be determined by the Council under the language, as this is the language under which the city has been operating since the regulations were revised. Mayor Hammond agreed to this premise and pointed out that the proposed ordinance would clarify the wording.

ORDINANCE NO. 335-C.S. entitled
 "AN ORDINANCE AMENDING SECTION 6-1.109 OF ARTICLE 1 OF CHAPTER 1 OF
 THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSE REGULATIONS
 was introduced and ordered published as required by the Charter.

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

HEARING ON APPEAL OF SAMUEL JACOBS FROM THE DECISION OF THE BOARD OF
 ZONING ADJUSTMENT 4-85

Mayor Hammond declared that the hour of 4:30 P.M. had arrived,
 the time set for the hearing on the appeal filed by Samuel Jacobs from

page 4 10-7-59

the decision of the Modesto Board of Zoning Adjustment denying his application for an extension of parking into a residential zoned area (R-3) at 601 McHenry Avenue.

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

Director of Planning Smeath reviewed the background of the appeal and displayed maps of the area showing the proposed construction of the restaurant and landscaping.

Attorney Robert Bienvenue, representing Mr. Jacobs, stated that the application had been denied by the Board of Zoning Adjustment on the basis that the plan submitted was incompatible with the surrounding area. However the Board did not bring out anything in its consideration of the application which would substantiate this conclusion. A greater portion of the hearing was devoted to considering an alternate plan submitted by the Planning staff. The Board was told that this plan was not acceptable to Mr. Jacobs, and then denied the application. He considered that it was not a question of whether or not some other plan was more compatible than the plan submitted, the decision of the Board should be based on the plan filed by the applicant. It is possible that under any application a more compatible plan could be designed, but the question is-----is this plan submitted compatible or not.

Mr. Bienvenue stated that there was no evidence to substantiate the conclusion of the Board of Zoning Adjustment. No one has told the applicant what is wrong with his plan. This plan meets the requirements of the city in all ways, provides off-street parking, if a use permit is approved to utilize Mr. Jacob's R-3 property. As it stands now. Mr. Jacobs must never use his property, or chop it up the way the Planning staff wants it used. He pointed out that other property owners had been given use permits to use residential land for parking on this street. He stated that Mr. Jacobs had tried to present a plan in conformity with the city policies and the McHenry Avenue study policies and asked that the equities of the situation and the legal point of view be considered by the Council in reviewing the decision of the Board of Zoning Adjustment.

C. F. Heckman, 637 Geer Court, representing 35 property owners, opposed the granting of a use permit because; 1) other permits will be granted to property owners facing McHenry Avenue; 2) Mr. Jacobs should purchase the commercial property adjoining his property for parking; 3) There was no assurance that the required landscaping would remain; and 4) the entrance and exit on McHenry Avenue might not be approved by the Highway Department and Mr. Jacobs would be required to provide an entrance or exit on Geer Court and remove the wall on this street. The Geer Court owners have a large investment in their property which should be protected by the Council.

Answering a question raised by Mayor Hammond, the City Attorney stated that a use permit would run with the land and not the applicant. Usually a permit is based upon a development plan, as submitted, with conditions attached and failure to comply with any of these conditions is grounds for revocation of the permit.

Planning Director Smeath reviewed the Board's discussion on "compatibility", as related to the adjacent residential properties. He pointed out that it was difficult to provide for a permanent maintenance of a 15 foot strip of land outside of a developed property on the other side of a wall which has no service use to the property.

The Board has required this type of landscaping but it has always been on the street side. The Board believes that this would be an incompatible provision. The northern portion of the wall will be set on the residential line. The Board has denied permits in three other cases on the basis that the plan presented was not compatible and plans were presented later, two of which were then approved by the Board. He pointed out that one problem involved was the operation would be from one street through to the next street.

Councilman Adams stated that it was conceivable that parking could extend down the entire block if this permit was granted. The cost of development and maintenance of the landscaped area seemed to be an unwise use of Mr. Jacobs' money. Not many people will enjoy the landscaping because the neighbors across the street cannot see it and the customers will be in a hurry to get into the restaurant for their meal. It will not serve any purpose except to obtain the permit.

The City Attorney pointed out that over a period of time in dealing with this problem, it has generally been considered that the establishment of some landscaping area to set off between a commercial use and residential use provides that transitional stage and makes the two uses compatible. This device has been used in many of these conditional permits.

Councilman Arata stated that Mr. Jacobs could build his building on the commercial area and pay the city \$750 for each parking space required and then the city would have to provide costly parking on McHenry Avenue.

Councilman Adams suggested that the size of the building could be scaled down so that parking could be provided on the commercial area also or Mr. Jacobs could acquire other commercial property.

O B. Freese, 660 Geer Court, pointed out that there would be a bar in connection with the restaurant which would create traffic problems at all hours. The state might require that the wall in the rear be removed to permit exit onto Geer Court. Traffic from the bar into the Court would be most undesirable for the property owners. The precedent once established might permit the extension of parking up the entire block.

J. L. Wallace, McHenry Avenue, spoke in opposition to the granting of the permit.

Mayor Hammond declared the hearing closed.

RESOLUTION NO. 59-410

A RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING THE APPLICATION OF SAMUEL JACOBS FOR A CONDITIONAL USE PERMIT TO USE RESIDENTIAL ZONED PROPERTY AT 601 McHENRY AVENUE FOR OFF-STREET PARKING PURPOSES

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

Mayor Hammond declared that the resolution did not carry and the matter was still before the Council for action.

RESOLUTION NO. 59-411

page 6 10-7-59

A RESOLUTION PROVIDING THAT THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING THE APPLICATION OF SAMUEL JACOBS FOR A CONDITIONAL USE PERMIT TO USE RESIDENTIAL ZONED PROPERTY AT 601 McHENRY AVENUE FOR OFF-STREET PARKING PURPOSES BE HEREBY OVERRULED.

Introduced by Arata Seconded by Martin

The Council discussed conditions to be included in the resolution as follows:

1. That the parking area be developed in accordance with the development plan, as revised, entitled "Proposed Landscape Layout at Rear Parking for Mr. Sam Jacobs" with the following additions:
 - (a) The wall shown on the drawing shall be constructed of concrete blocks six feet high;
 - (b) The landscaping shall be installed and permanently maintained as shown on the plan;
 - (c) The parking area shall be developed and maintained as required by Section 10-2.1807 of the zoning regulations;
 - (d) Failure to comply with any of the above conditions shall be grounds for revocation of the permit.

The City Manager pointed out that on the matter of the planning staff presenting an alternate plan, the applicant has no obligation to accept, but the effort was to try to get a solution of the matter on a satisfactory basis. The staff does have an obligation, if there are severe questions, to make suggestions. Precedents are established each time the Council takes action and if this permit is approved---"How do we say no to the next one".

The City Clerk called the roll on the resolution

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

INFORMAL HEARING ON PROPOSED IMPROVEMENT DISTRICT NO 8- STORM DRAINAGE IN THE NORTH CENTRAL AREA 8-36

Mayor Hammond announced that the hour of 5:30 P.M. had arrived, the time set for the further consideration of the proposed Improvement District No. 8- Storm Drainage in North Central area.

The City Manager reviewed the action taken by the Council at its last meeting----that plans be prepared to include drainage but omit the curb and gutter construction as a part of the district. Because of the conflict in the district the Council considered that it might be necessary for the matter of curbs and gutters and trees to be worked out later. The staff has prepared the plans to proceed on either basis. The best estimates now available for the cost of the drainage is four cents/square foot. He reported on the meeting sponsored by the Enslin P.T.A. which was attended by about 50 persons. A map showing the proposed basic drainage system and a map outlined in three colors showing the locations where curbs are already installed, where permits have been taken out for curb and gutters; and where curbs and gutters have been installed since the letter was sent out, was displayed for Council information.

The City Manager stated that the staff would work with the people in the area to get in the balance of the curbs on a voluntary basis. There is a provision in the state law where, if more than one half of a block has installed improvements, the balance of the owners can be required to install them.

Mayor Hammond asked for comments from the audience on the proposal to proceed with the district, for drainage only.

Don Bodes, 713 Griswold Avenue, spoke in favor of the district with drainage only. He felt that curbs, gutters and sidewalks would follow in due course and that no further delay should incur on the drainage which is badly needed.

Mayor Hammond closed the hearing.

Council discussion:

Relative merits and efficiency of the two systems were discussed by the Council---a district for drainage only and a district for drainage including curbs and gutters.

Mr. Ray stated that until curbs and gutter were available in the district, there will be localized depressions which will not be drained. However a major portion of the district already has curbs and gutters and these locations would have the immediate effect of drainage and the others a lesser degree but they would still have some benefits of drainage. In the instances where the installation of curbs and gutters would not work to an advantage to the property owner, the staff would advise the property owner not to install them, or to get 51% of his neighbors to install them so that the state law could be invoked to require the balance of the block to install curb and gutter.

MOTION

That the staff proceed to have the necessary documents prepared on the plans, as revised, eliminating the curbs and gutters.

Moved by Martin Seconded by Knoles Unanimously carried.

Mr. Ray reported on the timing involved in the district proceedings. He estimated that it would be two months before the public hearing could be scheduled and an additional month before construction could be started.

APPROVE WIDTH OF COOLIDGE AVENUE 9-70

With the unanimous consent of the Council, the City Manager presented a matter not on the agenda---proposed width of Coolidge Ave.

He reported that a number of the property owners on this street had taken out permits for the installation of curb and gutter. The Modesto Building and Loan Company is now in the process of completing building plans for its new building on the southwest corner of Coolidge and McHenry Avenues. It is proposed that the width of this street, between curbs, be 36' with 4½' sidewalk areas for a distance of approximately 110' west from McHenry, then a transition section through the next 50' so that where the street enters the residential area, it is only 34' between curbs, with a 3' sidewalk area. The Loan Company will dedicate a strip of land 5' in width along its Coolidge Avenue frontage. No further dedications will be required until the owners desire to construct sidewalks and at this time the city will require the dedication of additional land necessary for the sidewalk.

Ross Campbell, City Engineer reported that he had not yet met any opposition to this proposal from the owners.

The City Manager asked for authority from the Council for the staff to proceed as reported on the commercial property and with the residential portion of the street unless objections were raised by the owners and if so they would be presented to the Council.

MOTION

That the staff be authorized to proceed on the basis outlined.

Moved by Martin Seconded by Arata Unanimously carried

APPROVE USE OF CONSULTING ENGINEER FOR COMPLETION OF PLANS FOR NORTHEAST DRAINAGE DISTRICT 9-100

The City Manager recommended that in view of the urgency in providing a drainage system in the Northeast area outside engineering assistance be obtained.

Mr. Ray outlined a proposal for hiring Roy Fredricksen, Consulting Engineer on an hourly basis to assist the staff in "speeding up" the project". About 50% of the work on the plans for this district has already been completed by the staff, Mr. Ray stated.

MOTION

That the staff be authorized to prepare the necessary agreement for Council approval on the terms outlined by the Director of Public Works

Moved by Arata Seconded by Martin Unanimously carried

Clarence Duke, 405 Northwood Drive, spoke in favor of hiring additional engineering personnel to speed up the project.

PRESENTATION OF ANNUAL AUDIT REPORT 10-20

MOTION

That the annual audit report be accepted and payment of \$1550 be approved to C. D. Nattinger & Company

Moved by Adams Seconded by Arata Unanimously carried

REQUEST FOR VARIANCE TO SIGN REGULATIONS-ASHER BROS. SHOE COMPANY 10-25

Asher Bros. Store filed a variance request relating to Municipal Code (Section 9-6.25(b)(5)), limiting the area of projecting signs to 150 square feet each side.

Director of Public Works Ray reported that the sign proposed by the Company was 247 sq.ft. in area each side. He recommended that the request be denied and that the maximum limit of 150 sq. ft. be adhered to in order that everyone may have an equal chance to advertise by this method. If this area is too small, then the staff feels the Code should be revised, but only after very careful study.

Mr. Ray also suggested that the Code be amended to eliminate the provision for area increase by special permission of the Council in order to eliminate the problem of variance requests. He displayed a sketch of the proposed sign.

Dick Emerzian of Ad-Art Sign Company, outlined the proposal for the sign and the reasons why the variance should be approved. He considered that proposing limitations on any type of sign work, which is structurally safe, limits the retail user and the companies. He considered that the Code regulations should be reviewed and brought up to date.

Sidney and Harry Asker spoke in support of the variance request and assured the Council that the sign would be constructed in such a manner that it would be structurally sound.

MOTION

That the variance request be denied.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

Mayor Hammond asked the Company to work with the city staff to determine the Municipal Code limitations available for the reconstruction of the sign to meet their needs.

FURTHER CONSIDERATION OF ZONING OF THE MODESTO INDUSTRIAL PARK AREA 11-62

Pursuant to earlier Council action, Mayor Hammond announced that further consideration of the permanent zoning of the Modesto Industrial Park area had been delayed to permit Robert Moore to be present to enumerate additional reasons why he considered that his property should not be zoned M-P as recommended by the Planning Commission.

Three maps of the area were displayed.

- 1) Showing the zoning of all the area except the C-1 Marshall property as M-P, which had already been defeated by the Council;
- 2) Changing the Moore property to C-1; and
- 3) Changing the Moore property to C-2.

The City Manager noted that the Council had been furnished with a tabulation of the various uses permitted in these three zones.

Planning Director Smeath outlined the types of uses permitted in C-2 and C-1 zones. He pointed out that C-2 was a heavier type of zoning which permitted comparison shopping facilities, such as furniture, department and appliance stores, public garages, etc. Uses permitted in the County C-2 were also reviewed by Mr. Smeath.

Answering a question raised by Mayor Hammond, Mr. Smeath stated that the staff's recommendation for a commercial type of zoning, which had previously been indicated as the desire of the Council, would be C-1. The staff has recommended to the Commission and Council several times that it is improper or undesirable from the city's standpoint at this time and due to the size of the city, to grant C-2 zoning on a strip commercial street because this makes then an authorization for additional furnitures stores, department stores and heavy comparison use groups to disperse throughout the community. These require, for any successful operation, normally, a large population base. The scattering

of these is harmful to the central business district and to the service to the public. When the studies of the downtown area and other commercial districts are completed there will be a more substantial basis from a business standpoint, for zoning. In the interim, the staff feels that it is not good policy to continue C-2 zoning out on the strip streets.

Mr. Robert Moore listed the reasons why he wished his property zoned C-2.

1. That he was opposed to the position of the railroad company in trying to control the land use. The company only owns 40% of the land in the area, leaving 60% to private owners;
2. That Crows Landing Road is one of the major thoroughfares in the County;
3. That when the railroad company offered to purchase his property it indicated willingness to leave six acres of his property for sale for heavy commercial use (c-2);
4. That the zoning of the 8 3/4 acres as C-2 would not affect any heavy industrial use coming into the city;
5. That property owners in 1956 owning approximately 200 acres south of Whitmore Road petitioned the County for industrial zoning and if there was any shortage north of this road it could be easily made up south of the road;
6. That some of the uses permitted in M-p zone and not permitted in County C-2 zone would not be compatible to the adjacent commercial development on Crows Landing Road;
7. That the purpose of the general plan is ^{to} permit orderly growth and if his property was zoned C-2, it would be orderly growth;
8. That the zoning of this area for industrial uses had lead to stagnation of the area;
9. That the Planning staff has not given good specific reasons why his land should be industrial.

Mr. Smeath stated that if the Council should decide to zone the Moore property C-2, the Marshall property should also be zoned C-2.

Mayor Hammond considered that Mr. Moore would benefit more under M-P zoning than C-2. He proposed that the zoning be changed to C-1 and that the M-P zoning on the balance of the area, except the Marshall property, be made permanent.

ORDINANCE NO. 336-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MODESTO INDUSTRIAL PARK)"

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

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

REPORT ON REFUSE DISPOSAL 12-110

The City Manager noted that a written report on this matter had been distributed to the Council members. He stated that a determination needs to be made of the feasibility of handling garbage and refuse disposal together.

PRESENTATION OF CAPITAL IMPROVEMENT PROGRAM 12-117

The City Manager stated that copies of the proposed capital improvement program had been distributed to the Council members. He asked if the members wished to set a specific time for consideration of the program.

By order of the Chair, October 14 at 8:05 P.M., was set as the time for consideration of the program.

SET HEARING FOR CONSIDERATION OF VACATION OF PORTION OF SYDNEY AND BURNEY STREETS 13-33

Resolution No. 516, adopted by the Planning Commission, recommending the holding of a public hearing on the proposed closing of portions of Sydney and Burney Streets as requested by the Tri-Valley Packing Association was considered. The Commission recommended that the following easements be retained:

- 1) The west 40 feet of the area of Sydney Street covered in the request of the Tri-Valley Packing Association; and
 - 2) The east 20 feet of Burney Street covered by the request of the Association.
- (Said easements to permit construction, maintenance, operation, replacement, removal and renewal of utility facilities and appurtenances and immediate access and travel for fire fighting purposes.)

RESOLUTION NO. 944-S.P.
RESOLUTION OF INTENTION NO. 268

A RESOLUTION OF INTENTION TO VACATE AND ABANDON PORTIONS OF SYDNEY STREET AND BURNEY STREET SOUTH OF GRAND STREET IN THE CITY OF MODESTO (BLOCK 223)

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

The time set for the hearing was October 28 at 8:05 P.M.

CITY HALL MATTERS 13-45

The time set by order of the chair for the placing of the plaque at the new City Hall was October 22 at 12:15 P.M. The City Manager recommended that the Citizens' City Hall Bond Committee be invited to attend the ceremony. This was approved by order of the Chair.

APPROPRIATION TRANSFER 13-65

RESOLUTION NO. 59-412

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$670 FOR INSTALLATION OF CHAIN LINK FENCE AT THE BEARD BROOK BALL FIELD

Introduced by Arata Seconded by VanderWall

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

AUTHORIZE RELEASE OF SUBDIVISION BOND TO ART WYLIE 13-70

RESOLUTION NO. 59-413

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED BY ARTHUR J. WYLIE AND FLORENCE E. WYLIE (NORTH PARK SUBDIVISION)

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

REPORT ON OASDI-SERS REFERENDUM ELECTION 13-74

The City Manager reported that 129 of the 130 eligible city employees voted at the OASDI-SERS Referendum Election, held on October 6. 124 voted in favor, 4 voted against the integration, 1 failed to vote and one ballot was voided.

RESOLUTION NO. 59-414

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF MODESTO

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

The resolution authorized the execution of the application and agreement and the submission to the State to provide coverage retro-active to January 1, 1956.

CLEAR MATTERS RELATING TO OPENING OF NEW GOLF COURSE 13-83

The City Manager reported that it would be necessary to clear the agreement between the city and Andy Silva, Golf Professional on the Dryden Park Municipal Golf Course. He recommended that the existing agreement with Mr. Silva on the Municipal Course be continued on the present payment of \$210 monthly, with the provision that he operate and provide the starting facilities at both courses. The agreement would be on a 30 day cancellable basis, notice from either party, pending the provision of a clubhouse.

RESOLUTION NO. 59-415

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDREW J. SILVA FOR GOLF COURSE PROFESSIONAL SERVICES

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

Arrangements for the luncheon to be held October 17 at the Sundial Restaurant prior to the dedication ceremony at the Dryden Course were outlined by Director of Parks and Recreation Lowery. Programs for the ceremony were distributed. Letters of invitation are being sent to the participants in the program. An invitation to the Council members to attend this luncheon was extended by Mr. Lowery.

HOLD OVER MATTER OF FUTURE USE OF DEL WEBB FIELD FOR DONKEY BASEBALL GAMES 13-116

This matter was held over.

REFER PETITION FOR ANNEXATION OF MORAN ESTATES ADDITION TO PLANNING COMMISSION 13-117

RESOLUTION NO. 59-416

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

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

REQUEST BY BOY SCOUTS FOR ADDITIONAL SPACE AT THE MODESTO COMMUNITY SERVICE CENTER 13-120

A request for additional space at the Modesto Community Service Center from the Boy Scouts was referred, by order of the Chair, to the staff for study and report.

OFFER TO LEASE ROOM AT RIGGS BUILDING 13-122

By order of the Chair, the offer of L. B. Herrin to lease a room at the Riggs Building was referred to the staff to determine the type of activity proposed and the extent of necessary repair and report to the Council.

AGREEMENT WITH COUNTY OF STANISLAUS ON ALLOCATION OF FUNDS FOR RECREATION PROGRAM 14-02

The City Manager reported that the contribution of \$15,000.65 by the County for the recreational program was on the same basis as previous years and covered the period from Oct. 5 to June 11, 1960.

RESOLUTION NO. 59-417

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR ALLOCATION OF COUNTY FUNDS FOR RECREATION PROGRAM

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

REPORT ON COST OF INSTALLATION OF WATER MAINS IN THE CARVER ROAD AND CAMPUS EDGE SUBDIVISIONS 14-09

The City Manager reported that the estimated cost on the installation of water mains with city forces in the Carver Road and Campus Edge Subdivision was \$1,892.50; that the actual cost was \$1,585.54, approximately 16% below the estimated cost.

PRESENTATION OF ANNUAL REPORT OF McHENRY PUBLIC LIBRARY 14-10

The City Manager noted that copies of this report had been distributed to the Council members and one copy placed on file with the City Clerk.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF SEPTEMBER 1959 14-13

The City Manager filed the report and copies were distributed to the Council members.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Adams Unanimously carried

The meeting was adjourned at 7:40 P.M.

ATTEST: 
City Clerk

Modesto City Council
October 14, 1959

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

Councilman Arata arrived at 7:38 P.M.

Absent: None

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

Rev. A. P. Gregory gave the invocation.

PRESENTATION OF TRAFFIC SAFETY AWARD 1-26

Director of Parking & Traffic Carmody introduced Ross Shoaf, President of the Institute of Traffic Engineers, who presented an award to the City of Modesto from the National Safety Council Traffic Safety Inventory for the city's traffic engineering for the year 1958.

LETTER OF APPRECIATION FROM I. J. LINZ 1-56

A letter from I. J. Linz, Baltimore Md., acknowledging receipt of a copy of the city's resolution commending his son, a member of the Modesto Reds, for winning the California League title was read and ordered filed. Mr. Linz advised that the resolution would be forwarded to his son who is now in the U.S. service. The City Clerk was directed to acknowledge receipt of the letter.

WELCOME VISITORS TO COUNCIL MEETING 1-58

Mayor Hammond welcomed Ken Baldrige, instructor of the Government in Action Class at Downey High School and a number of the students.

LETTER FROM STATE DIVISION OF HIGHWAYS RE: TRAFFIC COUNT ON McHENRY AVENUE 1-62

A letter from J. G. Meyer, District Engineer, Division of Highways, District X, acknowledging receipt of the city's Resolution No. 59-378, requesting that traffic signals be installed on certain streets intersecting McHenry Avenue, was read.

Mr. Meyer advised that when the construction on McHenry Avenue was completed and traffic reached its normal proportions, the State would schedule the necessary studies to determine if signals are warranted.

Mayor Hammond asked that the staff follow through on this matter after completion of the improvement project on McHenry Avenue.

APPROVE AGREEMENT BETWEEN MODESTO CITY SCHOOL DISTRICT AND CITY RELATING TO AFTER-SCHOOL RECREATION PROGRAM 1-90

Council/^{man}Knoles stated that since he was an employee of the School District he would vacate his seat while this matter was being considered.

Terms of the agreement between the City and School providing for an allocation of \$5,900 for After-School Recreation, covering period
Page 1 10-14-59

Oct. 5 through June 10, 1960, were briefly discussed.

The City Attorney stated that he had investigated the matter of Councilman Knoles' employment with the Schools and based on his research he had concluded that there is not a prohibited conflict of interest involved.

RESOLUTION NO. 59-418

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT FOR OPERATION OF AN AFTER-SCHOOL PROGRAM

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

Councilman Knoles returned to his place on the Council at this time.

MATTERS RELATING TO OPENING OF NEW GOLF COURSE 1-107

The City Manager stated that Resolution No. 59-403 adopted by the Council on September 23 delegated authority to the staff relating to the operation and management of Dryden Park Municipal Golf Course but he wished the Council to know that when the turf on this course becomes soaking wet play will be delayed temporarily. This information is being given so that the Council will be informed if it becomes necessary at any time to close the course.

Plans for the pre-ceremony luncheon being held at the Sundial restaurant on Saturday, Oct. 17 were briefed by the Director of Parks and Recreation.

Councilman Arata reported that the Council Committee had recently met and were in accord with closing the course after a heavy rain. He suggested that the former Council members who had worked on the Course be invited to the luncheon. This suggestion was referred to the staff to make the necessary arrangements.

REPORT ON APPLICATION OF COLLEGE GARDENS WATER COMPANY FOR A FRANCHISE 2-01

Provisions and terms of a proposed franchise for the College Gardens Water Company to operate a water system over the city streets, were reviewed by the City Attorney. The starting date on payment of franchise fees (2% per annum of the gross receipts) is proposed as January 1, 1958. Arrangements which were started in the year 1958, but not completed, is the basis for the starting date.

The City Manager recommended that the franchise be approved on the basis outlined by the City Attorney. He advised that a further check would be made with Mr. Neil Cecil on the starting date.

RESOLUTION NO. 59-419

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CONSIDER THE APPLICATION OF NEIL M. CECIL 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

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

The time set for the hearing was November 12 at 8:00 P.M.
Page 2 10-14-59

APPROVE AGREEMENT WITH ROY E. FREDRICKSEN, CIVIL ENGINEER FOR WORK ON
STORM DRAINAGE PLANS FOR THE NORTHEAST DISTRICT 2-37

Terms of an agreement providing for the hiring of Roy E. Fredricksen, Civil Engineer, to assist in the completion of plans and specifications for a storm drainage system in the Northeast Drainage District were briefly reviewed.

RESOLUTION NO. 59-420

A RESOLUTION APPROVING AGREEMENT WITH ROY E. FREDRICKSEN TO ASSIST WITH COMPLETION OF PLANS AND SPECIFICATIONS FOR A STORM DRAINAGE SYSTEM IN THE NORTHEAST DRAINAGE DISTRICT AND RELATED MATTERS.

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

CITY HALL MATTERS 2-56

Presentation of furniture master plan: Copies of the plan were distributed by Dan W. Toquero, representing the four local stores hired by the city to make the survey and recommendations on the furnishings for the new City Hall building.

Mr. Toquero read the letter of transmittal which outlined the proposed program. He reported that the city's present office equipment and furniture had been identified by manufacturer's style and type (wood or steel), scheduled and graded as follows:

1. Good-with its life expectancy
2. Fair-to be replaced as soon as feasible
3. Poor-to be immediately replaced

The total cost of the Mast/^{er}Plan submitted is \$115,472.06, predicated on the assumption that furnishing would begin from scratch and that the city had no furniture at all. It is recommended that only the present inventory items marked "good" be used in the new building and the balance of the furniture be utilized in other buildings. In using plan "B" (utilizing all furniture marked "good") and keeping in mind that the master plan is a full capacity layout with present staff reaching about 85% of the new city hall capacity, the cost of new furniture would come to \$82,641.54. If further economies are necessary then furniture graded "fair" and "poor" can be utilized, which is Plan "C". This plan has not been completed as the Companies need a general idea as to what extent they should proceed in this direction.

Mr. Toquero pointed out that the conditions brought about by the phenomenal pace of office building construction throughout the United States, has crowded the production lines of most primary manufacturers with a backlog of from three to five months. This coupled with the present steel strike does not lend itself to prompt delivery. It is imperative that orders be placed as soon as possible to expedite delivery in time for the completion of the new city hall.

Efficiency must also be taken into consideration if old equipment was used, more labor would be wasted than a new piece of equipment would cost. This is one of the reasons why the contractor recommended that only the city's good furniture be used.

Mayor Hammond commended the four stores on their master plan. By order of the Chair, the Council Committee on City Hall Furnishings (VanderWall, chairman, Knoles, Martin) was directed to meet with the city staff and the four companies to go over the plan and present recommendations to the Council.

FURTHER DISCUSSION ON RECOMMENDATION OF PLANNING COMMISSION RELATING TO ALLEYS IN SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS 3-33

Mayor Hammond opened the meeting at 8:00 P.M. for further discussion on the recommendation of the Planning Commission (Resolution No. 547) that alleys in single-family residential subdivisions be prohibited except where permitted by the Commission for reasons specified in standards to be established, and that the Modesto Municipal Code be amended where necessary to require all overhead utilities to be placed in rear lot and side lot easements except where utilities cross streets or must be located outside of the easements for other good and sufficient reasons; or located in alleys where alleys are permitted by the Planning Commission. He noted that the hearing had been closed at the Council meeting of September 23 but it would be permissible for anyone to present any statement or add any new facts.

W. C. LaCore, President of the Modesto Junior Chamber of Commerce filed a copy of its Resolution No. 60-3, adopted on October 7, opposing the elimination of alleys in residential subdivisions, a copy of which is on file with the records of this meeting. He read a statement setting forth the following:

1. The City Health and Fire Departments had the authority to order unsightly alleys cleaned and eliminate unsatisfactory conditions.
2. Garbage disposal and refuse pick-up is more convenient and in many cases less expensive where there is access to the rear of lots, via alleys.
3. Utility services are more easily and less expensively provided when alleys are available as opposed to rear lot easements. It must be kept in mind that any increase in the cost of utility services furnished by the MID would be passed onto the users in the entire county rather than merely in the City of Modesto where the cost-raising factor would originate if alleys were eliminated. Bear in mind also that the MID is not required to provide service and could decline to do so if the rear lot easement method proves too difficult or costly.
4. More adequate fire protection is available where the fire department has access to the premises from the rear. The City and County fire authorities, who are familiar with local conditions, agree with this position.
5. Access to rear lot areas is a matter of great convenience to home owners for the purpose of developing and maintaining maximum enjoyment from their back yards.
6. While elimination of alleys would reduce the cost of development in subdivisions and at the same time provide the subdivider with more lots to sell in the given subdivision, it is extremely unlikely that there would be any reduction in the price of lots that are offered for sale in such subdivisions. The subdivider is the only person who stands to reap any benefits.
7. The assessed valuation of lots is not affected by the elimination of alleys. The presence or absence of alleys has no effect on valuations.
8. Contrary to representations made before this Council the FHA will not reject subdivisions where alleys are required by local authorities provided they are dedicated and suitably improved. The suggestion that alleys must be improved to meet front street specifications by the FHA is absolutely false. While it is true the FHA does not recommend alleys primarily for the same reasons as presented previously to the Council, they do not reject subdivisions where alleys are required.

9. It is questionable whether or not alleys present any additional problems to the Police Department. The Police are probably the city's biggest public servant and justifiably would recommend the elimination of any situation which will not unburden them even to some small degree. If they are overburdened then the real answer to their problem is to provide the department with adequate funds to secure the personnel needed to do the task for which they are responsible.
10. The elimination of alleys would lead inevitably to front streets which are unsightly and consequently a more conspicuous aesthetic problem. The ordinance relating to placement of garbage containers and refuse for front street pickup is vague and confusing.

Summing up these facts the Modesto Junior Chamber of Commerce felt that the elimination of alleys was not in the best interest of the citizens of the City of Modesto and urged that the Council continue to require them and at the same time exercise its authority to compel the proper agencies to properly police them in order to eliminate fire hazards and general unsightliness.

Ray Shearn, 215 State Street, member of the Planning Commission stated that upon his appointment to the Commission he had been charged with the thought of planning for the future of the community. The matter of alleys has been studied for many years, all the facts have been available to members of the Council and a great deal of time has been spent on this matter. He considered that some of the statements made on behalf of the Junior Chamber were not in complete accuracy, however he had no quarrel with them. The recommendation to the Council by the Commission is in the direction that progressive, modern, United States is moving.

Art Wylie, stated that he could offer an argument against all of the statements submitted by the Junior Chamber of Commerce, but it would be a waste of time and settle nothing. Progress is defined as "trying something new". The FHA has recommended that alleys be eliminated in residential subdivisions, which is one of the finest recommendations primarily because of the unsightly conditions in most alleys. The only place this is being recommended is in new residential subdivisions.

He pointed out that three of the largest subdivision developers, Bomberger, Quaresma and Lance Ellis, were developing their most recent subdivisions without alleys. He considered that it was time the city tried something different, if not successful, it could be repealed. Because of the obstinacy of the MID and a few people who have not received all of the facts, the Council should realize it cannot be true that Modesto is right and the rest of California is wrong. He asked that the Council adopt the necessary legislation to eliminate alleys in all future residential subdivisions.

The City Manager read a letter from the Stanislaus and Tuolumne Counties Central Labor Council signed by Don L. Meyers, Secretary-Treasurer and Wynn C. Plank, President, stating that the Modesto Irrigation District's statement---that if it was forced to serve from easements then the Council would have to accept the responsibility for any increase of the District's operating costs and thereby cause increased electric rates---brought up the question of whether the District serves all the people or just a segment of the District. If the Council votes for easements the District should try to work with the Council and not lay the blame for any possible electrical rate increase on their shoulders. If the rates are increased the Council should take steps to take over distribution of power from the MID. The Council should investigate the electrical rates versus the irrigation rates and determine that each department was paying its own share of operating costs. If this was done the electrical rates could be lowered thereby encouraging more industry to locate in the Modesto area.

The City Manager recommended that Modesto Junior Chamber of Commerce check its statement relating to position of the FHA on the improvement of alleys on the basis of the actual recording of the meeting of September 23.

The City Manager noted that copies of a report dated October 13, 1959, on the subject, "Protection of Utility Easements", had been distributed to the Council members. He stated that the report pointed out some things which the city should do if the Council decides to approve the Commission's recommendation.

A report prepared by the City Manager, dated October 14, 1959, "Balance Sheet of Costs and Advantages of Alleys or Easements in Single-Family Subdivisions" was reviewed briefly. The report was based on "186 miles of alleys or easements to be provided in Modesto area in approximately 20 years". Arguments on both sides of the question were summarized in the report. The report indicated that new alleys would occupy about 450 acres, worth \$1,350,000 at \$3,000 per acre; surfacing of 186 miles of alleys would cost \$1,372,000 at 7¢ per sq.ft. of armor coat (present requirement); maintenance cost, annual minimum (at 1¢ per sq. ft.) would be \$49,000; alleys require two fences, easements only one and the costs for extra fence (at \$1.50 per foot) would be \$1,473,120. With no alleys, one dimension of each block is 20 feet shorter which would result in some savings in total length of utilities and of streets.

A letter was read from the Pacific Gas and Electric Company reviewing advantages and disadvantages in the construction of electric distribution pole lines on city streets and in easements.

COUNCIL DISCUSSION

Councilman Adams:

1. That the extra land requirement is the most important factor to be considered. Since Modesto is a farming community, everyone should be concerned about the amount of land which is going into streets, highways and alleys.
2. That the use of approximately 600 acres for alleys in the city and immediate area, would mean that this land would be removed from production, reducing income in the community. It would also be removed from the tax roll.
3. The extra cost of the land, plus the installation and maintenance of alleys, would total approximately \$3,000,000. The taxpayer and homeowner must pay this cost.
4. The extra costs for collection of garbage and refuse would be offset by the savings in the installation and maintenance of alleys.
5. The reduced costs for installation of sewers and other utilities would result from shorter streets (average of 4%).
6. There would be some savings in police costs. The elimination of trash in alleys would offset the advantage of access for fire fighting.

He stated that there were very few hard cash benefits with alleys. He considered that the controversial subject of electric utility maintenance cost, when served in easements, was far less in importance than other benefits, specifically the excess land.

Councilman Adams stated that the MID's contention that the maintenance cost in easements would cause an electric rate increase had prompted him to make a study of the records of the District. These records indicate as follows:

1. If all of the maintenance costs to serving customers in the electrical department, that might be a problem if you had alleys, were totalled, it would be approximately \$80,000 to \$100,000 annually. The total ~~electrical~~ maintenance is approximately \$1,000,000 annually, plus cost of purchasing power of \$900,000 annually, totalling \$2,000,000 approximately.
2. The electrical revenue is \$4,000,000 annually. There is a surplus of approximately \$1,000,000 annually being transferred from this department to other departments. It would appear that with this amount of electrical revenue and transfers out of this department, that any increase in rates, due to increase in maintenance costs necessary for easement service, is not justified.

Councilman Adams asked that this fact be made a matter of record--- --that this Council recognizes there is no justification for rate increases as long as such transfers from electrical revenue are in practice.

Councilman Martin

He considered that the whole problem has been over-emphasized or over-emotionalized. Neither factor--the MID seeming to represent so much on one side and the Planning Commission representing something on the other side, impressed him. The MID would not "go broke" on the maintenance cost when all other utilities are able to get along with easements. He stated that he did not accept the proposition that the Planning Commission and others presented--that the land cannot be developed properly without easements. Both of these are facts but not "world shaking factors". Subdividers will not be making all the gain, as the land saved is owned by a lot of citizens of the county, mostly ranchers. He stated that he was suspicious of a situation where "everybody is out of step but Johnny". Evidence has been presented time and time again where communities, with reasonable City Councils and Boards of Supervisors, have considered the problem. Modesto is pretty much left alone with its alleys.

Councilman Arata

He pointed out that both the Board of Supervisors and the City of Turlock had gone on record favoring alleys. Most of the subdivisions start in the County and there might be some conflict. He considered that if the city's alleys were not kept clean it was the city's fault. He considered that the city was not running short of land and the taking of it out of production would be better for the community.

Mayor Hammond

He considered that the decision before the Council was basically one of costs. Each member should determine on behalf of the community where the costs should lie. It has been established that there is less cost without alleys but there are more maintenance costs in providing the subdivision services where alleys do not exist. Maintenance costs will run for the life of the subdivision.

At the request of the Mayor, City Attorney Allen Grimes reviewed the existing regulations on alleys. He stated that the biggest stumbling

block which had come to the attention of the Commission over the past years is the question of whether or not certain utilities would use the easements if they were provided and it has been noticed that there is an absence of any regulations prohibiting overhead utilities from installing their lines on street frontage. The Commission considers that possibly some legislation along this line might solve the problem, then leaving it up to the Commission under the individual facts and circumstances, to determine in line with the subdividers desire. Unfortunately the Commission has felt that it has not had the opportunity to exercise true discretion due to the lack of any legislation regarding overhead utilities on street frontages.

MOTION

That the recommendations of the Planning Commission in its resolution No. 547 be approved and the staff be instructed to prepare the necessary legislation to carry out the recommendations.

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

Mayor Hammond declared that the motion carried.

Councilman Spaulding requested that some specific recommendations be made by the staff regarding the specific protection and inspection of easements in new subdivisions to guarantee that they are not encroached upon in such a fashion that they become useless. He considered that the city assumed an obligation by the adoption of this policy on alleys to protect the easements.

The City Manager read his report to the Council on the protection of utility easements. The report recommended that if the Council approved the Commission's recommendation that:

- "1- That where there are no alleys the city require that subdividers provide easements along lot lines and in other locations where necessary to permit reasonable design and location of overhead utility lines in such easements, except where approved for other location by the Planning Commission.
- "2- That proper protective provisions be included in the dedication and acceptance of easements:
 - (a) That utility easements provided in subdivisions not be built upon with structures and not be planted with trees which would normally grow into the utility lines. (A list of trees to be prohibited in such easements could be prepared by the Parks and Recreation Department and approved by the Commission for information to subdividers and home owners.)
 - (b) That vines or other climbing plant materials not be permitted on utility poles.
 - (c) That utility poles in easements not be so blocked by lot improvements or plant growth as to prevent proper maintenance by utility employees.
- "3- That meetings of representatives of the utility companies and of city departments be arranged to work out proposed procedures and standards for subdivision design with regard to utilities for recommendation to the Planning Commission.

"4- That an easement enforcement policy be developed with the utility companies, possibly including provision for an annual inspection to assure reasonable compliance with the requirements for protection of utility easements."

The City Manager noted that no matter whether overhead utilities are in alleys, streets, or easements, some trees will grow into such lines. The City should not assume the responsibility for necessary pruning, since this is, in any case, a normal obligation of the utilities.

DISCUSSION ON CAPITAL IMPROVEMENT PROGRAM 6-105

The City Manager noted that copies of the Capital Improvement program had been submitted previously to the members. He read a letter from the Planning Commission relating to its review of the program for 1959-60 through 64-65. A statement from the Commission summarizing its recommendations was also noted. A statement of available funds and recommendations for appropriations for CIP projects was noted.

Summary tables on the following departments were discussed:

Page 3-Dryden Park Municipal Golf Course

The sum of \$52,200 allocated is for present development of the Course, and has already been committed by the Council to complete the course and place it into play. No allocation has been provided for the clubhouse because there may be a chance a program can be worked out for financing it on some other basis.

Page 4- Garbage and Refuse Disposal

The incinerator for garden refuse has been placed in the second and third years (\$151,000). It is possible that it might have to be started this year. It appears that some arrangements may be work^{ed} out for a lease arrangement under which a capital expenditure would not be necessary. A report will be submitted shortly on this matter.

Page 5- Fire Department

Funds have been proposed for the first year for the purchase of a site for the relocation of Station No. 4 (Coldwell Avenue) farther out to the north and closer to the high value industrial area. The site should be purchased while the land is available.

Funds for the construction of the station at Orangeburg are included in the first year. An additional truck has been included if the report now underway indicates that it will be an important factor in the city's fire grading.

\$45,590 has been included for a communication center in the first year on the basis that something must be done on the relocation of the fire alarm system. The Board and equipment is between two driveways at Fire Station No. 1 and needs to be moved and modernized.

Page 7- Parking

Funds have been provided in the first year for completion of the parking portion of the city hall parking garage and off-street parking lot development.

Page 6- Library

\$20,000 has been provided in the first year for the purchase of a site adjacent to the library. In the second or third year funds are allocated for the west branch library near James Marshall School.

The City Manager stated that the County had authorized funds for starting the westside branch by January 1, 1960. The city is required to furnish the quarters. The staff agrees that the activity should start in a rented space to determine the most satisfactory location before construction and final location is approved.

The use of the city's house located at California and Franklin Streets was investigated and it was determined that it would probably not be satisfactory. Carl Hamilton reported on studies made on location of library branches. It is important that the city's first branch be a "howling success" because other branches are needed throughout the city.

Mr. Hamilton stated that it has been proposed that since the first branch is a pilot project that the location should be a matter of demonstration rather than a matter of where the Librarian might think it should be. He stated that it might be desirable for the city to invest \$7,000 in a sizeable trailer which could be moved to various locations on the west side before a final location is selected. If a suitable place to rent cannot be located, it is possible that it will be brought back to the Council for consideration.

Page 8- Parks and Recreation

Funds for the installation of irrigation systems, playground equipment, curb and gutter at Brookway Park is proposed for the first year. \$13,000 was provided for the purchase of the Franklin Street Park site which has already been completed. \$3000 for refencing tennis courts at Graceada Park (new fence replacing existing fence); \$17,500 for acquisition of park site near the new Sylvan School area; \$6,500 for LaLoma area (arrangements being made with the subdivider and MID for the park along the canal); \$84,000 for the city's share for the construction of the Dennett Dam, based on the 60% of the bid received; \$6800 for the continued development of Whitmore Park.

Restrooms, tool storage, recreation office, playground area in Roosevelt Park would cost approximately \$10,000.

The Director of Parks and Recreation reported that the new restrooms in the parks demanded considerable less maintenance cost. \$1200 is proposed in the first year to install curbs and gutters at Garrison School Park.

Councilman Adams suggested that funds be included in the Capital Improvement program to build the third swimming pool in conjunction with the schools. Mr. Lowery stated that the department would be working closely with the Schools on the project, while the third high school is being developed.

Councilman Knoles suggested that some consideration be given to locating the pool at the Junior College.

Mayor Hammond suggested that the Roosevelt Junior High School be considered as a site for a pool.

The accessibility of these three sites and the funds to be allocated were generally discussed.

Mr. Lowery pointed out that the location of the pool at the new high school would serve the community in three segments. The thinking of the Council in the past was that high schools would be considered first, Junior High School second and the Junior College next.

The City Manager stated that the staff would check with the Schools on the matter. The staff feels that it is urgent to get land

in all cases where it will be needed. Two places where it will be needed are-the community parks, one in the vicinity of the Downey High School and the other near the third high school. The Commission recommends that the Council give this consistent attention including the possibility of obtaining options.

Page 9-Planning

\$10,000 is recommended for aerial photographs and base maps. 1960 is the census year and the present maps, which are used constantly, are out of date. If this is approved the work should be done as near as possible to the April 1, date at which time the census will be taken.

Page 11- New city hall

\$58,000 included in the summary includes \$35,000 for furniture for the present year.

Funds for a site for the corporation yard has been included in the second and third year. The Schools also have a corporation yard problem and some preliminary discussion has been held on the possibility of a joint venture. The matter of construction is not as urgent as getting land. Whether a new site is desirable or an enlargement of the present site, is still under consideration. Adjacent property owners have been contacted with regard to negotiating with the city if they plan to move at any time.

Councilman Spaulding asked if the location of the freeway might make the present location more desirable for this type of activity.

The City Manager stated that the Central Business District Study now under way, may give the city some basis for making decisions on uses.

Page 20- Traffic signals 9-75

Proposal includes items already improved and others proposed. The cost estimates may vary some from the report.

Page 16- Storm Drainage. Storm Drainage 9-100

The work is to be done by improvement district proceedings

Page 15- Sewers and sewage disposal

The city is committed on all the items shown on the list.

Page 17- Street lighting

Street lighting on McHenry Avenue now underway is to be paid for by the property owners.

Page 18-Streets

Projects proposed for the first year have already been approved, some are underway already.

Page 21- Water

The proposals are for two new wells- one on Tully Road and one at the Mark Twain School (which might not be needed this year). The Pump station on Carver is a completion of a project now underway. \$100,000 for installation of water pipe, hydrants, etc., will not be sufficient. A report will be submitted on this later.

By order of the Chair, October 28, at 8:45 P.M., was set as the time for further consideration of the program. Page 11 10-14-59

REQUEST OF MODESTO RETAIL MERCHANTS, DOWNTOWN DIVISION RELATING TO
OPEN HOUSE WEEK IN MODESTO 10-37

MOTION

That the staff be authorized to work with the Modesto Retail Merchants, Downtown Division, relating to open house week and that the week of October 26-31 be declared "Open House Week"

Moved by Knoles Seconded by Spaulding Unanimously carried

APPROPRIATION TRANSFER OF FUND 10-43

RESOLUTION NO. 59-421

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,500 FROM GENERAL RESERVE TO ENGINEERING AND ADMINISTRATION FOR SERVICES OF A PROFESSIONAL ENGINEER FOR DESIGN WORK ON THE NORTHEAST DRAINAGE DISTRICT

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

APPROVE VARIANCE REQUEST CHARLES T. CHADWICK 10-45

A report prepared by the Director of Public Works on the variance request was reviewed by the Council. He recommended that the request for a 36 foot curb cut entrance on Granger Avenue be reduced to 30 feet because this section of the street is dead end and subject to very light traffic, but that the two 36 foot curb cuts requested on Tully Road be approved.

RESOLUTION NO. 59-422

A RESOLUTION APPROVING VARIANCE REQUEST OF CHARLES T. CHADWICK TO CONSTRUCT TWO THIRTY SIX FOOT CURB CUTS ON TULLY ROAD AND ONE THIRTY FOOT CURB CUT ON GRANGER AVENUE IN THE CITY OF MODESTO

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None
CONSIDER REQUEST OF DIVISION OF HIGHWAYS TO DEPOSIT BARIUM WASTE AT
AIRPORT 10-60

The City Manager reported on the request from the Division of Highways to deposit approximately 75,000 yards of barium ore from the right of way of the freeway acquired from Barium Products, at the easterly end of the runways at the Modesto City-County Airport. Approval must be obtained from the Board of Supervisors since most of the material would be placed on jointly-owned property. He pointed out that while the material is excellent for fill purposes, it is not for agricultural purposes. This is not a problem to the city at the airport but if it became one, a blanket of soil could be placed on top of the waste.

Councilman Adams raised the possibility of this waste polluting the river. The City Manager stated that this matter would be checked.

MOTION

That the details be worked out by the staff and that the staff contact the Board of Supervisors and report to the Council

Moved by Adams Seconded by Arata Unanimously carried
Page 12 10-14-59

REPORT ON PETITION FILED FOR EXTENSION OF BUS SERVICE 10-95

Director of Parking and Traffic Douglas Carmody reported that the petition filed by Mrs. Charles T. Tillman, 1542 Inyo Avenue and signed by 343 persons, requesting additional bus service in South Modesto, was referred to the Modesto Motor Bus Service and Mrs. Tillman to determine if they could produce 65 riders (break-even point) in the South Modesto area.

Mrs. Tillman reported that after calling not only the 343 petitioners, but everyone whose phone number might even remotely suggest that they lived in South Modesto, only 18 persons were willing to support the proposed extension of the bus service by purchasing the suggested 50 ride commute book for \$10, with the suggested two-month limitation as to use.

Mr. Carmody reported that this information had been forwarded to the Chamber of Commerce and Modesto Retail Merchants Association.

MATTERS FOR THE GOOD OF THE COMMUNITY 10-103

Stan Simidian, owner of a Sporting Good Store, 725 Seventh Street, appeared before the Council (also speaking on behalf of Bud David, Fred Cushway and C.C. Thompson operating businesses in the same area) protesting the operation of the State Farm Labor office at 712 H Streets. He asked that the Council take some immediate action to have the office removed from this area. Derelicts and "Winos" operate out of this office and have caused a severe drop off of business because women are reluctant to go to the stores in the area. Unless these people are actually drunk there is no ordinance which would take care of the situation. They beg from customers in stores and though they are actually thrown out of the stores, they continue to loiter in the area around the Labor office. They not only carry knives but also make threats against the merchants. They have no place to live and sleep in parking lots, in back of buildings and in alleys. For the good of the merchants involved, something should be done immediately.

Bill Chubbuck, Farm Placement representative, stated that although all decisions are made in Sacramento, the Department was looking for another location. Everything possible is being done to relieve the situation. He pointed out that these people are unemployable and they are allowed to stay there. The Police have been called constantly to remove the people but as fast as they are removed they return. The office will be moved soon but at this time it is impossible to state a definite date.

The City Manager stated that the problem is known to the city but it has been impossible to handle. Some relief should be afforded these merchants at once.

MOTION

That the staff be directed to work with the State in the matter of securing another location and to propose some method to alleviate the existing conditions at the State Farm Labor Office at 712 H Street, and report back to the Council.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

REPORT BY CITY MANAGER ON STATE CHAMBER OF COMMERCE MEETING 11-55

The City Manager reported that he had attended the State Chamber of Commerce meeting held in Stockton, October 9. The question of

agricultural assessments and the basis of inventory tax, two matters upon which the Council has previously stated a position, were discussed.

He reported that he had suggested that an average inventory basis be used instead of a peak period basis. A motion was adopted at the session asking the Chamber to further consider this matter on this basis.

REPORT ON VISITOR FROM MALAYA 11-70

The City Manager reported on the pending visit of Mr. Shaari bin Haji Daud of Malaya during the three weeks period, October 22 to November 15.

APPROVE LEASE TO L. B. HERRIN ROOM IN RIGGS BUILDING 11-77

Terms of a proposed lease were outlined by the City Manager.

RESOLUTION NO. 59-423

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND L. B. HERRIN FOR LEASE OF RIGGS BUILDING LOCATED AT 907 I STREET IN THE CITY OF MODESTO

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

CLEAR MATTER OF COUNCIL MEETING ON OCTOBER 21 11-87

The possibility of holding the regular meeting at a later date due to the absence of Council members at the League Conference in San Francisco was discussed. It was agreed that the meeting would be held at the regular hour of 4:00 P.M., Wednesday, October 21, as a majority of the members would be back from the conference by this time.

REPORT ON GRADE ERROR ON McHENRY AVENUE IMPROVEMENT PROJECT 11-115

With the unanimous consent of the Council, the City Manager noted that a report on the grade error on McHenry Avenue Improvement project had been previously sent to the Council members. He noted that apparently only one block was involved in the error. It is possible that a mistake had been made in the manner in which the grades had been set up and this is still being checked.

REPORT ON NIMLO CONFERENCE IN PITTSBURG 11-120

With the unanimous consent of the Council, the City Attorney reported briefly on the conference of the National Institute of Municipal Law Officers which he had recently attended in Pittsburg, Penn. Copies of the paper which he had presented on "City Officers Conflict of Interest", were distributed to the Council members.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Unanimously carried

ATTEST


City Clerk

Modesto City Council
October 21, 1959

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 Pro Tempore VanderWall presiding.

MOTION

That pursuant to Section 2-1.05 of the Municipal Code due to the absence of both Mayor Hammond and Vice Mayor Spaulding, Councilman VanderWall be named Temporary Chairman.

Moved by Knoles Seconded by Arata Unanimously carried

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Knoles, Martin, Mayor Pro Tempore VanderWall

Absent: Councilmen: Spaulding, Mayor Hammond

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

Rev. Nick VanderVeur gave the invocation.

LETTER RE: LOCATION OF WEST MODESTO BRANCH LIBRARY 1-15

The letter, signed by 5 persons residing in the south section of the city, was read. They expressed approval of the plan for the establishment of a branch of the library in this section of the city, and suggested that the temporary facility be located adjacent to the shopping center near Paradise Road and west of Sutter Avenue. James Marshall School Park was considered as a good location for the construction of permanent facilities. The City Clerk was directed to acknowledge receipt of the letter. The City Manager stated that it would be considered with the Capital Improvement budget.

LETTER FROM 20-30 CLUB OF MODESTO 1-37

A letter of appreciation from the 20-30 Club of Modesto for the use of Del Webb Field on September 26 for its Donkey Baseball game was read and ordered filed.

REQUEST OF MODESTO RETAIL MERCHANTS-DOWNTOWN DIVISION TO DISPLAY BANNERS ACROSS CITY STREETS FOR "OPEN HOUSE WEEK" 1-48

Al Hamaway, Chairman, and Darrel Thompson spoke on behalf of the Modesto Retail Merchants-Downtown Division requesting permission to display four banners across the city streets to advertise its Open House and Salute to Industry Week Oct. 26-30. A letter from the Merchants Association reported that the banners would be installed by the Ed Warren Decorating Company.

After a general Council discussion the addition of the Modesto Retail Merchants-Downtown Division to those organizations permitted to display banners was approved.

Page 1 10-21-59

RESOLUTION NO. 59-424

A RESOLUTION ESTABLISHING POLICY ON GRANTING OF PERMITS TO DISPLAY BANNERS AND DECORATIONS OVER AND ACROSS STREETS IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-50

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

BIDS RECEIVED ON IMPROVEMENT OF TULLY ROAD REJECTED 1-100

Director of Public Works Ray reported that two bids had been received on Monday, Oct. 19 for the improvement of Tully Road between N. 99 Highway and Stoddard Avenue. The lowest bid of \$12,637.30 received from George Reed exceeded the engineer's estimate of \$10,204.70 by 24%. He recommended that all bids be rejected for the following reasons.

- 1- The lowest bid exceeded the engineer's estimate by approximately 24%.
- 2- The possibility of receiving lower bids later after the rainy season should be taken into account.
- 3- It is the opinion of the Stockton office of the Division of Highways that any addition above the engineer's estimate must have the approval of this department before award and any increase more than 10% must be approved by the Sacramento office. It is doubtful if approval can be obtained and if so considerable amount of time would be involved.
- 4- The State estimates that it will be approximately six months before its plans will be ready for the installation of traffic signals on Tully, P and Kansas Avenues. This is due to some changes in plans for additional work to widen the bridge over MID lateral No. 4.

The City Manager pointed out that if the improvement was delayed it is possible that the right of way will be cleared up to Coldwell Avenue and the bid call can be made late in the winter or early in the spring on a more attractive basis to the bidders.

RESOLUTION NO. 59-425

A RESOLUTION REJECTING ALL BIDS FOR THE IMPROVEMENT OF TULLY ROAD IN THE CITY OF MODESTO

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

HOLD OVER FINAL ADOPTION OF ORDINANCE NO. 335-C. S. AMEND MUNICIPAL CODE RELATING TO BUSINESS LICENSE REGULATIONS ON BRANCH ESTABLISHMENTS
 2-20

The City Attorney asked that this matter be held over.

FINAL ADOPTION ORDINANCE NO. 336-C. S. REZONING OF THE MODESTO INDUSTRIAL PARK 2-26

ORDINANCE NO. 336-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MODESTO INDUSTRIAL PARK)"

introduced on October 7, and having been printed and published in accordance with the Charter and coming on for final adoption was moved and adopted.

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

AUTHORIZE PAYMENT OF FUNDS ALLOCATED TO SALVATION ARMY 2-40

A report on expenditures for the quarter ending September 30, as required by the agreement with the city, was filed by the Salvation Army.

MOTION

That the payment in the budget be authorized to the Salvation Army.

Moved by Arata Seconded by Martin Unanimously carried

APPROVE FINAL MAP OF MONTGOMERY VILLAGE NO. 3 SUBDIVISION 2-47

The final map of Montgomery Village No. 3 Subdivision was displayed for Council inspection. The City Manager reported that the map had been approved by the Planning Commission.

RESOLUTION NO. 59-426

A RESOLUTION APPROVING THE FINAL MAP OF THE MONTGOMERY VILLAGE NO. 3 SUBDIVISION OF THE CITY OF MODESTO

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

RESOLUTION NO. 59-427

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE INSTALLATION IN MONTGOMERY VILLAGE NO. 3 SUBDIVISION

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

APPROVE RELEASE OF BOND FILED BY MONTGOMERY VILLAGE NO. 2 2-80

The City Manager reported that all improvements in Montgomery Village No. 2 had been completed, except for the seal coating of Sunrise Avenue, which is now underway. The Subdivider, Frank Francek, has filed a \$1,000 cash bond with the City Clerk to cover this sealing and a small part of electrical work remaining.

RESOLUTION NO. 59-428

A RESOLUTION APPROVING RELEASE OF PERFORMANCE BOND FILED BY FRANK FRANCEK TO GUARANTEE IMPROVEMENTS IN THE MONTGOMERY VILLAGE NO. 2 SUBDIVISION

Introduced by Martin Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, Mayor Pro Tempore VanderWall

Noes: None Absent: Spaulding, Mayor Hammond

RESOLUTION ESTABLISHING GREEN FEES FOR DRYDEN PARK MUNICIPAL GOLF COURSE 2-92

Director of Parks and Recreation Lowrey recommended that Resolution No. 59-403 adopted by the Council on September 23, 1959, establishing greens fees for the Dryden Park Municipal Golf Course be rewritten to provide:

"Section (c) Student Tickets. Student tickets for the students of Modesto Schools and Junior College are to be issued only upon the presentation by holder of a current Student Body Card. Monthly student tickets will not be valid during the periods from Saturday noon until Sunday noon of each weekend nor before noon on holidays as defined herein. Students wishing to play during these periods shall be subject to the regular greens fee."

Councilman Arata questioned whether it would be necessary to limit the students from playing before noon on holidays as was necessary before the new course was opened for play.

Mr. Lowrey stated that until the city had had some experience with both courses it could not be determined. This was omitted by error in the first resolution and has been requested by the Golf Professional. The intent in suggesting the change was to have the regulations conform at both courses.

Councilman Arata considered that this should be left flexible and if there was no need they could be allowed to play.

The City Manager suggested the best way to accomplish this would be to proceed under the rule as proposed and determine the need from experience. If it is indicated that the rule, as modified is unnecessary, it can be changed, but in order to give the adult golfers who cannot play through the week days a chance to play, the rule should be put in force at this time.

Councilman Arata agreed that the rule should be changed in order to have a basis for future determination.

RESOLUTION NO. 59-429

A RESOLUTION ESTABLISHING GREENS FEES FOR THE DRYDEN PARK MUNICIPAL GOLF COURSE IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 59-403

Introduced by Martin Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Mayor Pro Tempore VanderWall

Noes: None Absent: Spaulding, Mayor Hammond

ACCEPT DEEP WELL PUMP AT PUMP STATION NO. 22 3-01

The Director of Public Works reported that the installation of a deep well pump at Pump Station No. 22 had been completed and acceptance of the project, authorization of recordation of Notice of Completion and payment of amounts due were in order.

RESOLUTION NO. 59-430

A RESOLUTION ACCEPTING THE CONSTRUCTION OF FURNISHING DEEP WELL PUMP AT PUMP STATION NO. 22 IN GARRISON PARK BY FAIRBANKS, MORSE AND COMPANY; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

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

PETITION FOR ANNEXATION OF CHRISTIAN CHURCH ADDITION TO THE CITY 3-10

The City Attorney reported that a petition had been received for annexation of the Christian Church Addition to the City.

RESOLUTION NO. 59-431

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

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

REPORT ON OFFER OF FACILITIES BY MODESTO ON STATE COLLEGE 3-22

With the unanimous consent of the Council, the City Manager reported on action which had previously been taken regarding the offer of facilities by Modesto on the getting of the State College underway.

He read the statement made by James H. Corson, Superintendent of Schools at the public hearing before the State Public Works Board held in County Center No. 3 on July 20, a copy of which is on file with the records of this meeting.

The City Manager reported that Dr. Corson had discussed this matter with Roy E. Simpson, Superintendent of Public Instruction of the State of California. Some of the other people in this department were also contacted by city officials. In order to again call attention to the city's offer, Dr. Corson wrote to Dr. Simpson on September 21, a copy of which letter is enclosed with the records of this meeting.

A letter replying to Dr. Corson's letter of September from Dr. Simpson was read advising that the State Acquisition Board would soon be selecting one of the three sites. The operation of the school has already been authorized and all that remains is the securing of the funds from the State Legislature, with the consent of the Governor, and start operations.

The Council discussed the possibility of offering the state some specific facilities for classes and a downtown office. The old city hall, Modesto Community Service Center, basement McHenry Public Library, were all discussed as being available locations.

MOTION

That the City Manager work with Mayor Hammond in the preparation of a letter to Roy Simpson, Superintendent of Public Instruction reaffirming the city's past offers of cooperation, indicating that the city will continue its cooperation and offering

some specific places which would be available for the State College to begin its classes prior to the selection of a final site.

Introduced by Adams Seconded by Arata Unanimously carried

DISCUSSION ON CLUBHOUSE BUILDING AT DRYDEN COURSE 3-122

With the unanimous consent of the Council, Councilman Arata reported that the investigation of the Council Committee for the construction of a clubhouse at Dryden Park Municipal Golf Course had not met with any success. He asked that this information be made public through the press so that if anyone has any ideas on a plan which could be used it could be presented to the City Manager and cleared through the Committee and then the Council.

MOTION

That the staff be authorized to investigate the possibility of a lease-purchase arrangement or any other reasonable suggestion for the construction of a clubhouse building at the Dryden Park Municipal Golf Course.

Moved by Martin Seconded by Arata Unanimously carried

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Knoles 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 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, Spaulding, VanderWall, Mayor Hammond

Absent: Councilmen: Adams, Arata, Martin

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

Rev. Charles Spencer gave the invocation.

SET DATE HEARING REQUEST OF JOE SEQUEIRA FOR TAXICAB RATE INCREASE 1-15

The request of Joseph Sequeira, operating Joe's Taxi Co., for a taxicab rate increase of 50¢ for the first one-quarter mile or fraction thereof, in place of the present rate of 50¢ for the first one-half mile or fraction thereof, was considered by the Council.

The City Manager suggested that a hearing be set on the request on November 12, at 8:15 P.M.

RESOLUTION NO. 59-434

A RESOLUTION SETTING TIME AND PLACE FOR A PUBLIC HEARING ON REQUEST FOR TAXICAB RATE INCREASE FILED BY JOSEPH SEQUEIRA OPERATING JOE'S TAXICAB COMPANY

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

LETTER FROM THE MODESTO TRIBUNE RE: REQUEST FOR AMENDMENT OF MUNICIPAL CODE TO PERMIT DISTRIBUTION OF SHOPPING GUIDE 1-36

A letter from the Modesto Tribune was read requesting that the Council consider amending Section 4-7.107 of the Municipal Code to permit distribution of advertising materials, such as its Shopping Guide, by hand to the residential areas of the city.

MOTION

That the request be referred to the staff for study and report and that the owners of the Modesto Tribune be notified of the date and time it will be considered by the Council.

Moved by Spaulding-Seconded by VanderWall-Unanimously carried

LETTER FROM MODESTO CITY FIRE FIGHTERS ASSOCIATION 1-70

A letter was read and ordered filed from the Modesto City Fire Fighters Association, Local 1289, expressing appreciation for the recent reduction in hours approved by the Council.

LETTER FROM STATE DIVISION OF HIGHWAYS RE: MEETING ON STREET DEFICIENCIES 1-73

An announcement from the State Division of Highways of the meeting to be held on November 4 in the Merced County Board of Supervisor's Room in the Courthouse at 10:30 A.M., was noted. The meeting related to Senate Concurrent Resolution No. 62. The 1959 Legislature has requested a special analysis be made of the roads and streets deficiencies of cities and counties and a report submitted.

The City Manager stated that street financing was one of the biggest problems facing cities. The staff will represent the city at this meeting but the Council is also invited to attend.

LETTER FROM PUBLIC UTILITIES COMMISSION RE: CONTRIBUTION FOR ORANGEBURG CROSSING OF TIDEWATER SOUTHERN RAILWAY COMPANY 1-85

A letter and copy of Resolution No. CP529 from the Public Utilities Commission was read advising that an allocation would be made to the city from the Crossing Protection Fund, of an amount equal to one-half of the city's share of the cost, but not to exceed \$1,705 for the construction of the grade crossing protection at the intersection of Orangeburg Avenue and track of Tidewater Southern Railway Co.

The City Manager reported that the work had been completed and application filed. The city would receive \$1,368.23. One half of the cost is being paid by the Railroad Company.

LETTER FROM STATE COMPENSATION INSURANCE FUND 1-90

A letter was read from the State Compensation Insurance Fund congratulating the city on its excellent safety record of accident prevention for the fiscal year 1958-59. Modesto's frequency rating was 22.0 in competition with other cities in contest group IV, ranking Modesto as third place in the group.

HOLD OVER FINAL ADOPTION OF ORDINANCE NO. 335-C.S. BUSINESS LICENSE REGULATIONS-BRANCH ESTABLISHMENTS 1-103

At the request of the City Attorney this matter was held over.

REPORT ON PROPOSED IMPROVEMENT OF YOSEMITE BOULEVARD 1-106

The City Manager reported that pursuant to the Council's instruction, the staff had been reviewing the possible cooperation of the city with the State Division of Highways on the proposed improvement of Yosemite Boulevard. A meeting is being held in Modesto, Thursday, Oct. 29, with the State representatives, city staff and property owners. A report will be made to the Council on the results of this meeting.

APPROVE EXTENSION OF PROVISIONAL APPOINTMENTS OF ACTING FIRE OFFICERS 1-113

MOTION

That the provisional appointments of acting fire officers (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 sixty days.

Introduced by Spaulding, Seconded by VanderWall Unanimously carried

USE OF DEL WEBB FIELD FOR DONKEY BASEBALL 1-116

The City Manager stated that Council direction was needed on the use of Del Webb Field for Donkey Baseball. Whether it should be per-

mitted on this field at all or whether it should be limited to the time the field is not being used by the Modesto Reds should be cleared. The Club which used the field for this purpose recently, cleaned it in a satisfactory manner after its use.

MOTION

That the Council go on record that Del Webb Field may not be used for donkey baseball during the regular baseball season of the Modesto Reds but if any organization wished to use the field thereafter application must be made, well in advance, to the Council.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

REPORT ON COMPLETION OF THE LOCAL GOVERNMENT RADIO SYSTEM 2-20

Director of Public Works Ray reported that 19 radios have now been installed in city equipment; 14 in public works vehicles, 3 in Parks, one in Parking and Traffic and one in the City Manager's car. One is maintained on a standby basis to cut down lost time while defective radios are being repaired.

In the month of September there were 2,462 calls logged, not including calls between vehicles. The major advantages are, 1) good public relations (letters have been received from citizens expressing appreciation for quick service); 2) dispatching of men and equipment in the regular work; and 3) the close contact maintained between the field and the office.

REPORTS FROM PERSONNEL COMMISSION 2-40

Police Chief Bowers reported on the Personnel Commission's recommendation that the salary resolution, previously adopted by the Council, be amended to authorize the City Manager, subject to budgetary limitation, to approve salaries for police personnel serving in special assignments made as criminal investigators or juvenile officers, in the salary range approved for Police Sergeant.

RESOLUTION NO. 59-435

A RESOLUTION AMENDING SECTION 10 OF RESOLUTION NO. 59-305 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

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

RECOMMENDATION OF PERSONNEL COMMISSION TO MODIFY CLASSIFICATION SPECIFICATIONS FOR FIRE ENGINEER AND TO DELETE THREE CLASSES FROM THE POSITION CLASSIFICATION PLAN 2-100

The City Manager reported on the Personnel Commission's approval of the staff recommendation that the Fire Engineer classification specifications be modified to include the alarm duties which will permit the rotation of personnel. There would be no change in salary but it would permit a broader base of training for fire personnel. If the recommendation is approved by the Council, it is recommended that the Alarm Operator class be eliminated, also the Equipment Mechanic II classification which was set up to include a special machine operation assignment which is no longer used and the Senior Sewage Plant Operator classification, which is no longer being used.

RESOLUTION NO. 59-436

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

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

GUEST OF CITY INTRODUCED

Assistant City Manager Bill Masonheimer introduced Shari bin Haji Daud of Malaya, guest of the city for three weeks, sponsored by the U. S. State Department.

Mr. Shari spoke briefly on the purpose of his visit to study organizations of the city.

HEARING ON PROPOSED ANNEXATION OF ALLEN ADDITION TO THE CITY 3-12

Mayor Hammond declared that the hour of 8:00 P.M. had arrived, the time set for the hearing on the proposed annexation of the Allen Addition to the City of Modesto.

The City Clerk's certification was noted, that the notice of the hearing had been published in the manner prescribed by law, that notices had been sent to property owners in the area, and that no written protests were filed.

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

ORDINANCE NO. 337-C.S. entitled

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

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

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

REQUEST COUNTY TO CANCEL TAXES ON CITY OWNED PROPERTY (Dryden Course and Sewer Farm) 3-47

RESOLUTION NO. 59-432

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY AND COUNTY TAXES ON PROPERTY OWNED BY THE CITY OF MODESTO AND AUTHORIZING THE COUNTY ASSESSOR TO CANCEL THE 1959-60 ASSESSMENT AGAINST THE PROPERTY (SEWER FARM)

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

RESOLUTION NO. 59-433

**HEARING ON PROPOSED VACATION OF A PORTION OF SYDNEY AND BURNEY
STREETS 3-30**

Mayor Hammond declared that the hour of 8:05 P.M. had arrived, the time set for the public hearing on the proposed vacation of a portion of Sydney and Burney Streets near the Tri-Valley Packing Association in Block 223.

The Clerk certified that the notice had been published in the manner prescribed by law, the area posted and no written protests had been filed.

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

The recommendation of the Planning Commission that these streets be closed and the conditions required were reviewed by the Council

RESOLUTION NO 945-S.P

**A RESOLUTION VACATING AND ABANDONING PORTIONS OF SYDNEY STREET AND
BURNEY STREET SOUTH OF GRAND STREET IN THE CITY OF MODESTO
(Block 223)**

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

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY AND COUNTY TAXES ON PROPERTY OWNED BY THE CITY OF MODESTO AND AUTHORIZING THE COUNTY ASSESSOR TO CANCEL THE 1959-60 ASSESSMENT AGAINST THE PROPERTY (DRYDEN PARK MUNICIPAL GOLF COURSE)

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

SET DATE FOR HEARING ON PROPOSED ANNEXATION OF THE MORAN ADDITION 3-56

Resolution No. 553 adopted by the Planning Commission on October 20, 1959, recommending the annexation of the Moran Addition to the city was noted by the Council.

RESOLUTION NO. 59-437

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

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

The time set for the hearing was December 9 at 8:00 P.M.

SET DATE FOR HEARING ON PROPOSED REZONING OF PORTION OF BLOCKS 569 and 570

Resolution No. 551, adopted by the Planning Commission recommending the rezoning of lots 24 to 41 inc. in Block 570 and lots 1 to 5 inc. in Block 569, located on the east side of Johnson Street, north of Jones Street and on the south side of Jones Street, between Johnson and Semple Streets from R-2 to R-3, multiple family zone, was considered by the Council.

RESOLUTION NO. 59-438

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 28 OF THE ZONING MAP (C. LELAND RICHMOND)

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

The time set for the hearing was November 18 at 4:30 P.M..

IMPROVEMENT DISTRICT NO. 8- STORM SEWER IN NORTH CENTRAL DISTRICT

RESOLUTION NO. 946-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. 8, 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 IMPROVEMENTS

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

Page 5 10-28-59

RESOLUTION NO 947-S P

A RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS

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

RESOLUTION NO 948-S.P

A RESOLUTION ADOPTING PLANS AND SPECIFICATIONS

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

RESOLUTION NO. 949-S.P.

A RESOLUTION OF INTENTION TO ADOPT RESOLUTION OF INTENTION AND REQUESTING CONSENT OF THE COUNTY OF STANISLAUS TO JURISDICTION TO CONSTRUCT IMPROVEMENTS AND ASSESS PROPERTY IN THE COUNTY OF STANISLAUS

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

CITY HALL MATTERS

Pursuant to Council direction, the staff has checked the possibility of including a system for tabulating the votes at the Council meeting in the new city hall, the City Manager reported. The electrical contractor has given some preliminary information on two systems which could be used. The lights could be placed immediately in front of the Council table or they could be placed on the wall. If it is to be placed on the wall the Council should make its decision promptly. The estimated cost would be about \$1,200. Detail drawings will not be made until the Council makes its decision, first whether the system is to be installed, second whether or not it would be on the wall behind the Council table or on the table. If it is to be placed on the table, it would not be so urgent that the decision be made at this time.

The City Attorney pointed out the importance of having the vote visible to the audience to meet the requirements of the Charter.

Mayor Hammond and Councilman Spaulding spoke in favor of installing the lights on the table.

MOTION

That the staff prepare a more specific report on the estimated costs for installing the voting lights at the table in front of the Council members.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

ACCEPT DONATION FROM PERCY M. PIKE FOR INSTALLATION OF SIGN IN J. M. PIKE PARK 4-45

The City Manager reported that the city had received a check in the sum of \$150 from Percy M. Pike to be used for the installation of a sign in the J. M. Pike Park which had been deeded to the city as a memorial for his father.

RESOLUTION NO 59-439

A RESOLUTION ACCEPTING THE DONATION OF \$150 FROM PERCY M. PIKE FOR INSTALLATION OF SIGN IN THE J. M. PIKE PARK

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

RESOLUTION NO 59-440

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$150 FROM GENERAL RESERVE TO PARKS FOR SIGN- J. M. PIKE PARK

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

AUTHORIZE STAFF CHECK OUT POSSIBILITY OF HIRING ENGINEERING ASSISTANCE FOR STUDY OF POSSIBLE FLOODING INTO BEARD BROOK AREA 4-66

Pursuant to Council direction, the City Manager reported, the staff has investigated the matter of a study on the possible flooding of the Beard Brook area by the emptying of storm drains into this stream.

Director of Public Works Ray recommended that due to the large number of public works projects now in progress and others waiting for consideration, the city consider hiring engineering assistance to determine the effect of increased drainage from the various areas into Beard Brook upon the flood level.

Mr. Ray pointed out that it was not only a problem of work load upon the city's staff but in addition to this the look of an outside person may be advantageous in the long run as he could more easily answer some of the questions raised and will be raised in respect to this matter.

MOTION

That the staff be authorized to check further on the possibility of hiring outside engineering help for this project and bring back a report to the Council for a specific proposal to get the work under way.

Moved by VanderWall Seconded by Spaulding Unanimously carried

REQUEST FILED BY R. R. SANDERS FOR VARIANCE 4-98

The request filed by R. R. Sanders for a 40 ft. curb cut variance on Claradell Avenue for his property located at the northwest corner of Claradell and McHenry Avenues, was considered. Existing openings of the building and proposed development of his property was the basis for the request.

Mr. Ray reported on his investigation of the request for the variance and recommended its approval. The plan submitted, he pointed out, appears to be the best alternative in respect to the development of the property

RESOLUTION NO 59-441

A RESOLUTION APPROVING VARIANCE REQUEST OF R. R. SANDERS TO CONSTRUCT FORTY FOOT CURB CUT ON CLARADELL AVENUE IN THE CITY OF MODESTO

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

page 7 10-28-59

REQUEST BY PACIFIC PLATING INC. FOR VARIANCE FOR BLACKTOP OF SIDEWALK
AREA 4-113

The City Manager reported that this request had been withdrawn.

REQUEST BY A. T. FUGITT FOR VARIANCE FOR 36 FOOT CURB CUT ON COFFEE
ROAD 4-115 This matter is to be held over for further inspection.
HEARING ON REQUIRING CURBS AND GUTTERS IN BLOCK 628 4-116

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the time set for the public hearing on the construction of curbs and gutters in Block 628.

Superintendent of Streets Marvin Ray reported that this section of curb and gutter was posted in accordance with instructions by the Council (Resolution No. 59-237), that 60 days had expired, construction had been performed by a contractor hired by him and that it is now necessary, in accordance with Improvement District Act of 1911, to report the cost of the work to the Council. This total cost is \$336.04. The work was completed on September 28 and a notice was given to the owner of record of the property, Verna M. Arnett, 1531 Scenic Drive on October 8, notifying that the Council would hear and pass upon the report at this meeting.

Mayor Hammond asked if anyone wished to speak on the matter. No comments were made. The hearing was declared closed.

MOTION

That the report submitted by the Superintendent of Streets be confirmed.

Moved by Spaulding Seconded by VanderWall Unanimously carried

RESOLUTION NO 59-442

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND GUTTER 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 SAID LIEN

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

DRIVEWAY VARIANCE REQUEST M. F. SILVEIRA, 701 GRISWOLD AVENUE 5-30

Mr. Ray reported on the driveway variance request filed by M F Silveria (5 day waiting notice waived) relating to the property located on the northwest corner of Hackberry and Griswold Avenues. He stated that the request had been investigated and it is recommended that a 30 foot curb cut, with a six foot space and then a 16 foot curb cut be allowed next to the property line on Hackberry Avenue.

A request was also filed for the removal of three walnut trees on the Griswold side of the property in order that curbs, gutters and sidewalks can be installed.

The report from the Director of Parks and Recreation indicated that the trees were in poor condition and should be removed.

RESOLUTION NO. 59-443

A RESOLUTION APPROVING VARIANCE REQUEST OF M. F. SILVERIA, 701 GRISWOLD AVENUE FOR CURB CUT AND AUTHORIZING REMOVAL OF THREE WALNUT TREES ON GRISWOLD AVENUE
page 8 10-28-59

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

REQUEST OF AVIS ERMOIAN, 904 HACKBERRY AVENUE TO REMOVE TREE 5-60

Mrs. Ermoian requested permission to remove an apricot tree on Griswold Avenue to permit installation of curb and gutter around her entire property at 904 Hackberry Avenue. The City Manager recommended approval of the request.

MOTION

That approval be granted to remove the tree from Griswold Avenue.

Moved by VanderWall Seconded by Knoles Unanimously carried

REQUEST FROM MODESTO SENIOR CITIZENS TO LEASE SPACE NOW OCCUPIED BY THE PARKS AND RECREATION DEPARTMENT IN THE MODESTO COMMUNITY SERVICE CENTER UPON COMPLETION OF THE NEW CITY HALL 5-65

The letter was read and referred to the staff for report and study by order of the Chair.

APPROVE AGREEMENT WITH D. A. CRANE (WIDENING OF TULLY AVENUE) 5-87

Terms of an agreement providing for the dedication of right of way to the City by D. A. Crane, et al for the widening of Tully Avenue upon payment by the city of \$13,850 for severance damages for removing and remodeling their building, were outlined by the Director of Public Works.

ORDINANCE NO. 338-C.S. entitled

"AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM D. A. CRANE, LULU S. CRANE, ROBERT E. WINFIELD AND DOLORES M. WINFIELD FOR USE FOR MUNICIPAL PURPOSES"

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

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

HOLD OVER DISCUSSION ON CAPITAL IMPROVEMENT PROGRAM 5-115

Mayor Hammond recommended that the discussion be held over until all the members could be present.

MOTION

That the discussion be held on the CIP, November 12 at
8:20 P M

Moved by Knoles Seconded by VanderWall Unanimously carried

REPORT ON ANNUAL MEETING OF LEAGUE OF CALIFORNIA CITIES 6-10

Several Council members, who had attended the annual League of California Cities conference in San Francisco Oct 19-21, reported on highlights of the conference.

REPORT ON HONORING OF FORMER MAYOR HARRY MARKS 6-30

The City Manager reported that the City of Los Angeles award

for the outstanding city official of the year was made to former Mayor Harry Marks. This honor was richly deserved by Mr. Marks and was a substantial honor to the City of Modesto.

Mayor Hammond stated that this annual award by the City of Los Angeles would tend to bring about a higher degree of excellence among the legislative officials in the state.

The City Manager reported that some of the former Council members who had served with Mayor Marks had been present at the presentation. (Robert Adams, Cliff Annan and Lawrence Robinson Jr.) The award had been a complete surprise to the recipient and to others attending.

APPROVE RENEWAL OF AUTOMOBILE INSURANCE POLICY 6-52

The City Manager reported that the Modesto Insurance Agents' Association had submitted a public liability and property damage renewal policy for the city's automotive fleet for the year ending October 13, 1960, with an advance premium of \$8,052.94. He stated that the staff was reviewing the need for an analysis of the city's entire insurance program.

RESOLUTION NO 59-444

A RESOLUTION ACCEPTING RENEWAL POLICY ON THE CITY'S AUTOMOTIVE FLEET

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

With the unanimous approval of the Council, the City Manager reported that the advance premium on the city's renewal boiler property damage policy would be \$69.

MOTION

That the renewal policy be accepted.

Moved by VanderWall Seconded by Knoles Unanimously carried

REPORT ON FILING OF CROSS-COMPLAINT FOR DECLARATORY RELIEF AND FOR IMPOSITION OF A TRUST (HEIRS OF GEORGE WREN) 6-76

The City Attorney reported that the city had been served with an answer and cross-complaint in the Maze Wren Park Condemnation acquisition proceedings brought by the State of California by the heirs of George Wren who have the reversionary interest under the dedication of the land for park purposes. The heirs have retained counsel and under the cross complaint contend that the city is a trustee of this property holding it in trust and if the state acquired it by condemnation proceedings, the heirs are entitled to the proceeds and they have asked for compensation in the amount of \$42,000. He stated that he would follow the case with due diligence.

SENIOR CITIZENS DINNER

The Council members were reminded of the Senior Citizens dinner being held on October 29, to which they had been invited to attend.

ITEMS BROUGHT UP WITH THE UNANIMOUS CONSENT OF THE COUNCIL 6-87

Report on the filing of an amended complaint by George Merino

The City Attorney reported that counsel for George Merino had filed an amended complaint to his action against the city to invalidate the recent ordinance adopted by the Council prohibiting fortune telling, etc, in the city.

Accept construction of comfort station at Dryden Park

The City Manager reported that the work had been completed by Contractor Edward A Tomlinson and it was in order to accept the project, authorize recordation of Notice of Completion with the County Recorder and payment due under the contract

RESOLUTION NO 59-445

A RESOLUTION ACCEPTING THE CONSTRUCTION OF COMFORT STATION AT DRYDEN PARK MUNICIPAL GOLF COURSE BY EDWARD A. TOMLINSON: AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

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

Report on widening of J Street between 12th Street and alley between 11th and 12th Streets

Mr. Ray reported that the Bank of California, which is constructing its new building on the southeast corner of 12th and J Streets, has agreed to assume one-half of the cost (\$800) for widening the half block. The city and state are also involved in this three^{five} foot widening of J Street because of the installation of traffic signals at the intersection of 12th and J Streets. The city will participate to the extent of relocation of the street lighting facility, parking meters, curb return at the corner, and the alley approach, estimated cost \$800. It is possible that the state may participate to some extent on this but it has not been completely cleared yet. He recommended that the city proceed on this basis, if a letter agreement can be arranged with the property owner, whether or not the state participates.

MOTION

That the staff be authorized to proceed on the basis outlined by the Director of Public Works.

Moved by Spaulding Seconded by Knoles Unanimously carried

Card from Superintendent of Modesto City Schools James Corson

A card was read from Supt. of Modesto City Schools James Corson now touring Russia.

Report on the annual City Managers' meeting in St. Louis

The City Manager reported on his trip to St. Louis to attend the annual City Managers' convention. He stated that he was pleased with the progress being made in the understanding of fire rating and grading, in three fields: 1) by the cities themselves; 2) by the Board of Fire Underwriters and 3) between the Fire Chiefs and Managers and other city officials concerned.

He stated that he had stopped enroute in Hutchison, Kansas to inspect an installation of an automatic controls on a municipal water system. The city's 12 wells and one tank have been placed under automatic operation. There is a separate control on each well which can be regulated three ways--off, manual or automatic. The tank is automatically controlled at any predetermined level. The wells can be set in any combination of operation, and the sequence and rotation of operation can be controlled in this manner. The basic controls

were at the water tower without any personnel supervision. Indicators were installed adjacent to the fire alarm system. A report will be submitted to the Council later on what might be accomplished in this regard for the City of Modesto.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Mayor Hammond Seconded by Spaulding 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 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 4:08 P M.
Absent: Mayor Hammond

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 October 7, 14 and 21, 1959 and the same being available for public inspection and there being no objections, the minutes were approved.

REQUEST TO USE SIDEWALK AREA IN DOWNTOWN BUSINESS DISTRICT CIVITAN CLUB FRUIT CAKE SALE 1-10

The Civitan Club requested permission to use the sidewalk area in the downtown business district during the period Nov. 1 to Jan. 1 for its annual fruit cake sale. The Club wished to use a parking space in the business district Thursday evenings and possibly Saturdays, to park its Mexican Donkey and cart for a booth headquarters and to make sidewalk sales in front of the booth.

Earl O Winn, Co-Chairman of the Cake Sales Committee, spoke in behalf of the request.

MOTION

That the request be granted on the provision that location arrangements be worked out with the Police Department and Parking and Traffic Department.

Moved by VanderWall Seconded by Arata Unanimously carried

LETTER FROM LOIS L. LANE RE: TAXICAB RATE INCREASE 1-27

A letter from Lois L Lane, operating the Red Top Taxi Company, was read relating to the request of Joe Sequeira for a taxicab rate increase. Mrs. Lane opposed a rate increase on the basis that proper management and volume business was the answer to a successful taxicab operation, not higher rates. She requested that the rates remain at the present level.

The City Manager noted that the hearing on the rate increase had been set by the Council for Nov. 12 at 8:15 P M., at which time Mrs. Lane's letter could be considered. By order of the Chair, the letter was held over for consideration at the public hearing.

REPORT ON DELAY IN TRAFFIC SIGNAL PROJECTS 1-36

Director of Parking and Traffic Douglas Carmody reported that the State Division of Highways had advised that traffic signal projects would not be advertised until after the new state specifications became effective, January 1, 1960.

The 12th and J Street signals and the two locations on Yosemite Blvd. would be affected by this ruling.

He reported that the State had advised that the city could proceed with plans for traffic signals at the intersections of 14th and D Streets and 10th and D Streets. These locations can be considered with the Capital Improvement Projects next week, he stated.

The City Manager reported that more detailed information would be available at a later date on the relative priority of traffic signal locations.

LETTER FROM VALLEY TRACTOR COMPANY RE: BUSINESS LICENSE FEE 1-50

A letter from E. C. Crandall, President of the Valley Tractor Co., was read relating to the inequities of the new business license fees. He asked that some solution be made by the Council on this problem so that the license fee for companies having a store inside the city, but selling nearly 100% outside the city, will be brought into a more equitable position compared to wholesalers and processors, who only pay \$75 per year, compared to their license fee of \$1,372.24.

The City Manager pointed out that this matter had been deferred pending completion of a tabulation of comparative revenues, and a preliminary report will be made shortly on the city's position under the new business license ordinance. At this time the Council may wish to give the staff guidance on this matter.

Councilman Adams arrived at 4:08 P.M.

PETITION FILED OPPOSING METHOD OF TAXATION FOR STORM DRAINAGE SYSTEM NO 8 IN NORTH CENTRAL AREA 1-72

A petition signed by 12 property owners residing in the proposed improvement district No. 8- North Central Storm Drainage District, opposing the method of taxation, was noted by the Council.

The City Attorney advised that the protest was not in order as it did not comply with the law.

MOTION

That the City Clerk notify the signers of the petition the legal method and time to register a protest against the district.

Moved by Arata Seconded by VanderWall Unanimously carried

LETTER FROM THE THOMAS SHAHEEN COMPANY RE: WORLD'S FAIR IN THE LOS ANGELES AREA 1-92

The letter was briefed by the City Manager and ordered filed.

REJECT BID FOR MONTGOMERY VILLAGE NO. 3 SUBDIVISION WATER MAINS AND AUTHORIZE WORK WITH CITY FORCES 1-100

Director of Public Works Marvin Ray reported that one bid had been received for the installation of water mains in Montgomery Village No. 3. This bid was from Bay Industries Inc., in the sum of \$10,685 which exceeds the engineer's estimate of \$3,136.25 for doing the work

by city forces by more than 10%. The City Manager recommended that the bid be rejected by the Council and the project be done with city forces.

RESOLUTION NO 59-446

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN MONTGOMERY VILLAGE NO. 3

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

ORDINANCE NO 335-C.S. AMEND CODE RELATING TO BUSINESS LICENSE-BRANCH ESTABLISHMENTS 1-116

The City Attorney recommended a minor modification in the wording of Ordinance No. 335-C.S. which had been introduced on October 6, published in the city's official newspaper but not yet finally adopted.

MOTION

That Section 1 of Ordinance No. 335-C.S., introduced on October 6, 1959 and not yet finally adopted be amended to read as follows:

"Section 6-1.109. BRANCH ESTABLISHMENTS: SEPARATE TYPES OF BUSINESS. A separate license must be obtained for each branch establishment or location of the business transacted or carried on, including any branch establishment or location of a business required to be licensed under the Business and Professions Code of the State of California, or for which a license has been obtained under the Business and Professions Code of the State of California, and for each separate type of business at the same location: provided that warehouses, distributing plants, and pickup and delivery outlets used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate place of business, or branch establishments or separate types of business.

Except as otherwise provided in this Section, each license shall authorize the licensee to transact and carry on only the type of business licensed thereby at the location or in the manner designated in such license."

and that the ordinance be republished in the Modesto Bee, the city's official newspaper

Moved by Arata, Seconded by Knoles Unanimously carried

FINAL ADOPTION OF ORDINANCE NO 338-C.S AUTHORIZE ACQUISITION OF RIGHT OF WAY-TULLY AVENUE, D. A. CRANE, ET AL 2-41

ORDINANCE NO. 338-C.S. entitled

"AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM D. A. CRANE, LULU S. CRANE, ROBERT E. WINFIELD AND DOLORES M. WINFIELD FOR USE FOR MUNICIPAL PURPOSES"

introduced on October 28, 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 Pro Tempore
Spaulding

Noes: None Absent: Mayor Hammond

ORDINANCE GRANTING EASEMENT TO MODESTO IRRIGATION DISTRICT IN GARRISON PARK 2-45

ORDINANCE NO 339-C.S. entitled

"AN ORDINANCE APPROVING THE GRANTING OF AN EASEMENT TO THE MODESTO IRRIGATION DISTRICT IN GARRISON PARK FOR POWER LINE INSTALLATION"

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 Pro Tempore
Spaulding

Noes: None Absent: Mayor Hammond

INTRODUCED GUEST OF COUNCIL 1-58

With the unanimous approval of the Council, the Director of Public Works introduced Ben Nelson, Superintendent of Public Works of the City of Pullman, Washington, guest of the Council.

ORDINANCE ESTABLISHING 25 MPH SPEED LIMIT ON FRANKLIN STREET AND HADDON STREET 2-68

Mr. Carmody reviewed the provisions of a proposed ordinance providing for the establishment of 25 MPH speed limit on Franklin Street, between California and Laurel Avenue and on Haddon Avenue between LaLoma and Conejo Avenue. The County has already approved the limit on Franklin Street, which is partially in the county and partially in the city.

ORDINANCE NO 340-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 ORDINANCE NO 308-C.S."

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 Pro Tempore
Spaulding

Noes: None Absent: Mayor Hammond

Mayor Pro Tempore Spaulding raised the question of the Council adopting laws for citizens to break, because most of the drivers drove over 25 miles per hour on the city streets in order not to block traffic.

Mr. Carmody stated that California has prima facie limits, except in construction zones, and it is "legal" to drive 30 to 35 miles in a 25 mile zone at given times. This flexibility is the reason for going to 25 mph. However when the new speed limit law goes into effect in January, 1960, there will be a maximum speed limit of 65 mph and anything above that will be breaking the law. All the speed limits

up to 65 will still be prima facie limits, which means that if it is safe to go faster you can, but it is prima facie evidence against you and it is up to you to defend why it was safe for you to exceed the established speed limit.

RESOLUTION OF INTENTION ON IMPROVEMENT DISTRICT NO. 8 STORM SEWERS IN NORTH CENTRAL AREA 2-125

The City Manager reported that the County had adoption a resolution granting consent to the proposed formation of an assessment district designated as "Improvement District No. 8", to provide a storm drainage system.

RESOLUTION NO 950-S.P.
RESOLUTION OF INTENTION NO 269

IN THE MATTER OF THE CONSTRUCTION OF A STORM DRAINAGE SYSTEM IN IMPROVEMENT DISTRICT NO. 8 CITY OF MODESTO, STANISLAUS COUNTY, CALIF.

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

Noes: None Absent: Mayor Hammond

December 2 at 4:00 P.M was set as the time for the public hearing on the district.

HOLD OVER REQUEST FOR VARIANCE A. T. FUGITT STORE-COFFEE ROAD 3-40

At the request of the Director of Public Works this matter was held over for further clearance.

APPROVAL OF DECAL FOR CITY EQUIPMENT 3-41

Pursuant to Council direction, the City Manager reported that the staff had investigated designs for a new decal for the city's vehicles to replace the All America insignia. He displayed two suggestions of a decal incorporating the city's arch slogan "Water, Wealth, Contentment Health" which had been prepared by the Borden Decal Company. One design was circular in shape and the other used the shape of the arch. The colors were optional, the City Manager pointed out. City employees had been asked regarding the selection and they were almost unanimous in their preference for the arch shaped decal. Colors of white, red, blue and gold were shown on the decals.

MOTION

That the decal with the arch theme and with the colors presented by the staff be approved.

Moved by Arata Seconded by VanderWall Unanimously carried

APPROVE AGREEMENT WITH S.O.S. CLUB FOR SEWER SERVICE 3-75

RESOLUTION NO. 59-447

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SPORTSMEN OF STANISLAUS CLUB FOR SEWER SERVICE AT CLUBHOUSE LOCATED ON SUNSET BLVD.

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

Noes: None Absent: Mayor Hammond

RESOLUTION OF INTENTION TO VACATE CITY INTEREST NORTH SIDE OF YOSEMITE BOULEVARD BETWEEN PARRY AND EL VISTA AVENUE IN BLOCK 2264 3-78

The City Attorney reported that the Planning Commission had adopted Resolution No. 545 on September 1, recommending to the Council the vacation and abandonment of any interest the city had in the property located on the north side of Yosemite Boulevard between Parry and El Vista Avenue.

The City Manager recommended that the Council proceed with this matter, but that the staff check further with the State as to the width of Yosemite Boulevard and report back to the Council prior to the public hearing scheduled for 8:00 P M., November 25.

RESOLUTION NO 951-S.P.
RESOLUTION OF INTENTION NO 270

A RESOLUTION OF INTENTION TO VACATE AND ABANDON ANY CITY INTEREST IN THE PROPERTY ON THE NORTH SIDE OF YOSEMITE BOULEVARD BETWEEN PARRY AND EL VISTA AVENUES IN BLOCK 2264 IN THE CITY OF MODESTO

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

Noes: None Absent: Mayor Hammond

CLEAR PROCEDURE FOR CONSIDERATION OF SALARIES 3-95

The City Manager distributed copies of his report dated November 4, 1959 to the City Council on the subject, "Establishment of City Council Policy on Salaries", a copy of which is on file with the records of this meeting.

By order of the Chair the consideration of the report was held over until the next meeting in order to permit the members an opportunity to study the report.

APPROPRIATION TRANSFER 3-110

None needed.

CITY HALL MATTERS 3-114

The City Manager reported that the Council Committee on City Hall Furnishings, the furniture dealers and staff had met November 3 to review the furniture plans and proposals in the master plan layout for the new City Hall. Copies of the minutes of this meeting were read and distributed to the Council members and a copy placed on file with the records of this meeting.

The following recommendations were made by the Committee:

1. That the general arrangement in the Council Chamber be approved except that the row of seating on the southeast wall (parallel to 11th Street) be eliminated and that the seats be provided with arms instead of as benches. This would reduce capacity but would still leave seating for about 110;
2. That smoking in the Chamber be prohibited, but if this is not done arrangements be made to provide built-in ash trays;
3. That the new furniture purchased be of a design that will be compatible with the architecture of the new City Hall;

4. That the general quality level of the new furniture will be "good", in keeping with the present policy.
5. That furniture purchased will be of the design that will result in the City Hall ultimately being furnished throughout on a "work station" basis;
6. That there will be different "levels" of furnishing established for different categories of use; Mayor's office, department heads' offices, foreman's office, etc. (the exact nature of these gradations to be determined.);
7. That the Council's policy will be to furnish city hall generally in accordance with the Master Furniture Plan;
8. That furniture for the court area should not be included at this time;
9. That financing of the furniture should be over a two fiscal year period, as suggested by the staff;
10. That in general, Plan B-with some modifications toward Plan C, where appropriate and proper- should be followed;
11. That this is the time to provide the kind of furniture needed in the new City Hall and that such an opportune time will not likely occur again, that the price opportunity offered by the furniture dealers under the terms of their contract is a good one and the furniture needed be ordered so that the city might take advantage of the real economies offered.

The City Manager pointed out that the steel strike might delay the delivery of most of the new furniture prior to moving into the new building.

MOTION

That the report be accepted and approved and that it will be Council policy to furnish the City Hall generally in accordance with the Master Plan.

Moved by Knoles Seconded by VanderWall Unanimously carried

PETITION FOR ANNEXATION OF EAST FLOYD ADDITION TO THE CITY REFERRED TO THE PLANNING COMMISSION 3-59

RESOLUTION NO. 59-448

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 ADDITION

Introduced by Adams Seconded by Arata Unanimously carried
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Pro Tempore Spaulding

Noes: None Absent: Mayor Hammond

GRANT VARIANCE TO AGNES COIL FOR TWO DRIVEWAYS 4-72

Director of Public Works Ray recommended that the variance request filed by Agnes N. Coil, 422 Mensinger, for two driveways be approved but that one be for 30 feet and the other for 25 feet instead of two 30 ft. driveways. He stated that the request was in connection with the storm drainage proposed for the North Central area and that Mrs. Coil wished to install curb and gutter.

page 7 11-4-59

Mr. Ray pointed out that since these curb cuts would exceed 40% of the frontage, it would be necessary for the Council to grant a variance.

RESOLUTION NO 59-449

A RESOLUTION APPROVING VARIANCE REQUEST OF AGNES N. COIL FOR TWO CURB-CUTS AT 422 MENSINGER (ONE FOR 30 FEET AND THE OTHER FOR 25 FEET) AS RECOMMENDED BY THE DIRECTOR OF PUBLIC WORKS

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

Noes: None Absent: Mayor Hammond
APPROVE SALE OF LEAVES TO ORGANIC COMPANY 4-107

RESOLUTION NO 59-450

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 1959-60 TO THE ORGANIC COMPANY OF TURLOCK FOR THE SUM OF \$250.

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

Noes: None Absent: Mayor Hammond

GRANT VARIANCE FOR 36 FT. CURB CUTS FOR MODESTO BUILDING AND LOAN COMPANY ON McHENRY AVENUE 4-112

Mr. Ray reported on the variance request of the Modesto Building & Loan Company for two 36' curb cuts to furnish access to its new building under construction on the southwest corner of Coolidge and McHenry Avenues. One of the driveways would be located on the Coolidge Avenue side and the other on McHenry Avenue. He pointed out that the only question involved was that curb cuts of this length were only permitted to service stations under the provision of the code unless special Council approval is obtained. Because of the nature of the off-street parking facilities, he recommended that the variance be approved.

RESOLUTION NO 59-451

A RESOLUTION GRANTING THE VARIANCE REQUEST FILED BY MODESTO BUILDING AND LOAN COMPANY FOR TWO 36 FOOT CURB CUTS FOR ITS NEW BUILDING ON THE SOUTHWEST CORNER OF COOLIDGE AVENUE AND McHENRY AVENUE IN THE CITY OF MODESTO

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

Noes: None Absent: Mayor Hammond

REPORT ON MEETING RELATING TO WIDENING OF YOSEMITE BOULEVARD 5-1

With the unanimous consent of the Council, the City Manager report/on the meeting held on Thursday, October 29, with representatives from the Division of Highways, some of the property owners on Yosemite Boulevard and city staff, pursuant to Council direction, to check the possibility of making arrangements for the widening of this street similar to the program now underway on McHenry Avenue.

The property owners expressed interest in the project.

They were asked to check with other owners along Yosemite Boulevard to determine the degree of interest in assisting with the project, as the people did on McHenry Avenue. If there is demonstrated general interest and a willingness to provide the right of way, the city would do everything possible, under the Council direction, to work out a program with the State. The program has been left in the hands of the property owners and others in this area. The city staff expressed willingness to meet with them at any time on any basis and if the necessary support was indicated, the city could start working immediately on the project.

Answering a question raised by Councilman Adams, the City Manager stated that the project would extend, as far as the owners are concerned, from the point where the road straightens out and heads east, near the bridge across Beard Brook out to El Vista Avenue, the city limits. However this was discussed with the state on the basis that if this were done, there would be included in the project an extension across Beard Brook, westward, to get the traffic over into the city's street system. The state agreed that this should be a part of any such project.

BOY SCOUT LEASE REQUEST AT MODESTO COMMUNITY SERVICE CENTER 5-25

With the unanimous consent of the Council, Councilman Martin raised a question on the progress being made by the staff in clearing the request of the Boy Scouts for leasing additional space at the Community Service Center. Assistant City Manager Bill Masonheimer reported that the staff had been conferring with Rex Ingersoll on this matter and a recommendation will be submitted at the next Council meeting.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by VanderWall Seconded by Arata Unanimously carried

The meeting was adjourned at 5:05 P M.

ATTEST


CITY CLERK

Modesto City Council
November 12, 1959

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, Martin, Spaulding, VanderWall,
Mayor Hammond

Councilman Knoles arrived at 10:00 P.M.

Absent: Councilmen: None

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

Rev. Arnold Mower gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of October 28 and November 4, 1959 and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM CHAS. B. BEARRUP, COLLEGE AVENUE RE: BRICK IN SIDEWALK AREA 1-20

City Manager Ross Miller reported that the request of Chas. B. Bearrup, 1104 College Avenue, for brick installation in his sidewalk area has been cleared by the staff and no Council action was required.

REQUEST BY MODESTO EMBLEM CLUB FOR SPACE IN THE COMMUNITY SERVICE CENTER ON DEC. 17 & 18 1-22

The City Manager reported receipt of a request from the Modesto Emblem Club for the free use of a clubroom at the Community Center on Dec. 17 & 18 for its annual Christmas Toy Shop.

After Council discussion and review of the policy requiring rent of rooms at the Center, it was decided that a check of other available sites should be made by the staff.

MOTION

That this matter be referred to the staff for additional study with possible use of the Maddux Youth Center or other available facilities.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

APPROVE SPECIFICATIONS CALL FOR BIDS FOR ONE NEW TRUCK CRANE 1-70

RESOLUTION NO. 59-452

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING OF ONE NEW TRUCK CRANE

Page 1 11-12-59

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

The bid opening was set for Nov. 30 at 2:00 P.M.

APPROVE AGREEMENT WITH CHARLES JEFFERS FOR SEWERS IN STRATHMORE
SUBDIVISION 1-80

RESOLUTION NO. 59-453

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
CHARLES JEFFERS ET AL, FOR SHARE OF COST OF PERIMETER AND SUB
TRUNK SEWERS IN STRATHMORE SUBDIVISION

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION
OF SUBTRUNK SEWER IN STRATHMORE SUBDIVISION 1-97

RESOLUTION NO. 59-454

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE
CALLING FOR BIDS FOR CONSTRUCTION OF SUBTRUNK AND PERIMETER SEWER
IN STRATHMORE SUBDIVISION

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

The time set for the bid opening was Nov. 23, 1959 at 2:00 P.M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS ON SUNSET SUBTRUNK
SEWER 1-100

RESOLUTION NO. 59-455

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE
CALLING FOR BIDS FOR CONSTRUCTION OF SUNSET AVENUE SUBTRUNK SEWER

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

The time set for the bid opening was Nov. 23, 1959 at 2:15 P.M.

FINAL ADOPTION ORD. 339-C. S. M.I.D. EASEMENT AT GARRISON PARK 1-105

ORDINANCE NO. 339-C.S. entitled

"AN ORDINANCE APPROVING THE GRANTING OF AN EASEMENT TO THE MODESTO
IRRIGATION DISTRICT IN GARRISON PARK FOR POWER LINE INSTALLATION"

introduced on Nov. 4, and having been printed and published as re-
quired 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

FINAL ADOPTION ORD. 340-C.S. 25 MPH SPEED ON FRANKLIN AND HADDON AVENUES 1-110

ORDINANCE NO. 340-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 ORDINANCE NO. 308-C.S."

introduced on Nov. 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 Spaulding
Ayes: Adams, Arata, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER PROCEDURE FOR DETERMINING SALARIES OF CITY EMPLOYEES 1-115

Mayor Hammond commented that at the conclusion of the hearings on salaries for the fiscal year 1959-60, there was an expression, both from the Personnel Commission and members of the Council, that there should be a better way of handling the salary structures for the city employees. He noted that copies of a staff report which had been previously distributed to the Council members when the matter was first considered had been redistributed. He recommended that the basic policy be considered first and then the technique of implementing the situation. He read from page 2 of the staff report:

"Mayor Hammond stated that he believed the Council should take the position that it is not the responsibility of a tax supported organization, such as the city, to set a wage scale for the community in which they exist. It is the duty of the city for the wage scale to equal or be comparable with those paid in the community but it is not the duty of the private city employees to set a wage standard that employers have to compete with. Those people who are performing the same activities should enjoy the same hours and working conditions and wage scale as that paid by private industry."

He asked for comments from members of the Council on this basic premise.

Councilman Martin: He asked that if the above was to be the bases of the city for considering salaries, that the second sentence be revised to read as follows: "It is the duty of the City for its wage scale to be comparable with those paid in the community, with due consideration for fringe benefits and stability of employment, but it is not the duty of the city employees to set a wage standard that private employers have to compete with".

Mayor Hammond distributed copies of a statement to the Council members listing points which the Council should consider in making its decision, entitled "Suggested Guides for Implementing Council Policy on Establishing Salaries".

The Council indicated approval of Councilman Martin's suggestion for adding the phrase "with due consideration for fringe benefits and stability of employment" in the policy statement.

Mayor Hammond asked that the sentence read---"but it is not the duty of the City to set a wage standard that private employers have to compete with", which was approved by the Council.

Councilman Martin asked that the sentence would read---"It is the duty of the city for the wage scale to be comparable with those paid in the community, with due consideration for fringe benefits and stability of employment, but it is not the duty of the city to set a wage standard that private employers have to compete with".

The City Manager suggested that the first portion of the sentence be changed to read "It is the duty of the city for its wage scale----".

MOTION

That it be the policy of the City Council that it is not the responsibility of a tax supported organization, such as the city, to set a wage scale for the community in which they exist. It is the duty of the City for its wage scale to be comparable with those paid in the community, with due consideration for fringe benefits and stability of employment, but it is not the duty of the City to set a wage standard that private employers have to complete with. Those people who are performing the same activities should enjoy the same hours and working conditions and pay scale as that paid by private industry.

Moved by Spaulding Seconded by Arata Unanimously carried

Mayor Hammond stated that to support this policy, the Council should also consider the following suggestions as a policy statement for establishing salaries:

1. Compare the ratio of salary expenditures to total operating expenditures.

As the Council considers salary expenditures, Mayor Hammond stated, it must bear in mind the percentage to the total operating budget so that the Council can review the position each year as it comes up to avoid distortion in one year. The Council can then examine what caused the distortion. The Council should have some past records to base its understanding.

Councilman Spaulding's question was answered by Mayor Hammond that the purpose of the proposed suggestions would supply the bases and be a guide upon which the staff can supply information to the Council and the Personnel Commission in arriving at the city's basic wage scale policy.

The City Manager stated that the Personnel Commission has expressed interest in having some kind of pattern to follow on this matter.

2. Compare the value of fringe benefits for city employees and for others in the community (e.g. holidays, vacation, retirement plan, sick leave, insurance, etc.)

Mayor Hammond pointed out that all those benefits were part of the salary structure and the Council must know the comparative relationship.

3. Consider the cost of living.

4. Continue the local salary survey comparisons,

Mayor Hammond stated that the Council needs to know of the local situation in order to arrive at a decision.

5. Recognize that the City is in wider competition for professional and technical help than for certain other classes, and make appropriate comparisons.

Mayor Hammond stated that the Council must recognize that there are classes in the professional and technical fields, where Modesto is competing with other cities and not with private industry, so the salary scale must be evaluated on this basis also.

6. Make major salary change as of January 1 of each year.

The thinking on this suggestion, Mayor Hammond stated, is that the initial study would be initiated in the fall of the year. At that time all of the other public agencies have set up their policy schedules and it will be a guide. The most important factor is that it can be handled separately from the annual budget and is not colored with "haste" and "speed" that sometime enters into the decisions.

Councilman Martin considered that the recommendations should come from the Personnel Commission to the Council. This would prevent conflicting recommendations, as was the case this year. The Council could depart from, and base its discussion on the recommendation of the Personnel Commission. The Council wants a documents of recommendation in which all appropriate staff work is included.

Mayor Hammond pointed out that the only danger in this procedure would be that the Council is a court of last resort. If a person appears before the Planning Commission and does not agree with its findings, he has the right of appeal to the Council. If it was restricted only to a majority decision of the Personnel Commission, it might be in conflict with matters which the Council should decide.

Councilman Martin did not agree with this premise. He stated that employees could furnish their testimony just like any interested person does with regard to a Planning Commission recommendation, but it comes as testimony in supporting evidence to be for or against what it presented as distinct from the working papers presented to the Council. It would be proper for the employees' association to present, as was done last time, supporting letters and documents from the floor but not as the staff doing the work for the Council.

Mayor Hammond summed up Councilman Martin's suggestion as follows: "That when the facts have been presented to the Personnel Commission, the staff has then fulfilled their function as far as that is concerned and if there are other groups who do not agree with the Commission they are at liberty to state their case to the Council".

Councilman Martin made the suggestion that the staff speak as "employees" and not as "staff".

Mayor Hammond stated that the record which would be presented to the Council by the Personnel Commission would carry all of the facts that the staff had transmitted to it. The Council would be aware whether it was in agreement or not.

The City Manager stated that if the Council wished to do this it would be 1) a fundamental change in policy and 2) that the Charter and Personnel ordinance both should be reviewed and possibly there should be some change made. The staff will defer to the Council's judgment in this as long as it complied with the Charter and ordinance and some firm positive direction would be needed on it if the Council wished to proceed on this basis. The question of whether the staff is to make a recommendation to the Personnel Commission is raised.

Mayor Hammond stated that the staff would make its recommendation to the Personnel Commission but after the Commission had acted then the staff would not make an additional presentation over and above what was contained in the Personnel report. The Employee Association, interested groups and individuals would not be precluded at any time from presenting its request to the Council.

Answering a question raised by Mayor Hammond, City Attorney Allen Grimes stated that one of the duties of the City Manager as set forth in the Charter is as follows:

"to keep the Council advised of the financial condition and future needs of the city and to make such recommendations on any matters as may to him seem desirable."

This is to permit the City Manager to make recommendations to the Council from time to time on matters that come up within the purview of this office.

Mayor Hammond asked if this would make it impossible to include Councilman Martin's suggestion in the program.

The City Attorney stated that this charter provision was intended to allow the City Manager to make recommendations to the Council on such matters as he feels proper to be brought before the Council.

Councilman Adams pointed out that in either way the Council would still have the City Manager's recommendation whether through the Personnel Commission or direct.

The City Manager pointed out that the staff wished to carry out the wishes of the Council. He pointed out that only on two occasions, during over 12 years, had he made salary recommendations to a City Council which were different from that of the Personnel Commission. He stated that he did this in these instances because he was convinced that it would be to the city's interest to have it raised for Council clearance. He stated that he did not come to the Council as an advocate for the city employees. His job is to serve as the Council's staff and to make the recommendations as outlined by the provision of the Charter as outlined by the City Attorney. In this particular case, he stated, that his judgment was different from the Commission's but the Council concurred in the judgment of the Commission.

Councilman Arata stated that the bad feature last time was that the City Manager's recommendation came out before the Personnel Commission had finished its studies. Some of the members of the Commission had taken exception to this procedure.

The City Manager pointed out that this point had been raised several times and that he wished to clear it now. The fact is that under the state law, a meeting of the Personnel Commission is a public meeting. This recommendation was presented at a public meeting and

the newspaper published it several days later. This is not controlled by the City Manager but is a matter of state law and appropriate procedure.

Mayor Hammond assured Councilman Arata that he had checked out this matter and it was the case, it was a matter which the City Manager could not have controlled.

Mayor Hammond stated that Councilman Martin's point was well taken but the Council must abide by the interpretation of the Charter.

The City Manager stated that the staff would do its best to avoid confusion and conflict in the future.

Councilman Adams pointed out that the Council relied a lot on the surveys of other cities close by Modesto. He asked if item 4 of the suggested guides would exclude these survey comparisons.

Mayor Hammond considered that the Council would be considering a local salary survey in this case. Item 5 of the guides could cover the point raised by Councilman Adams. There are classes in city employment where only the local level should be considered and there are other studies where additional information would be required. This is only a guide to the Personnel Commission and staff. The ramification of getting this information will be left up to them. This is an attempt to set up a simple guide for the staff and Personnel Commission to arrive at a salary conclusion.

The City Manager suggested that the Council might wish to include in the "guides", some measure of productivity of employees, such as the number of employees per 1000 population. This is a significant figure for the Council to consider.

Mayor Hammond stated that this gets into comparison of operating techniques with other cities. If the city has its ratio of salary expenditures to total operating expenditures, it will be a part of this factor.

The City Manager stated that his suggestion could be considered in a separate report.

The Council agreed that the title should be "Suggested Guides for Implementing Council Policy on Establishing Salaries".

The City Manager pointed out that this was an important matter to all employees and the Associations had been contacted about this meeting.

Mayor Hammond asked if anyone in the audience wished to make any statement which might be of assistance to the Council before a final decision was made on the "guides". No comments were made.

Councilman Spaulding moved that the Council adopt the suggestions as outlined as the Council policy and that the suggestions be transmitted to the Personnel Commission and staff with an invitation to them for further suggestions.

RESOLUTION NO. 59-456

A RESOLUTION APPROVING THE ADOPTION OF THE "SUGGESTED GUIDES FOR IMPLEMENTING COUNCIL POLICY ON ESTABLISHING SALARIES" AND THAT THESE SUGGESTIONS BE TRANSMITTED TO THE PERSONNEL COMMISSION AND STAFF WITH AN INVITATION FOR FURTHER SUGGESTIONS

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

The City Manager thanked the Council for taking time on this matter and considered that it would be helpful to the Personnel Commission, city staff and city employees.

APPROVE FRANCHISE FOR COLLEGE GARDENS WATER COMPANY 4-15

Mayor Hammond declared that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposed franchise to College Gardens Water Company.

The City Manager reported that the notice of the hearing had been published in the Modesto Bee on October 21, 1959 as required by law, and the matter had been previously discussed by the Council. Under the proposed agreement, the effective date of the franchise would be Jan. 1, 1958. The City Manager noted that he had not been able to recheck this with the owner, but that the owner had previously been furnished with a copy of the proposed franchise.

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

ORDINANCE NO. 341-C.S. entitled

"AN ORDINANCE OF THE CITY OF MODESTO GRANTING A FRANCHISE TO OPERATE A WATER COMPANY WITHIN THE CITY TO NEIL CECIL, AN INDIVIDUAL, DOING BUSINESS AS COLLEGE GARDENS WATER COMPANY"

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

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

HEARING ON TAXICAB RATE INCREASE - JOE SEQUEIRA 4-35

Mayor Hammond declared that the hour of 8:15 P.M. had arrived, the time set for the public hearing on the request of Joe Sequeira, operating Joe's Taxicab, for a rate increase.

The City Manager reviewed the request asking for 50¢ for the first quarter mile in place of the present 50¢ for the first mile. Copies of the report prepared by the Director of Parking & Traffic recommending the proposed increase were previously distributed to the Council members.

Mayor Hammond asked if there were any oral protests or if anyone wished to make any comments.

Francis W. Halley, representing Joe Sequeira, urged favorable consideration by the Council of the rate increase. Due to the increased wages and benefits which must be paid drivers under the new contract, the taxicab company would remain in its present position even if a rate increase was granted, he stated. The increase would only serve to compensate for the added operating costs.

Lois Lane, operating Red Top Taxi, and Sam Secreto, operating the Yellow Cab Company, opposed the increase as unnecessary at this time.

Mayor Hammond declared the hearing closed.

City Attorney Grimes pointed out that the rate established by the Council would be the maximum rate and the companies were not required to charge the full maximum but were only prohibited from exceeding that amount.

Answering a question from Councilman Martin, Lois Lane stated that unless it were a compulsory raise, she would not increase her rates.

MOTION

That the City Attorney be authorized to prepare an ordinance to amend the maximum rates as outlined to be effective Jan. 1, 1960.

Moved by Mayor Hammond Seconded by VanderWall

Ayes: Adams, VanderWall, Mayor Hammond

Noes: Arata, Spaulding, Martin Absent: Knoles

Mayor Hammond declared the motion failed to carry.

MOTION

That the matter be carried over to be considered when all members of the Council are present.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

The City Clerk was instructed to notify all interested persons when this matter would again be considered by the Council.

HEARING ON CAPITAL IMPROVEMENT PROGRAM 5-96

Mayor Hammond announced that the hour of 8:20 P.M. had arrived, the time set for the hearing on the Capital Improvement Program for 1959-60 through 1964-65.

The City Manager summarized the previous Council discussion which had primarily been held on the first year's proposals recommended by the Planning Commission and city staff. He pointed out that the proposed projects could be financed with available funds, leaving some reserve for some other items or increased costs.

Report on proposed airport control tower

As directed by the Council, the City Manager reported, a letter had been sent to the Stanislaus County Board of Supervisors to determine its interest in sharing the cost of a control tower at the Modesto City-County Airport. The Board asked that prior to its action on the matter, the Council clear its willingness to proceed.

Although the project is proposed for either the second or third year the application must certify that local funds are available for the local share, but the city would not be formally committed until the grant agreement is executed, the City Manager stated.

Mayor Hammond noted that the Council members had received copies of the staff's report on the project which indicated that the number of landings per month at the airport would more than meet the federal requirements.

A letter from Jack Crose, operator at the Airport, was read urging the Council to approve the submission of an application to the FAA. He also requested that the city construct a new administrative building with a public waiting room and adequate rest rooms. The letter was considered and ordered filed.

Letters from Ralph J. Quartaroli of Stanislaus Food Products Co.; Arlo V. Turner of The Grange Company; Harold Bailey, pilot for

The Grange Company and E & J Gallo Winery were read and ordered filed urging the construction of a control tower.

Ken Norris, representing the Stanislaus County Taxpayers' Association, spoke on the capital improvement program proposed by the Board of Supervisors and pointed out the difficulties involved for the County to provide funds for airport improvement. When considering this project, the Council should pay some attention to the problems of the County.

The City Manager noted that the proposal for a chain link fence (\$10,400) had been placed in the "fourth year and later" column as the control tower was considered more urgent.

Councilman Martin pointed out the advantages to be gained by the community in the payroll, tax receipts and activities from the personnel manning the control tower.

MOTION

That the Council express its intention to file an application with the F.A.A. providing the County will join with the city in sponsoring the control tower project.

Moved by Mayor Hammond Seconded by Martin Unanimously carried

Dryden Park Municipal Golf Course

The City Manager reported that the expenditure of \$52,200 proposed for the first year had been approved. It does not include any provision for a clubhouse. Contacts are being made by the staff on a possible lease-purchase arrangement and a report will be submitted later. Reserve funds, or a substitution of any other project, could be arranged later, if the construction was started earlier. The City Manager reported that he had received advice from the State that State Retirement Funds cannot be used for this project.

Garbage and Refuse Disposal

Council discussion was held on the proposal to provide \$151,000 in the 2nd and third year for this item. The City Manager reported the staff was still investigating the possibility of contracting with a private company for the garbage and refuse disposal. He recommended that if this cannot be cleared promptly, at least funds be made available for the preparation of plans during the first year.

The Council expressed concern that this project be finalized as promptly as possible---clear the availability of a private contract or proceed with plans immediately.

Fire

First year expenditure proposed of \$111,590. The City Manager reported on (item 27 of the agenda) "progress on analysis of fire protection facilities". The preliminary report has now been submitted by the U. S. Fire Protection Engineering Service, Inc. This report will be discussed with the company and staff Nov. 13 and the Council are invited to attend these discussions.

The City Manager listed the proposals included in the first year: \$5,000 for a site for fire station at Kearney & Coldwell, \$35,000 for fire station at McHenry Village; \$26,000 for a fire truck and

\$45,500 for a communications Center.

The City Manager suggested that the expenditures proposed for the first year be approved with the exception of the site selection with the understanding that all items would be cleared precisely as they related to the city's fire grading.

MOTION

That the city proceed immediately with the securing of a site for a fire station to be constructed in the general vicinity of Kearney & Coldwell Avenues

Moved by Mayor Hammond Seconded by Adams Unanimously carried

Library

The City Manager reported that the staff was working with the owners on acquiring the property adjoining the library on 14th Street. \$20,000 is proposed for the purchase of this property. No Council action is needed at this time, he stated.

Parking

The City Manager stated that although the sum of \$30,000 is included in the first year budget to complete the city hall parking garage, the actual amount is uncertain at this time. It is proposed that no provision be made for present off street lot development except for sprinklers or watering devices on some lots with landscaping, at an estimated cost of \$1,000. He suggested that the allocation for the parking garage be increased to \$33,200.

MOTION

That \$33,200 be included in the Capital Improvement budget for city hall parking garage completion and \$1000 for sprinkling systems on off-street parking lots.

Moved by Spaulding Seconded by VanderWall Unanimously carried

Parks & Recreation

The City Manager reported that the matter of construction of a third swimming pool under a joint school-city project had not yet been cleared. He suggested this be held over until the 2nd year.

The City Manager recommended that the sum of \$84,000 be left in the budget until the question raised with the County regarding participation of costs for the Dennett Dam is resolved.

The Council indicated approval to include all items listed in the proposed program for parks and recreation for the first year in the resolution to be adopted on the CIP.

Planning

The item of \$10,000 for aerial photographs and base maps was discussed.

Mayor Hammond pointed out that the city had entered into an agreement with the Federal Government for a report on the block statistics and asked if the up to date aerial photographs and base maps were urgent.

The City Manager asked that this item be held over for further discussion until Planning Director Smeath could be present.

MOTION

That this item be left out of the proposed resolution approving the CIP program but an additional staff report be submitted to the Council.

Moved by Martin Seconded by VanderWall Unanimously carried

Police Department

\$60,000 included in the first year budget is for getting started on a new police building on the basis that it could be planned in connection with the change of the fire station alarm system--a joint communication center and the main building construction on a stage basis, and financed without a bond issue. Preliminary plans could be drafted for the entire police building and the communication unit could be built first and the balance of the building constructed at a later date.

Mayor Hammond asked that a report be made on the uses and needs of a communication center; a suggested location for such a center; if different from the present location; and what use the present location might be put to if the Police Station was removed. He considered that the \$50,000 should be held in abeyance.

The City Manager suggested that funds be allocated to secure the service of a firm experienced in this type of construction, to submit a police building plan. He pointed out that a current study was being made on the communication center and when this is resolved it could be integrated with the plan for the Police building.

MOTION

That the allocation of \$60,000 in the Police Department Capital Improvement budget be reduced to \$10,000 and that the staff check out the cost to get a study and preliminary plan, subject to Council approval, underway on a police department building and integrated communication center.

Moved by Martin Seconded by VanderWall Unanimously carried

Public Buildings

\$58,000 allocated covers the balance for the construction of the new city hall, and is already approved by the Council.

Sewers and Sewage disposal

Allocations for sewers in this department have been approved as the city is already committed on these projects.

Storm drainage

This includes only the proposed expenditures in districts financed by the property owners and would change as improvement districts are proposed.

Street lighting

This allocation covers the McHenry Avenue street lighting improvement district to be paid by the property owners.

No change in the allocation of \$220,849 for streets, most of which is financed out of the gas tax funds, was made.

Traffic signals

The following changes were made in the allocations--Traffic signal interconnection allocation of \$1,875 for the first year (10th and 11th signals between G and L Streets); installation of traffic signals----9th at Needham, Kansas and Tully \$8,500; Yosemite at LaLoma and Santa Cruz \$7,900 (instead of \$4,500); 14th and D Streets \$3,000; 12th and J Street \$3,300 (instead of \$6,700); Paradise and Sutter \$3,570, making the same total as shown in the report, \$28,145.

MOTION

That the changes outlined above be approved.

Moved by VanderWall Seconded by Adams Unanimously carried

Water

The City Manager suggested that the allocations proposed be approved although there were two other matters which must be considered; 1) if the development of new areas proceeds as it has been doing, more money will be needed for the extension of water lines; 2) if automatic control on the water system is approved it will be necessary to appropriate additional funds.

Traffic improvements at Needham and McHenry Avenue

Mr. Carmody presented a proposal to relieve the traffic condition at the intersection of Needham, McHenry, J and Downey Streets. There is a serious capacity problem at this intersection. More green time will be needed for the J Street and McHenry legs of this intersection and the only way to get it will be from the side streets.

Mr. Carmody outlined a proposed plan providing a stage development for regulation of traffic on 16th Street. The first step would call for the installation of traffic signals on 16th and J Street at an approximate cost of \$3500 and the possible prohibition of left hand turns from Needham onto McHenry during the peak hours and the later step to provide traffic signals on 16th and I Streets, 16th and H Streets and the establishment of a one-way street for the first block of Needham between McHenry and 16th Streets.

MOTION

That the plan as outlined by the Director of Parking and Traffic be approved in principle and the expenditure of \$3500 for the installation of traffic signal on 16th and J Streets be approved.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

MOTION

That a resolution be prepared by the staff for Council consideration allocating funds for the 1959-60 fiscal year for the Capital Improvement Program as approved by the Council.

Moved by Spaulding Seconded by VanderWall Unanimously carried

CITY HALL MATTERS 10-56

The City Manager reported that the staff had not yet cleared all the details on the purchase of the furniture for the new city hall.

Plans worked out by the staff with the architect providing for a change in the plans to provide an additional stairway out of the parking garage permitting pedestrians access on 11th Street on the far northwest corner were briefed by the City Manager. A portion of one of the planters would be used and one parking space would be shorter under the new plan.

MOTION

That the plan outlined by the City Manager for the construction of the stairway be approved.

Moved by Arata Seconded by VanderWall Unanimously carried

REPORT ON RESULTS OF OPERATION OF NEW REVISED BUSINESS LICENSE ORDINANCE 10-75

The City Manager noted that the Council members had previously received copies of the Finance Director's report to the City Manager dated November 6, 1959 on the subject "Report on Business License Effective July 1, 1958".

He stated that the report indicated that the city was receiving approximately 6% to 7% less business license revenue on the same volume of business. Volume of business was actually up for last year so were sales in general and in essence there is a reduction of 6% to 7% over what would have been obtained under the old ordinance for the same volume.

The question to be resolved by the Council is on specific cases raised by certain merchants:

1. Protests from Valley Tractor Company on mill license fee.
2. Protests from certain wholesalers on \$75 fee required by city operators as compared to \$30 for outside wholesalers. (Letter from H. B. Little dba Modesto Paper Company was read.)
3. The staff has been working on the problem of the sale of Sno-cones, which started out as a small business and has now extended to an extensive house to house distribution retailing, of a large volume and variety. Some requests have been received for sale of merchandise from door to door which would be to the disadvantage of regularly established people who pay the normal taxes. A report will be submitted later.

Ken Norris read a statement on behalf of the Stanislaus County Taxpayers' Association, a copy of which is on file with the records of this meeting.

Mayor Hammond reviewed the Council taxing policy during the past years.

H. B. Little considered that if the property tax was raised it would relieve the merchants from an unfair burden on his high business license.

Roy Bylling protested to the inequities in the wholesale license fee of \$75 for merchants operating within the city as compared to the outside wholesaler fee of \$30.

Mayor Hammond suggested that the various groups of business men who are involved in paying the license tax get together and make some concrete suggestions for changes to the Council.

MOTION

That this matter be returned back to the merchants of the community to examine the city's present business license situation and to offer any suggestions to the Council and staff.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

The City Manager stated that the staff would work with the merchants on this matter.

REPORT ON IMPROVEMENT OF COLLEGE AVENUE 12-65

Director of Public Works Marvin Ray reported briefly on the nature and quality of the work for the improvement of College Avenue. He stated the Public Works Dept. was not happy with the results of the finished street. He stated this was due to the late fall start of the project and problems with rain. In the future the Public Works Dept. would not recommend the commencement of any street project that could not be completed by the 15th of Sept. in any year.

SET DATE HEARING ON PROPOSED ANNEXATION OF CHRISTIAN CHURCH ADDITION 13-15

Resolution No. 554 adopted by the Planning Commission recommending to the Council the commencement of proceedings for the annexation of the Christian Church Addition, was considered by the Council.

RESOLUTION NO. 59-457

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

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

The time set for the hearing was December 23, 1959 at 8:00 P.M.

REQUEST LEASE 15TH STREET PARKING LOT - JACK MORRISON 13-20

The City Manager reviewed the request of Jack Morrison to lease the 15th Street parking lot at \$3,000 per year with a 90 day cancellation right reserved by the city. Copies of a report submitted by the Director of Parking & Traffic were noted by the Council recommending that the lease be approved or the city install a meter parking lot, on the basis that the property should produce revenue.

Councilman Adams reported that at the time of improvement of the 9th Street parking lot, the now disbanded Council Parking Committee designated the 15th St. parking lot as an all day free parking lot, and considered that this lot should remain free to parkers.

Answering a question from Mayor Hammond, the Director of Parking and Traffic stated that if this lot was operated on a fee basis, the neighboring streets would have to be posted for time limits. He stated that on a city basis it would cost between \$6,000 and \$8,000 to improve the lot to operating conditions, which would include parking meters, with an estimated revenue back to the city of only \$4,000 per year.

Councilman Spaulding considered that since the ^{revenue from the} property belongs partly to the library fund and the general fund, and there was some uncertainty as to the future use of it, that the City should not install meters and improve the lot. He recommended that the lot be leased to Mr. Morrison to be used as an attended parking lot.

MOTION

That the staff be instructed to prepare a lease agreement with Jack Morrison to lease the 15th Street parking lot, and present it for Council approval.

Moved by Spaulding Seconded by Mayor Hammond Motion carried

CONSIDER ELIMINATION OF TRUCK TRAFFIC ON J STREET BETWEEN 9th AND 14th STREETS 13-120

The Director of Parking & Traffic recommended the truck route on the narrow portion of J Street between 9th and 14th Streets be eliminated. This has been requested by the Board of Directors of the Merchants Association and has been approved by the State. A sketch showing the proposed rerouting of the trucks was noted by the Council.

MOTION

That the staff work with the State Division of Highways on this matter.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

REQUEST OF MODESTO BAND FOR ALLOCATIONS - CALIF. STATE FAIR AND SUMMER CONCERTS 14-20

The request of the Modesto Band for allocation of \$350 granted for appearance at the California State Fair and a partial payment of \$600 of funds budgeted for the fiscal year 1959-60 for summer concerts, was considered by the Council.

MOTION

That the allocation of \$350 and \$600 to the Modesto Band be approved.

Moved by Spaulding Seconded by Adams Unanimously carried

REFER ANNEXATION PETITION OF THE O'SHEA ADDITION TO THE PLANNING COMMISSION 14-23

RESOLUTION NO. 59-458

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

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

SET DATE HEARING APPEAL OF EMANUEL WILKEN TO DECISION OF PLANNING COMMISSION RE: PROPERTY ON ORANGEBURG AVENUE 14-25

The appeal of Emanuel Wilken to the requirements of the Planning Commission for dedication of a 20 foot strip of right of way along Orangeburg Avenue frontage at Florida Avenue in connection with a lot split, was noted by the Council.

The City Manager suggested that a hearing be set on the appeal on November 18, 1959 at 4:35 P.M.

RESOLUTION NO. 59-459

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY E. A. WILKEN TO REQUIREMENT FOR DEDICATION OF A 20 FOOT STRIP OF RIGHT OF WAY ALONG ORANGEBURG AVENUE FRONTAGE AT FLORIDA AVENUE IN CONNECTION WITH A LOT SPLIT

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

REQUEST WAIVER OF BUSINESS LICENSE PAYMENT PENALTY BY MONTGOMERY WARD COMPANY 14-32

The request for waiver of penalty for business license payment submitted by Montgomery Ward Company on the basis of a misunderstanding on the part of the City staff and the apparent delay of the delivery of the check, was noted by the Council.

Mayor Hammond pointed out that previous requests had been submitted to the Council on this same basis of faulty bookkeeping procedures and considered that a study should be made by the staff on this matter.

By order of the Chair, copies of the request are to be distributed to all Council members and the staff is instructed to study the matter and submit a report later to the Council.

REQUEST BY BOY SCOUTS FOR ADDITIONAL SPACE AT THE COMMUNITY SERVICE CENTER 14-60

Director of Parks & Recreation Lloyd Lowrey briefed his report dated November 10, 1959, entitled, "Request for Additional Space - Community Service Center by Boy Scouts of America, Yosemite Area Council", a copy of which is on file with the records of this meeting. If approved by the Council, the lease would terminate Jan. 1, 1967, which date coincides with the termination date of the present lease, and in addition a sum of \$35 per month would be paid as rent for the two rooms requested, he stated. He reported that Allen Odell, Right-of-Way Agent for the City and the Civil Air Patrol had agreed to move from Rooms No. 207 and 200, the rooms requested by the Boy Scouts.

MOTION

That the staff be instructed to prepare an agreement to conform with the present lease agreement in its particular for rental of two rooms at the Community Service Center to the Boy Scouts for Council approval.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

REPORT ON PROPOSAL FOR FOUNTAINS ON NEW FREEWAY 15-25

The City Manager reported that the staff and State were still working on the locations for the proposed fountains on the new freeway and a report would be made at a later date.

MATTERS CONSIDERED WITH THE UNANIMOUS CONSENT OF THE COUNCILRequest Circus License Waiver by McHenry Village Merchants Association 15-35

Director of Finance Bird reported receipt of a request from the McHenry Village Merchants' Association for a circus license waiver in connection with the appearance of the Paul Miller Circus at McHenry Village Shopping Center sponsored by the Association from Nov. 10 to 15, 1959.

Gene Tracy, General Agent for the Circus, stated that the circus had performed in 149 communities throughout the United States under sponsorship of merchant groups and that no license fee had been required in any city.

Lou Grinage, President of the McHenry Village Merchants' Assoc., urged Council approval for waiving the circus license fee of \$300 per day on the basis that the Merchants did not derive any profit from the circus. The circus is appearing in the Shopping Center to attract business. Fees are collected for the carnival activities to cover the circus expenses but they are not connected with the circus, which is free to the public.

Mayor Hammond considered that the circus license fee should be waived on the basis that it was presented free to the public, but the carnival activities or shows should be licensed under Section 6-1.212 of the Municipal Code.

RESOLUTION NO. 59-460

A RESOLUTION WAIVING THE CIRCUS LICENSE FEE OF \$300 PER DAY AND APPLYING THE CARNIVAL ACTIVITY SECTION OF THE MUNICIPAL CODE TO THE PAUL MILLER CIRCUS APPEARING IN THE McHENRY SHOPPING CENTER

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

Mr. Tracy requested Council approval of the operation from Nov. 13 to 15, 1959 of a short range shooting gallery in connection with the circus. He stated that the State Inspector and the City Fire Inspector had approved the premise as safe.

The Director of Finance reported that Captain Meier of the Police Department had advised the gallery had been inspected and found to be safe.

RESOLUTION NO. 59-461

A RESOLUTION APPROVING THE OPERATION OF A SHOOTING GALLERY FROM NOV. 13 TO 15, 1959 IN CONNECTION WITH THE PAUL MILLER CIRCUS APPEARING IN THE MCHENRY SHOPPING CENTER SUBJECT TO APPROVAL OF THE STAFF AS TO ITS SAFETY AND OTHER FEATURES IN COMPLYING WITH ALL REGULATIONS

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

Further Discuss Improvement District #8 - Drainage 17-03

The City Manager reported that notices of estimated assessment would be mailed to property owners on Nov. 16. He pointed out that the estimated cost of 4¢ per sq. ft. was the total cost, and the actual cost might be somewhat less. He urged the property owners who have questions concerning the improvement district to clear them with the staff.

Carlos Badger, 1245 Sycamore Ave., stated that a petition had been presented to him in opposition to the district, on the basis that the proposed system would cost an exorbitant price, that it had too many frills in it, and that it could be done much cheaper than the city proposed.

Mayor Hammond pointed out that the work would be put out to bid and the city would not be installing the system with city forces. The staff has only prepared the estimates, he stated.

The Director of Public Works reported that the plans and specifications had been approved by the Council but the property owners had the right to object to the way the work is being proposed. It is the city's legal obligation to provide an adequate drainage system to prevent trouble in the future, he stated.

Accept letter of resignation from James G. Simvoulakis 17-51

A letter was received from James G. Simvoulakis submitting his resignation from the Planning Commission effective Nov. 15, 1959, due to his recent promotion which necessitates moving from Modesto to Fresno.

MOTION

That the resignation of James G. Simvoulakis from the Modesto City Planning Commission be accepted and a certificate of commendation for his services to the city be prepared.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

Consider Amendment of Right of Way Contract No. M-112 - Petroleum Products Co. on McHenry Ave. 17-65

The City Manager reported that this amendment was necessary because of difficulty in clearing with the state a 90 foot curb cut which was proposed in the original agreement. The amendment would substitute two curb cuts, one 37 feet and the other 53 feet with a division in the middle which would provide a place for a street light. The amendment has been approved by the company, he stated.

RESOLUTION NO. 59-463

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PETROLEUM PRODUCTS COMPANY FOR AMENDMENT TO RIGHT OF WAY CONTRACT (McHENRY AVENUE) DATED DECEMBER 16, 1959

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

PRESENTATION OF FINANCIAL STATEMENT 17-75

The financial statement for the month of October was noted and ordered filed.

MAYOR HAMMOND DECLARED RECESS

Mayor Hammond declared a recess at 11:30 P.M. so that the Council could meet in executive session to consider terms and conditions of employment of City Attorney Allen Grimes.

Mayor Hammond reconvened the Council meeting at 11:35 P.M.

APPROVE TERMS AND CONDITIONS OF EMPLOYMENT OF CITY ATTORNEY 17-91

RESOLUTION NO. 59-464

A RESOLUTION RELATING TO THE TERMS AND CONDITIONS OF EMPLOYMENT OF CITY ATTORNEY ALLEN GRIMES

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

CLEAR SALARIES OF APPOINTIVE OFFICIALS 17-110

RESOLUTION NO. 59-465

A RESOLUTION RELATING TO THE ESTABLISHMENT OF SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE

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

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Adams Seconded by Spaulding Unanimously carried

The meeting was adjourned at 12:20 P.M.

ATTEST:

City Clerk
Page 20 11-12-59

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, Knoles, Spaulding, VanderWall, and
Mayor Hammond
Absent: Councilman Martin

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

Rev. Arnold Mower gave the invocation.

LETTER FROM FRANK ANDREWS 1-17

A letter from Frank Andrews relating to the water problems in the city was read and ordered filed.

City Manager Ross Miller reported that the staff was checking one of the matters referred to in this letter---the sale of Tuolumne River water, and a report would be submitted.

LETTER FROM STATE BOARD OF EQUALIZATION 1-40

With the unanimous consent of the Council, Mayor Hammond read a letter received from John W. Lynch, Vice-Chairman, State Board of Equalization, advising that the State's cost of \$1.72 per \$100 for the collection of the city's sales tax had been reduced to \$1.64 and \$555.43 would be returned to the City of Modesto.

FINAL ADOPTION OF ORDINANCE NO 335-C.S. 1-52

ORDINANCE NO. 335-C.S. entitled

"AN ORDINANCE AMENDING SECTION 6-1.109 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSE REGULATIONS"

introduced on November 4, 1959 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 Adams
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

ORDINANCE ESTABLISH 25 MPH SPEED LIMIT ON WESTERN WAY 1-57

ORDINANCE NO. 342-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 ORDINANCE NO 340-C.S." was introduced and ordered printed as required by the Charter.

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

page 1 11-18-59

SET DATE FOR HEARING ON APPEAL FILED BY RAY S. GADA 1-66

The City Manager reported that R. S. Gada had filed an appeal on November 9 with the City Clerk to the decision of the Planning Commission denying his request for an amendment to Section 20 of the Zoning Map, relating to his property located on Coolidge Avenue, west of McHenry Avenue.

RESOLUTION NO. 59-466

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY RAY S. GADA ON THE REZONING OF PROPERTY LOCATED IN BLOCK 6060

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

The time set for the hearing was December 16 at 4:30 P.M.

REQUEST FROM MODESTO RETAIL MERCHANTS ASSOCIATION FOR ANNUAL ALLOCATION OF FUNDS 1-72

RESOLUTION NO. 59-467

A RESOLUTION AUTHORIZING ALLOCATION OF \$3,000 TO THE MODESTO RETAIL MERCHANTS ASSOCIATION DOWNTOWN DIVISION FOR PROMOTING TRADE AND INDUSTRY IN THE CITY OF MODESTO, AS PROVIDED IN THE CITY CHARTER

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

HOLD OVER MATTER OF INCREASE IN TAXICAB RATE 1-80

The request of Joe Sequeira for an increase in the taxicab rate was held over for consideration until all members of the Council could be present.

APPROVE WAIVING OF PENALTY CHARGE ON BUSINESS LICENSE-MONTGOMERY WARD 1-80

RESOLUTION NO. 59-468

A RESOLUTION APPROVING THE REQUEST OF MONTGOMERY-WARD COMPANY WAIVING OF PENALTY AND INTEREST CHARGES ON BUSINESS LICENSE TAX

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

ACCEPT COLLEGE AVENUE IMPROVEMENT FROM STANDARD MATERIALS INC. 1-95

Director of Public Works Ray reported that the improvement of College Avenue between Cecil Way and Briggsmore was completed by the contractor, Standard Materials, Inc., acceptance is recommended, authorization of payments due and recordation of the Notice of Completion.

Answering a question raised by Councilman Adams on the condition of the street, Mr. Ray recommended that an additional lift be placed on the center section of the street in a few years and a seal coat be put on the shoulders, as a maintenance item, next summer.

Councilman Knoles asked if any of the unsatisfactory condition of the work was due to poor quality of work. Mr. Ray stated that the work was structurally in accordance with the specifications. There will be failures in certain locations due to the lack of drainage. To get any penetration on the shoulders of this street at this time of year would be impossible with the ground as cold as it is. The shoulders will blacken and darken with time and traffic. The first rain will show a difference in the color and appearance of the street.

Councilman VanderWall considered that the property owners should be informed that a seal coat will be installed later.

Mr. Ray stated that in a similar circumstance in the future, it is recommended that a job be held over which could not be completed by September 15.

RESOLUTION NO. 59-469

A RESOLUTION ACCEPTING THE CONSTRUCTION OF COLLEGE AVENUE BY STANDARD MATERIALS, INC.; AUTHORIZING PAYMENT OF AMOUNTS DUE UNDER THE CONTRACT AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

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

APPROVE AGREEMENT WITH ROBERT P BOMBERGER, ET UX. FOR SEWER SERVICE TO SHERWOOD MANOR SUBDIVISION AND FRANK FRANCEK FOR SUB-TRUNK AND PERIMETER SEWER TO MONTGOMERY VILLAGE NO. 3 SUBDIVISION 2-27

Terms of the proposed agreements were outlined by Director of Public Works Ray.

RESOLUTION NO. 59-470

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P AND MURIEL F. BOMBERGER TO PROVIDE SEWER SERVICES TO SHERWOOD MANOR SUBDIVISION

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

RESOLUTION NO 59-471

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK FRANCEK AND MARY FRANCEK FOR SUB-TRUNK AND PERIMETER SEWER TO PROVIDE SERVICE TO MONTGOMERY VILLAGE NO. 3 SUBDIVISION

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

RESOLUTION NO. 59-472

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF MONTGOMERY VILLAGE NO. 3 SUB-TRUNK AND PERIMETER SEWER

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

Bids are to be opened at 2:15 P M November 30

CITY HALL MATTERS (FURNITURE) 2-53

The City Manager reported that the contracting companies on the City Hall furniture had prepared a proposal for immediate consideration in view of the difficulty on delivery.

Dan Toquero outlined a plan for the immediate ordering of furnishings for the following rooms:

Council Chamber-----	\$6,903.11
Office of the Mayor-----	1,742.83
Office of the secretary to the Mayor-----	1,187.38
Central File Room-----	3,601.97
Work Reference Room-----	4,387.83
Office of the Assistant City Manager-----	1,442.10
City Admin. stenographic and reception room---	3,300.36
Office of the City Manager-----	2,677.78
Law Library and Conference Room-----	3,200.74
Office of the City Attorney-----	2,543.80
City Attorney's stenographic office-----	2,446.36
Office of the Assistant City Attorney-----	449.19
(partial)	
	<u>\$33,883.45</u>

Completion of City Hall: The City Manager stated that the city's contract calls for completion of the City Hall by Jan. 9, 1960. It appears that it might be sometime after this date before it will be finished. The contractor has been advised that the Architect finds no basis for extension without payment of penalties.

Storage of furniture which might arrive before completion of the city hall:

Mr. Toquero advised that the four contracting furniture companies had warehouse facilities which would be available for storage of any furniture which might arrive prior to the completion of the city hall. Some of the items can be delivered immediately but others might require as high as 90 days. Over a period of 60 days, 90% of the furniture listed in the report above, could be delivered.

The City Manager recommended that the first row of chairs in the Council Chamber be reduced in number in order to permit them to be separate chairs which could be used for round table discussions, etc.

Swatches of materials showing colors proposed for the upholstery on the chairs in the Council room were displayed. Cordovan upholstery in the public seating, with flame trim, is proposed as the best color scheme to blend with the oak and teak panelling. The chairs for the Councilmen and Mayor will be upholstered in black leather.

RESOLUTION NO. 59-473

A RESOLUTION AUTHORIZING THE PLACING OF THE ORDER FOR FURNITURE AS PROPOSED UNDER THE PROVISION OF THE CONTRACT

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

Agreement with Pacific Telephone & Telegraph Company: The City Manager reported that an agreement between the city and the company would be prepared for Council consideration at a later date. The installation agreement is proposed on a five year basis, as previously outlined by the Company; so that there will be no charge to the city.

HEARING ON PROPOSED REZONING OF AREAS IN BLOCKS 569 and 570 3-51

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the application of C. Leland Richmond for an amendment to Section 28 of the Zoning Map to reclassify from Two-Family Zone, R-2, to Multiple-Family Zone, R-3, lots 24 to 41 inclusive in Block 570 and lots 1 to 5 inclusive in Block 569, being located on the east side of John^{son} Street, north of Jones Street and on the south side of Jones Street between Johnson and Semple Streets.

The City Manager noted the City Clerk's certification that the notice of the hearing had been published in the city's official newspaper in the manner prescribed by law; notices were sent to all interested parties and no written protests had been received.

Resolution No. 551 adopted by the Planning Commission on October 20, recommending the rezoning as requested, was noted by the Council.

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

ORDINANCE NO. 343-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON, (LOTS 24 THROUGH 41, BLOCK 570 AND LOTS 1 THROUGH 5, BLOCK 569)"

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

HEARING ON THE APPEAL OF E. A. WILKEN FROM THE PLANNING COMMISSION DECISION, DEDICATION OF LAND FOR STREET PURPOSES 3-70

Director of Planning George Smeath displayed a map of the E. A. Wilken property, being a portion of lot 6 of Block 6061, indicating the lot split requested. He briefly reviewed the reasons for the decision of the Planning Commission (Resolution No. 560) to require the following:

- 1- That the subdivider dedicate the 20 feet for the right of way of Orangeburg Avenue;
- 2- That the subdivider install curb, gutter and sidewalk on the Florida Avenue frontage of his property;
- 3- That the subdivider install sidewalks on the Orangeburg Avenue frontage of his property;
- 4- That the subdivider shall install the improvements listed in 2 and 3 above within 60 days after installation of storm drains in the North Central Drainage District, or within 60 days after the city has installed curb and gutter on the Orangeburg Avenue frontage of this property, whichever time is the earlier.

Mr. Smeath stated that the problem for the Council to resolve is whether Mr. Wilken shall be required to dedicate the 20 feet on the north side of Orangeburg Avenue or whether he should be granted an exception to the subdivision regulations to permit him to cut one lot off from his property without dedicating the 20 feet.

Mr. Smeath reported that approximately 11,000 feet of street frontage on Orangeburg Avenue has already been dedicated for widening the street to 80 feet, without cost to the city, about 71% of the total frontage of the whole street. There is left yet to be obtained by the city for the 80 foot street width, 4,550 linear feet or about 29%. The exception to the subdivision regulations was denied by the Planning Commission, he reported.

The subdivision regulations of the Municipal Code, which would place the property in the category of a subdivision, were reviewed by the City Attorney. The split of property into two pieces constitutes a subdivision under the definition in the code, he pointed out. In connection with property of more than four lots, a tentative map must be submitted to the Commission for processing with a final map filed later. Sketch maps for subdivisions of less than five parcels can be submitted in lieu of presenting a tentative map but where dedication of street improvements are involved then the law requires that it be processed by the Planning Commission.

E. A. Wilken, 1405 Florida, outlined his reasons for filing his appeal to the decision of the Planning Commission as follows:

1. The frontage of the lot, which is 160 ft on Florida and 140 feet on Orangeburg, in on Florida rather than Orangeburg and the lot split would have no effect on the Orangeburg frontage, so the Code provision relating to dedication of right of way, would not apply.
2. The proposed improvements on Orangeburg would not be started for at least 2 years and there is no logical reason for not permitting a lot split on the Florida side. (The City Attorney pointed out that it was one parcel of property which was being split and the manner of split would have no validity---when the property is split, the entire parcel of property is split.)
3. A person cannot be compelled to dedicate land as there are other processes for obtaining land. If the property was business instead of residential there might be some difference.
4. All requirements of the city on the moving of the house on the new lot had been met.
5. The escrow on the sale of the lot has been cleared by the Title Company and the land is now in the name of the new owner. The new owner's land is located on Florida and has no connection with his land. The new owner has made arrangements with the city to move his house onto the property and the control of this land is no longer in Mr. Wilken's hands.
6. Mr. Wilken considered that he should be paid for dedicating the 20 feet of land to the city for right of way and the city should go through condemnation proceedings to acquire the land so that he could be paid.

The City Attorney pointed out that the sale of a portion of the lot without receiving prior approval of the lot split would be in violation of the law.

Council discussion: Although this is a most unfortunate situation unless the Code provisions are enforced a serious problem would be created in other situations and conditions throughout the city. Unless the Council stands firm in its decisions it will be stymied in similar cases.

RESOLUTION NO 59-474

A RESOLUTION REJECTING THE APPEAL OF E. A. WILKEN AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION AS PROVIDED IN ITS RESOLUTION No. 560 RELATING TO THE LOT SPLIT INVOLVING THE NORTHWEST CORNER OF FLORIDA AND ORANGEBURG AVENUES

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

The City Manager considered that it was unfortunate the sale had been made without clearing the subdivision requirements. He suggested that the local title companies be asked to call to the city's attention transfers of property where this type of problem is involved.

Mr. Smeath suggested that a check be made first to determine that the transfer had actually been made. In this particular case the purchaser has informed the Planning staff that he was buying the property contingent on the approval of the lot split and that his contract would not be fulfilled unless it is approved by the city.

MOTION

That the City Manager be authorized to check with the title companies, county and others, to see if some procedure could be worked out under which this problem would be avoided.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

GUESTS OF COUNCIL INTRODUCED

Tohru Ishimitsu, Chief of the Research and Development Division of the Prime Minister's office in Tokyo, Japan and George B. Gleason, Chief Engineer of the California Water Commission in Sacramento who was escorting Mr. Ishimitsu on his tour, were introduced.

APPROVE AGREEMENT WITH BOY SCOUTS FOR ADDITIONAL SPACE IN THE COMMUNITY CENTER 5-120

Terms of the proposed agreement were outlined by the City Attorney.

ORDINANCE NO. 344-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE YOSEMITE AREA COUNCIL BOY SCOUTS OF AMERICA RELATING TO THE RENTAL OF ROOMS NO. 200 and No. 207 IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO"

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

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

CLEAR METHOD OF REVIEWING CIVIL DEFENSE PROGRAM 6-05

Mayor Hammond stated that the City Manager had suggested that the city should have a review of its activities on civil defense. He recommended the appointment of a Council Committee to investigate and report to the Council.

MOTION

That a Council Committee of Councilman Martin ,Chairman and Councilman Knoles be appointed to investigate and report to the Council on civil defense activities of the city and at the conclusion of the report that the committee be disbanded.

Moved by Mayor Hammond Seconded by Spaulding Unanimously
carried

CLEAR METHOD OF REVIEWING CITY PROGRAM WITH THE CHAMBER OF COMMERCE
6-11

MOTION

That the Council "Industries for the City" Committee review the city's and Chamber of Commerce program and report to the Council.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

AUTHORIZE INSTALLATION OF PARKING METERS ON NORTH SIDE OF NEEDHAM
AVENUE WEST OF COLLEGE AVENUE 6-30

The City Manager reported that the property owners on the north side of Needham between Nellie and College Avenue had requested the installation of parking meters to discourage all day parkers.

RESOLUTION NO. 59-476

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 59-191 ENTITLED "A RESOLUTION ESTABLISHING PARKING METER ZONES, ONE-WAY STREETS AND ALLEY AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING ALL PRIOR RESOLUTIONS AND REGULATIONS RELATING THERETO", RELATING TO PARKING METER ZONES

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

APPROVE REQUESTS FOR TREE REMOVALS IN THE NORTH CENTRAL AREA 6-47

Pursuant to Council direction, the City Manager reported, all requests for tree removals in the proposed Improvement District No. 8-Storm drains for the North Central District, are presented for Council approval until the district is decided.

Director of Parks and Recreation Lloyd Lowery reported on three requests involving tree removal in the area for Council consideration.

MOTION

That the request of Lloyd Brewer, 1200 Magnolia Avenue, for the removal of five Almond trees to permit the installation of curb gutter and sidewalks be approved.

Moved by VanderWall Seconded by Spaulding Unanimously carried

MOTION

That the request of Gene Quinn, 1225 Enslin Avenue, for the removal of a tree which is interfering with an existing street light and is buckling existing curb and gutter, be approved.

Moved by Spaulding Seconded by Adams Unanimously carried

MOTION

That the request of Jim Beardsell, 924 Magnolia Avenue, for the removal of a diseased Sycamore tree which is interfering with an existing Modesto Ash tree (nothing to do with the drainage district) be approved.

Moved by Arata Seconded by Adams Unanimously carried

With the unanimous consent of the Council a letter received from C. E. Ulrich was read. Mr. Ulrich requested permission to install curb and gutter on his property located on the southeast corner of Carolyn and Griswold Avenue, in front of the existing trees and without the necessity of removing any trees. He stated that while this request was only for his property it was in accordance with the desires set forth in a petition signed by the majority of the property owners on Griswold Avenue which had been submitted at a previous Council meeting. He felt that if the drainage district was constructed that he should have the right to place curbs and gutters without having to remove any existing trees in order to enjoy the benefits of the improvements for which he was being assessed.

The Council discussed the possibility of working out some arrangements for the construction of curb and gutter on Griswold Avenue on a temporary basis and requiring their replacement by the property owners at a later date to comply with the general requirements in effect at that time.

The City Attorney pointed out that an agreement would be worked out with the owners but in view of the possibility of change in ownership there would be no assurance it would be done unless there was a bond or cash deposit filed.

MOTION

That the staff investigate and report to the Council on the possibility of installing the curb and gutter on Griswold Avenue on a temporary basis without removing the trees.

Moved by Spaulding Seconded by VanderWall Unanimously carried

REQUEST FOR VARIANCE FILED BY J. A. MENGELT 6-120

Director of Public Works Ray reported on the request of J. A. Mengelt, 608 Duncan Street for a variance from the Municipal Code

to install plant-mix driveway on the Lucern Avenue side of his property. He recommended that due to the uncertainty of the permanent development plan for Lucern Avenue the request be approved on a temporary basis and Mr. Mengelt be required to remove the blacktop in the event that at a future date the street cross section calls for concrete curb and gutter and driveways on the north side of the street. He also recommended that no bond or cash deposit be required.

RESOLUTION NO. 59-477

A RESOLUTION GRANTING A VARIANCE TO J. A. MENGELT TO PERMIT THE INSTALLATION OF BLACKTOP DRIVEWAY ON LUCERNE AVENUE AT THE REAR OF 608 DUNCAN AVENUE

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

REFER PETITION FOR ANNEXATION OF SARATOGA MANOR TO THE MODESTO CITY PLANNING COMMISSION 7-20

RESOLUTION NO. 59-475

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

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

**REPORT HELD OVER ON PURCHASE OF PROPERTY NEXT TO MCHENRY LIBRARY
7-28**

The City Manager asked that this be held over for further clearance.

REPORT ON CITY EMPLOYEES CONTRIBUTION TO THE UNITED CRUSADE 7-29

Police Chief Bowers filed a report on the contribution of city employees to the 1959 United Crusade Campaign. The total amount contributed was \$2,274.68, an average of \$8.00 per employee for those who contributed. The total contribution was 3.3% over the quota. Approximately 10% more was contributed this year than in 1958.

The City Manager commended the employees in the Fire Department on the improvement in their contribution which was 119.7% over last year.

QUARTERLY REPORT FROM THE CHAMBER OF COMMERCE FILED 7-45

As provided in the agreement between the city and the Chamber of Commerce, the Chamber filed its activity report for the quarter ending September 30, 1959.

REQUEST OF MODESTO EMBLEM CLUB FOR USE OF COMMUNITY SERVICE CENTER
7-48

With the unanimous consent of the Council, the City Manager reported that the request of the Modesto Emblem Club for free use of certain rooms in the Community Service Center for its Christmas Toy program had been worked out by the staff and the Club will use the rooms on the regular basis.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Knoles Seconded by Spaulding Unanimously carried

The meeting was adjourned at 5:35 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: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

Absent: Councilmen: None

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

Rev. Bernard DenOuden gave the invocation.

CORRECTIONS IN COUNCIL MINUTES:

Minutes of October 28, 1959: Page 11, subject matter "Report on widening of J Street between 12th Street and alley between 11th and 12th Streets" should state that the widening of J Street would be "five" feet instead of "three" feet.

Minutes of November 4, 1959: Page 2, subject matter "Report on delay in traffic signal projects". The Council should understand that the plans for the traffic signals on 14th and D Streets and 10th and D Streets are being prepared by the state.

Mayor Hammond stated that the Council would consider that the corrections had been noted.

LETTER FROM STANISLAUS COUNCIL OF GIRL SCOUTS 1-36

A letter from the Stanislaus Council of Girl Scouts was read proposing a plan for the occupancy of the Community Service Center rooms now occupied by the City Parks and Recreation Department. By unanimous consent of the Council this letter was referred to the staff for further study.

Councilman Arata stated that a 90 day cancellation clause should be considered in any lease arrangement proposed.

GRANT PERMIT TO THE SALVATION ARMY TO INSTALL KETTLE HOUSE ON STREET IN FRONT OF S. H. KRESS & COMPANY STORE 1-50

A letter from the Salvation Army was read requesting permission to install a kettle house for the collection of donations in front of the S. H. Kress & Co. store located at 944 10th Street for the period beginning November 27 through December 24.

RESOLUTION NO. 59-478

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

LETTER FROM PACIFIC PLANNING AND RESEARCH 1-60

A letter was read from the Pacific Planning and Research advising that this company had recently affiliated with Ebasco Services Inc. The Company requested that the Council take action requesting the Department of Finance of the State of California to transfer the current planning consultant contract with the city from Pacific Planning and Research to Ebasco Services Inc.

The City Manager reported that the contract related to Neighborhood Studies.

RESOLUTION NO. 59-479

A RESOLUTION REQUESTING THE STATE OF CALIFORNIA, DEPARTMENT OF FINANCE TO TRANSFER THE PLANNING CONSULTANT CONTRACT WITH THE CITY OF MODESTO FROM PACIFIC PLANNING AND RESEARCH TO EBASCO SERVICES INC.

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

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR PIPE FITTINGS 1-71

RESOLUTION NO. 59-480

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING DOMESTIC PIPE FITTINGS

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

The time set for the opening of bids was Dec. 14 at 10:00 A.M.

ACCEPT BID OF W. M. LYLES COMPANY ON CONSTRUCTION OF SUBTRUNK AND PERIMETER SEWER IN STRATHMORE SUBDIVISION 1-80

RESOLUTION NO. 59-481

A RESOLUTION ACCEPTING THE BID OF W. M. LYLES COMPANY FOR THE CONSTRUCTION OF SUBTRUNK AND PERIMETER SEWER IN STRATHMORE SUBDIVISION

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

HOLD OVER AWARD OF BID ON SUB-TRUNK SEWER IN SUNSET AVENUE 1-90

Director of Public Works Ray asked that the award of bid on the sub-trunk sewer in Sunset Avenue be held over until the SOS Club had made payment for its share of the cost of the sub-trunk sewer in accordance with agreement with the city.

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR FURNISHING BACKHOE FOR INDUSTRIAL TRACTOR 1-97

RESOLUTION NO. 59-482

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING BACKHOE FOR INDUSTRIAL TRACTOR

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

The time set for opening of the bids was December 7 at 2:00 P.M.

FINAL ADOPTION OF ORDINANCES 1-110

ORDINANCE NO. 341-C.S. entitled

"AN ORDINANCE OF THE CITY OF MODESTO GRANTING A FRANCHISE TO OPERATE A WATER COMPANY WITHIN THE CITY TO NEIL CECIL, AN INDIVIDUAL, DOING BUSINESS AS COLLEGE GARDENS WATER COMPANY"

introduced on November 12, 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, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE NO. 342-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 12 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING ORDINANCE NO. 340-C.S."

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

ORDINANCE NO. 344-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE YOSEMITE AREA COUNCIL BOY SCOUTS OF AMERICA RELATING TO THE RENTAL OF ROOMS NO. 200 AND 207 IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO"

introduced on November 18, 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, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

FURTHER CONSIDERATION OF TAXICAB FARE INCREASE 1-115

Mayor Hammond noted that since a full membership of the Council was present, the request of Joe Sequeira, operating Joe's Taxi, for a taxicab fare increase, which had resulted in a tie vote at the Council meeting of November 12, would now be given further consideration.

Attorney Francis W. Halley, representing Mr. Sequeira, reviewed the previous discussion. He pointed out that the new contract executed by Mr. Sequeira with the Taxicab Driver's Union had materially increased his operation costs. He reported that since the first hearing, Mr. Sequeira's accountant had prepared an additional cost operation report as of October 31, 1959 under the new Union contract. Copies of this report were distributed to the Council members. This report indicates that the total annual increase under the new contract in cost operation is \$6,111.81. Mr. Sequeira will be operating at a yearly net loss of over \$2500.

Mr. Halley referred to the recommendation of Director of Parking and Traffic Douglas Carmody which was considered by the Council at the previous hearing, that the request for an increased rate be approved by the Council. He pointed out that Mr. Sequeira had been in the taxicab business in the City of Modesto since June, 1932---27 years. Since this time there have been 28 different taxicab operators come and go in the city. Mr. Halley stated that if his client had been able to stay in business for this number of years he must have a reasonably efficient operation. He considered that the Council was charged with the responsibility to see that the public utility operators -----taxicab operators-----were "kept alive and healthy".

Council Discussion

Councilman VanderWall asked why Mr. Sequeira had not installed two-way radio equipment in his cabs as had the two other taxicab companies, who were opposing the rate increase. Mr. Sequeira stated that the installation would be too costly.

Mayor Hammond commented that the Council should not be in a position of basing its decision on the management factors of business. The over-all picture of this industry in the community should be considered. The public transportation business, as reflected by the taxicabs, in this area needs the relief from the additional salary increase granted during the past few months.

Councilman Arata considered that modern equipment would help out, and that the radio communication system would be a savings both in money and time.

Mr. Halley commented on the memorandum reporting the net income of the other companies, opposing the rate increase, which indicated that Sam Secreto, operating the Yellow Cab Company, operated on a net loss of \$1,436.00 for the year 1958, even though he operated with two-way radio equipment. He reported that although the Red Top Taxi Company had run adds in the Modesto Bee prior to the first hearing asking the citizens who used cabs to appear at the hearing to file their protests, no protests were filed.

Mayor Hammond stated that the Council had a burden of responsibility where a company, such as a taxicab, whose money is controlled by the rate set by the Council, and who are subject to demands and salary increases over which to a large extent they have no control, to provide the necessary relief.

Sam Secreto stated that he was opposed to the increase in rate now but maybe in the future he would be "on the other side". The public cannot afford a rate increase because when the last rate was adopted business fell off. If these rates are established they would be equal to the San Francisco rates and Modesto cannot stand this raise.

At the request of Councilman Adams, City Attorney Allen Grimes clarified the Municipal Code provisions which would permit the opposing companies to charge a lower rate than the maximum. The Council should take into consideration whether such a possibility of a differential is desirable, he pointed out.

MOTION

That the staff be instructed to prepare an ordinance which would amend the Municipal Code to increase the taxicab rate to 50¢ for the first one-quarter mile or fraction thereof.

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

Mayor Hammond declared that the motion failed of adoption.

HEARING ON VACATION OF CITY'S INTEREST IN BLOCK 2264 3-55

Mayor Hammond declared that the hour of 8:00 P.M. had arrived, the time set by the Council on the hearing of protests to the proposed vacation of the city's interest in Block 2264, property located on the north side of Yosemite Boulevard between Parry and El Vista.

The City Clerk certified that the notice of the hearing had been published in the manner prescribed by law; that the area had been posted, all interested parties had been notified and no written protests had been filed to the proposed vacation as of this time.

Director of Public Works reported that after checking with the Division of Highways, it has been determined that this vacation will not affect the future proposed width of Yosemite Boulevard.

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

RESOLUTION NO. 952 S.P.

A RESOLUTION VACATING AND ABANDONING ANY CITY INTEREST IN THE PROPERTY ON THE NORTH SIDE OF YOSEMITE BOULEVARD BETWEEN PARRY AND EL VISTA AVENUES, IN BLOCK 2264 IN THE CITY OF MODESTO

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

MATTERS RAISED WITH UNANIMOUS CONSENT OF THE COUNCIL 3-80

The City Manager was granted permission to raise the following matters with the unanimous consent of the Council:

1. Clear problems in connection with Christmas street decoration.
2. Questions raised on Improvement District No. 8 (Letter from Mayor Pro Tempore Spaulding of Nov. 20, 1959 to property owners).

Christmas street decorations

The City Manager reviewed the provisions of the agreement between the City of Modesto and the Merchants Association Downtown Division

providing for the installation of Christmas street decorations on the city's street light standards.

The limitation of the strength of some of these standards was cleared on the engineering basis and the decorations approved, as per drawings submitted. The height above the highways of the decorations without lights, which comes under the jurisdiction of the Public Utilities Commission, was cleared. The Association now wishes to install lights in the decorations. The problems involved are 1) possible amendment of the agreement with the city to permit lights; 2) clearing the different standards of height above the streets; and 3) problems of wiring the Christmas lights on the light standards.

Harry Quinn, President of the Association, reported that most of the decorations, with lights included, had already been installed on J Street. This was done inadvertently after the Association decided there was a need for illumination. These decorations, which were installed for the first time last year, are very effective in daytime but very ineffective at night. After consideration by the Merchants, an assessment of 50¢ a square foot was made against the downtown merchants to raise funds to illuminate the decorations. Arrangements were made with Sullivan Electric Company to install the lights in the bell part of the decorations.

Director of Public Works Marvin Ray stated that electrified Christmas decorations must be a minimum of 12 feet above the pedestrian area, a minimum of 15 feet above an area within the section from the curb face to four feet out in the street (parking area) and 18 feet above the street surfacing from there on out. The decorations installed on J Street with the lights would fall in the 15 foot area on one side and 12 feet on the other. They meet the 12 foot limitation, but do not meet the 15 foot limitation.

On the other question of the way in which the lights are wired the old cast iron standards are not designed for tensile stresses. This point was covered last year at the time the type of decorations were approved. The staff reluctantly made recommendation for this type of Christmas decoration with no lighting, after they had been reduced in cross sectional area to a point which the staff felt was safe from wind loading. The standards are not, in the engineering staff's opinion, structurally safe for wiring. The pounds of wiring added is not the problem but the tension of pulling up the wire and any breakage because of any hooking on to a decoration and the tensile strength stresses at the end, plus the stresses that are inserted from the decorations themselves under wind loading.

The City Manager pointed out that the problem was not so severe on a portion of J Street, from 12th Street to Needham, because new steel poles had been installed, but on the remainder of the downtown district special fittings had been mounted on top of the old poles to install the mercury vapor lights.

Mr. Ray stated that when the cross street type of decorations were discarded last year, the staff and the Association searched the problem out very carefully and it was recognized that some tensile stresses are exerted on these standards in wind storms because of the Christmas decorations. Beyond the stresses that can be exerted here, further stresses cannot be recommended. Then, of course, it becomes a decision of the Council.

Questions raised by the Council were answered by the staff. The Public Utilities Commission has not yet raised any questions about the installation of lights in the decorations; the insurance policy filed by the Association with the city would cover the extra hazard of lights; there was no other alternative but to string the wires from pole to pole.

Art Sullivan stated that stringing the wire over marques, awnings and the front of buildings to relieve the tensile stresses would be in violation of the Municipal Code. He pointed out that most every town in the state, at Christmas time, installed decorations which are in violation, and there is no other way to do it. He considered that a lot more strain is put on the pole at the time the wires are installed than would be from wind stresses or the weight of the wire. He answered a suggestion from Mayor Hammond, that it would be impossible to install the wiring in the gutter in a covered arrangement. He stated that new wire was being used with triple insulation. At no place is the electrolier contacted or the metal with the wire. Even though the wiring is rough looking it is about the safest job possible.

Mayor Hammond stated that he would like to make recognition of the fact that there are some hazards as mentioned by the staff, but that he was in favor of granting a variance or whatever legal action was necessary.

The City Attorney stated that amending the present agreement to permit wiring was a minor problem but the city would run into the problem as to what the requirements are if electric wiring was permitted.

The City Manager suggested one procedure by which the matters raised could be resolved:

- 1- That the present contract agreement be amended to include electric lights in the decoration;
- 2- That the method of installation and the responsibility for doing the work be left in the hands of the Association;
- 3- That the question of PUC regulations be left in the hands of the Association;
- 4- That the damage to poles and all liability continue to be assumed by the Association.

RESOLUTION NO. 59-483

A RESOLUTION RELATING TO THE INSTALLATION OF CHRISTMAS DECORATIONS ON THE STREET LIGHTING STANDARDS IN DOWNTOWN MODESTO BY THE MODESTO MERCHANTS ASSOCIATION

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

QUESTIONS RAISED BY PROPERTY OWNERS ON IMPROVEMENT DISTRICT NO. 8 5-12

The City Manager stated that there seemed to be a need for some additional information and clarification of information being circulated about the District, so a letter was sent out on November 20 to the property owners, together with a list of some of the questions most

frequently asked and the answers to the questions. Although the formal hearing on the District is not scheduled until December 2, the letter stated, this matter would be placed on the Council agenda for this (November 25) meeting to permit further informal discussion and clearance of any questions.

Mayor Hammond declared the meeting open to members of the audience to present any questions on the District which they wished to clear.

E. A. Wilken, Florida Avenue, asked whether there was any stipulation on the depth of the McHenry Avenue property before the property owner was required to pay for assessment for drainage.

Director of Public Works Ray stated that the estimated assessment was prepared for the proposed district on the basis that if any property fronts on McHenry Avenue and did not back up on another street, it was not assessed. If the McHenry Avenue frontage goes to any alley and the property owners own property on the other side of the alley or something of that nature, which then fronts on an adjacent street, that particular area would be proposed for inclusion for assessment.

The City Manager pointed out that the promise was made to the property owners on McHenry Avenue that the property fronting on McHenry Avenue would not be assessed in this district, because of their free dedication of commercial property to the widening project.

Mr. Wilken asked if any effort had been made to get the contours of the land so that certain storm drain laterals could be eliminated through the grading of the streets, and not have to go up and down each street.

Mr. Ray stated that this had been done to a considerable degree. It must be recognized that a lot of development took place before a plan for storm drainage was provided. In new subdivisions where there is a storm drainage plan, the city requires a certain amount of grading to reduce the amount of storm drain lines necessary. He pointed out that the plan for this district indicates there are a number of streets which do not have lines, but drain on the surface to pick up points on those lines. It is not necessary to construct a line on every street within the district to provide proper drainage to this district.

Mr. Wilken stated that if there was any means where contours could be established to eliminate some of the drainage lines, to reduce the cost, it would meet with the approval of the taxpayers. The property owners realize there is a dire need for storm drainage in the area, but the amount of money involved, the limited area, the elimination of certain parcels of land from the assessment roll, should be thoroughly investigated. The owners should not be "stamped into this deal" on the spur of the moment or a few months time and it could well be postponed for another year and some other means be devised where the cost could be reduced.

Councilman Spaulding pointed out that for anyone to say that the property owners were being "stamped" was not taking cognizance of what had been going on. The improvement district has been under study for years. He stated that the engineers who had drawn the plans were "people who have to answer for their recommendations". The estimates were not "street corner estimates by anyone who may or may not be in favor of the district". The city has received many complaints each year from residents in the area for relief from storm waters.

Mayor Hammond pointed out that the study on storm drainage in this area had not occurred from the date of the adoption of the Resolution of Intention on this district on November 4, but engineering studies had been underway for several years. The plan proposed is believed to be the cheapest and most practical method for the area. It is unfortunate that the contour of the land is from McHenry Avenue toward Virginia Avenue. The main storm drainage line on McHenry is at the lowest practical depth to which it can be installed so the city is limited as to the contour of the land and how the normal flow connects to the trunk line. This is the cheapest drainage system which can be built in the city because the state is assuming the major cost on the trunk line.

Mr. Wilken stated that the district was not instituted by the taxpayers by a vote but submitted through a resolution of the Council.

Mayor Hammond stated that if the citizens in the area feel that they do not need drainage they have the opportunity to not have it. The Council is not forcing the project on the taxpayers. As the elected representatives of the people in the community, the Council is merely assisting the taxpayers to help themselves.

Mr. Ray stated, answering the question raised by Mr. Wilken of "taking a little more time, revise the grades so that less drain lines would be required", he wished to advise that street grades cannot be changed once they have been established by the construction of curb and gutter. The established grades are fixed then. It would not be possible to come back in and change those grades to fit in with a storm drainage pattern or for any other reason without damages to the abutting properties.

Mayor Hammond asked Mr. Wilken if any of the persons who were questioning the engineering had contacted a qualified group of engineers who would get up and publicly say that there is something wrong with the engineering or bring it to the Council's attention. If this could be done, Mayor Hammond stated, the Council would be happy to know of any qualified engineer who will question the layout design which is recommended for this area. There have been a lot of "curbstone" opinions, but none from a qualified engineer. No one technically trained in this field has come forward yet.

George Kempe, 614 West Roseburg, stated he was unfairly assessed. The lot next to his property with 400 feet of street frontage, as compared to his 100 feet of lot frontage, is assessed for the same amount, \$1170.50. In order to develop his property, it would be necessary to dedicate right of way. The total assessed valuation of his property is only \$640.

Mr. Ray stated that the most equitable method for assessment for improvements of this type is on an area basis. This is the method approved by the Council for this particular district. Storms fall, not on street frontages, but on area.

Mr. Kempe opposed this method of assessment. He pointed out that he had approximately $2\frac{1}{2}$ acres of land which could not be used for any purpose upon which he was paying taxes, and keeping the area free of weeds. He claimed that the only flat run-off of water was on sealed surfaces. It is not the square foot that adds to the storm water run-off, but the sealed area. The fairest levy would be on the basis of valuation. The running of storm water down drains would lower the water level in the city. He recommended that the city do some research on dry wells to alleviate this situation.

Mayor Hammond pointed out that the city had spent considerable money on dry wells which were not entirely successful.

Mr. Kempe stated that he would continue to work to defeat the district, that he already had 111 signed protests, some with large holdings. The only thing which would keep the opposition from defeating the district would be lack of time.

Planning Director Smeath stated that this property has been under consideration for subdividing for at least 4 or 5 years, a number of plans proposed which could have been used and could still be used which would require cooperation between a couple of property owners in each case. The property can be subdivided and if it were subdivided the drainage problems would arise and the extra water would be there. The staff has suggested over a long period of time, held meetings with numerous property owners that in order to avoid extra costs, etc. it would be desirable to have reasonable size lots.

Mr. T. James, 502 Briggsmore, owner of 4 acres in the district, protested the \$6,000 assessment proposed for his property.

Fred Moore, 410 W. Granger Avenue, stated he was not opposed to drainage, but questioned the area method for assessment. His long narrow lot (66 feet wide and 665 feet deep) gave no problem to the city, as the back end of the lot put no water on the street. He considered that the cost for the district should be divided equally between the 1100 different property owners in the entire district. Some of them would have more frontage on the streets than he did, paved driveways which he did not have, larger roofs on their houses, garages which he did not have. If this was done the average payment would be \$399 plus to each property owner in the district. He asked why he should be assessed \$1600 when his property did not need the drainage as badly as some of the other owners who were paying much less assessment.

Mayor Hammond pointed out that through many years of experience, it has been determined that the area basis of assessment is the most equitable.

The City Attorney, at the request of Mayor Hammond, pointed out that the basic principle is that the assessment has to be made in accordance with the benefit received. This is the legal principle that must be followed.

Mr. Ray stated that he would suggest for the Council consideration before the formal public hearing was held, that if all of these property owners that have larger areas would be willing to state that they will never develop these undeveloped areas, and carry it in the deeds that way, then the Council could eliminate, or at least part of them, from an assessment and do so with, what he thought, bond attorney approval. The Council should remember that these properties are not going to stay this way and this improvement is for the entire property, not just for what the owners have developed to date.

The City Manager pointed out that all the problems presented related to something which would not happen in an area which was subdivided in a normal manner. Most of the problems arise because the manner in which the area was developed. This is one of the most difficult districts which the Council will have to resolve.

Mr. Moore suggested that the unimproved property assessment be handled on the basis that when the development occurs, any street installed be assessed for storm drainage.

Mayor Hammond pointed out that in the interest of engineering costs, the whole system must be installed at once.

Mr. Moore stated the frontage basis was the most fair way assessments could be made because the hard surface area is the thing creating the storm drainage problem, not the open land.

J. L. Wallace, 709 McHenry Avenue, asked for further explanation on assessment basis for property fronting on McHenry (depth of lot). He reported that he owned property fronting on McHenry and Geer Court and was apparently assessed on the zone line of the property facing Geer Court.

The City Manager stated that the zone line had been used in Mr. Wallace's case and the property facing Geer Court was being assessed.

Mr. Ray answered a question raised by Mayor Hammond that the Elks Lodge property which faces on McHenry Avenue and Douglas Street carried an assessment on that portion of the land from the alley to Douglas Street, and on the property which faces on Griswold Avenue.

M. R. Sherman, 607 W. Roseburg Avenue, protested that the assessment was too costly. Some of the area in this district needs drainage, but the whole district does not. He would be willing to help "the low spots pay for their drainage".

George Hansen, 1045 Princeton (located outside the district) asked if a depth of 150 feet on all frontage property could be established as a basis of assessment, instead of an overall area. When the balance of property is developed, the owner would have to pay the city a fee for the drainage district.

Councilman Spaulding asked the City Attorney if there would be any way the improvement district could be formed which would provide for future payments on undeveloped property, where the city would pay the costs now and be reimbursed as the property developed.

The City Attorney answered there was no way that he knew of to do this.

Mrs. Erma Cauthon, 336 West Granger Avenue, a widow and baby sitter, protested her assessment of \$1,573.11. It would mean that she would lose her home. She was not opposed to the storm drainage, but could not pay this large assessment.

J. B. Porter, 1440 Florida Avenue, asked why the district costs were so high.

Mr. Ray stated the answer was labor, materials and equipment. The reason storm drainage was more costly than domestic sanitary sewers was the size of the pipes necessary to drain the storm waters.

Harold Irwin, 624 West Roseburg, protested the method of area assessment.

Ramon Eredia, 330 West Granger, protested the assessment of \$1572 on his land.

Mayor Hammond assured the protestants that the Council welcomed their comments. The City's bond counsel, Eugene Sturgis, will be at the official hearing and questions can be raised and answered by him at that time. All possible avenues will be explored to arrive at an

equitable financing program for the district. It is for the people in the district to decide on the improvements they wish, and not the Council.

The City Attorney stated that the hearing could be continued while some problems are being worked out. It is possible, depending on how the protests are filed, for the Council to have a series of hearings or continue its hearing on working out this matter. Notwithstanding the fact that based on the proposal as it has been made to date, and there was a majority protest, if there should be any modifications of the proposal that satisfies some of the opponents so that they would be willing to go along with it on the modification, they could withdraw their protests and therefore open the way for it to be a success if it was to their satisfaction.

Mayor Hammond assured the people that the Council was not acting in haste in this matter, and that they would have every opportunity to explore all matters. The Council recognizes that this area is the most difficult one in the city to resolve, that all of the area grew up without any planned growth and this is the reason why the problems are so great. The Council takes time to reconcile the problems to the best of the needs of everybody in the area. The people must recognize that there are going to be hardships because of the nature of the properties.

The City Attorney pointed out that those who do wish to file a valid legal protest must get them on file prior to 4:00 P.M. December 2, with the City Clerk.

SET DATE HEARING ON PROPOSED ANNEXATION OF EAST FLOYD ADDITION 10-41

Resolution No. 563, adopted by the Planning Commission recommending the annexation of the East Floyd Addition to the City of Modesto, was noted by the Council.

RESOLUTION NO. 59-484

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS EAST FLOYD 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 the hearing was 4:30 P.M. January 6, 1960.

The City Attorney reported that it is proposed that the district remain in the Sylvan School District if annexed.

FURTHER REPORT ON PROPOSAL FOR AIR CONTROL TOWER 10-50

The City Manager reported that the city had informally been advised that the County has approved joining with the city on the proposal for an air control tower at the Modesto City-County Airport. The staff will now proceed with the formal application.

AUTHORIZE PAYMENT TO WILLIAM BELL FOR SERVICES AS DRYDEN COURSE ARCHITECT 10-55

RESOLUTION NO. 59-485

A RESOLUTION AUTHORIZING PAYMENT OF \$1,500 TO WM. F. BELL, ARCHITECT
 DRYDEN PARK MUNICIPAL GOLF COURSE

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

SET DATE FOR HEARING ON PROPOSED ANNEXATION OF O'SHEA ADDITION 10-57

Resolution No. 564, adopted by the Planning Commission recommending the annexation of the O'Shea Addition to the City of Modesto, was noted by the Council.

RESOLUTION NO. 59-486

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

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 January 6 at 4:35 P.M.

APPROVE AMENDMENT TO RIGHT OF WAY CONTRACT - HUGH E. GALLAGHER ET UX
 10-66 (Widening of McHenry Avenue Project)

The City Manager reported that the contract with Dr. Gallagher provided that he obtain bids and have the work done. Arrangements have been worked out by the staff that the city pay a flat sum of \$170 to Dr. Gallagher and be relieved of all obligations. He recommended approval of an amendment to the right of way contract along these lines.

RESOLUTION NO. 59-487

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUGH E.
 GALLAGHER AND MADELINE FAY GALLAGHER FOR AMENDMENT TO RIGHT OF WAY
 CONTRACT (No. M-83) McHENRY AVENUE WIDENING PROJECT

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

APPROVE REFUND OF CASH DEPOSIT POSTED BY FRANK FRANCEK FOR MONTGOMERY
 VILLAGE NO. 2 10-72

The City Manager reported that the work had been completed by Subdivider Frank Francek in Montgomery Village No. 2 and that it would be in order to release the cash deposit of \$1,000 posted by Mr. Francek to guarantee the improvements.

RESOLUTION NO. 59-488

A RESOLUTION AUTHORIZING THE RELEASE OF \$1,000 CASH DEPOSIT FILED BY
 FRANK FRANCEK TO GUARANTEE IMPROVEMENT IN MONTGOMERY VILLAGE NO. 2

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

AUTHORIZE RELEASE OF \$3,029.20 CASH DEPOSIT FILED BY PHIL HUMPHREYS
ON HACIENDAS DEL OESTE SUBDIVISION 10-76.

The City Manager reported that the final map on Haciendas Del Oeste Subdivision has been filed by Phil Humphreys with a performance bond of \$65,970.80 and a cash bond in the amount of \$3,029.20 to cover the total. It is recommended that the cash bond of \$3,029.20 less inspection fees of \$387.10 be released.

RESOLUTION NO. 59-489

A RESOLUTION AUTHORIZING THE RELEASE OF \$2,642.10 TO PHIL HUMPHREYS
CASH BOND FILED TO GUARANTEE IMPROVEMENTS IN HACIENDAS DEL OESTE
SUBDIVISION

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

APPROVE AGREEMENT WITH PACIFIC TELEPHONE & TELEGRAPH COMPANY FOR
INSTALLATION OF TELEPHONES IN THE NEW CITY HALL BUILDING 10-80

The City Manager reported receipt of a contract for Council consideration from the Pacific Telephone & Telegraph Company providing for the installation of phone facilities in the new city hall building. If this contract runs over a 5 year period, there will be no charge to the city, other than that a basic charge of \$7300, less a credit for whatever amount of time has expired.

RESOLUTION NO. 59-490

A RESOLUTION APPROVING AGREEMENT WITH THE PACIFIC TELEPHONE & TELEGRAPH
COMPANY RELATING TO INSTALLATION OF TELEPHONE FACILITIES IN THE NEW
CITY HALL

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

APPROVE APPROPRIATION TRANSFERS RELATING TO CAPITAL IMPROVEMENT
PROJECTS 10-87

The City Manager recommended for Council approval the inclusion of funds in the Capital Improvement Program for this fiscal year; for McHenry Avenue widening \$2500 to clear out certain matters yet not resolved; \$210 for the Chicago Avenue project; \$25 for Beard Brook Park restrooms, and \$60 on the Westside Park restroom, totalling \$2795.

He reported that the funds allocated for the traffic actuated signal proposed for Paradise & Sutter would be inadequate, but pending the final clearance with the Council, the amount of \$3570 could remain. Additional allowance will need to be made for furnishings for the City Hall, but this is not yet cleared and should be held over.

The chain link fence proposed for construction at the sewer farm at an estimated cost of \$16,900 was not specifically cleared with the Council. This fence would enclose the areas where there would be possible hazards to children and others and to enclose valuable equipment.

Mr. Ray stated that its benefit would be from the standpoint of protection of people, mainly children, who get into some of the operating units which have dangers involved and for protection of city property from damages which occur. The Comprehensive Public Liability and property damage carrier has recommended this installation.

MOTION

That the funds be included in the budget but the item be discussed by the Council at a later time.

Moved by Adams Seconded by Spaulding Unanimously carried

The City Manager asked the Director of Public Works to make a further report to the Council or check out any questions before any formal action is taken on the fence.

ORDINANCE NO. 345-C.S. entitled

"AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES IN THE GENERAL FUND AND SPECIAL GAS TAX STREET IMPROVEMENT FUND, ADJUSTING BUDGET ESTIMATES FOR INTERFUND TRANSFERS IN THE GENERAL FUND AND SPECIAL GAS TAX STREET IMPROVEMENT FUND, AND APPROPRIATING ADDITIONAL REVENUES AND UNAPPROPRIATED FUND BALANCE 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 VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: None

RESOLUTION NO. 59-491

A RESOLUTION APPROVING APPROPRIATION TRANSFERS RELATING TO CAPITAL IMPROVEMENT PROGRAM

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

The City Manager stated that before the fiscal year expires, the State gas tax agreement will need an amendment to match the Council action in the Special Capital Outlay Funds. A report will be submitted at a later date, as requested by the Council, on the aerial maps proposed in the Planning Department Capital Improvement budget.

APPROVE AGREEMENT WITH M & M AUTO PARKS INC. FOR RENTING OF CITY PARKING LOT ON FIFTEENTH STREET 11-100

RESOLUTION NO. 59-492

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND M & M AUTO PARKS INC. FOR LEASE OF FIFTEENTH STREET PARKING LOT

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

The City Manager reported receipt of a letter from Library Board of Trustees, approving the lease agreement. One half of the rental proceeds will be credited to the Library Fund since this fund now owns the property.

REPORT ON REGULATING "GOING OUT OF BUSINESS SALES" 12-1

The Director of Finance reported copies of a report on this matter had been distributed to the Council members. He pointed out that recommendation #2 in his report dated November 20, only applied to removal sales. If a company was moving from one location to a new location and filed such an affidavit, the \$100 fee would not be required, however, he would still be subject to the other provisions of the regulations which include, bond, inventory requirements, etc.

Mr. Bird reported that he had contacted a number of interested merchants relating to the proposed amendment.

City Manager Miller pointed out that one provision is that the 30 day extension for going out of business sales be deleted and limit the sale to 60 days.

Harry Asher spoke in opposition to the payment of \$100 fee under the present requirements, which is proposed to be eliminated in the new amendment.

MOTION

That the staff be authorized to prepare an ordinance for Council consideration to carry out these recommendations.

Moved by VanderWall Seconded by Arata Unanimously carried

APPROVE LEASE WITH CLIFFORD C. DEAN FOR LEASE OF DWELLING AT 701 FRANKLIN STREET 12-36

RESOLUTION NO. 59-493

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CLIFFORD C. AND FLORETTA DEAN FOR THE RENTAL OF HOUSE AT 701 FRANKLIN STREETS, CITY OF MODESTO

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

CONSIDER REGULATIONS ON PARADES 12-42

The City Manager noted that the Council had previously received copies of the report from Police Chief Bowers to the City Manager, dated November 12 on the subject "Regulation of Parades".

MOTION

That the staff be directed to draft an ordinance along the lines recommended in this report for Council approval.

Moved by Adams Seconded by VanderWall Unanimously carried

CLEAR LETTER FROM MAYOR HAMMOND TO STEVE COLLINS 12-58

Councilman Knoles recommended that a letter of congratulations be sent by Mayor Hammond to Steve Collins, student in Modesto Junior

College. He reported that Steve was one of the most outstanding student in the field of student government. He listed the positions he had held during the past years locally and state-wide and the recent honor received by him on being selected President for the 1959 Fall Semester of the California Junior College Student Government Association.

MOTION

That a letter of congratulation be sent by Mayor Hammond to Stephen Collins commending him on his activities in student affairs and the new honor of being selected President for the 1959 fall semester of the California Junior College Student Government Association.

Moved by Knoles Seconded by Spaulding Unanimously carried

LETTER FROM PLANNING COMMISSION REGARDING CLOSING OF MORTON
BOULEVARD AT GRAND STREET 12-70

A letter from the City Planning Commission was read, relating to the petition referred to the Commission by the Council on July 1, 1959 from property owners in the vicinity of Morton Boulevard, south of LaLoma Avenue, requesting action to close Morton Boulevard at Grand Street.

The Commission believed that no decision to change the street patterns in the district should be made until the city staff can complete more details on the precise street plans of the area and the staff's recommendation be studied by the Commission and Council.

The City Manager reported that a recommendation from the staff will be made, possibly within the next two months.

RESOLUTION OF INTENTION TO AMEND STATE EMPLOYEES RETIREMENT SYSTEM
AGREEMENT 12-81

The City Manager reviewed Council action which approved an amendment to the contract between the City of Modesto and the State Employees' Retirement System to provide survivor's benefit to those employees who are not included under the integrated SERS-OASDI system.

Assistant City Manager Masonheimer outlined an additional benefit which could be made available to the city employees by amending the contract which would provide an in-lieu survivor's benefit in the event of the death of a city employee who was eligible to retire. It would provide for employees with a minimum of 20 years service and specified age, one-half of the normal retirement benefit to which the employee would have been entitled. There will be a minimal charge to the city for this coverage, approximately \$3500 to \$4,000 annually. The actual cost will be determined by an actuarial study, which would cost \$50. The City Manager recommended that this amendment be included in the city's contract.

RESOLUTION NO. 59-494

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF MODESTO

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

RESOLUTION NO. 59-495

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
 COATES, HERFURTH AND ENGLAND, CONSULTING ACTUARIES

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

MATTERS FOR THE GOOD OF THE COMMUNITY 12-115

C. Seagraves, 645 Geer Court, asked that the Council order an investigation of the mountain of dirt being piled on the Sam Jacobs' property located on McHenry Avenue and which was falling over the curb into Geer Court.

The City Manager stated that an investigation would be made and a report submitted to the Council.

E. Wilkens, 1405 Florida, inquired why he had been stopped by the city inspection department in improving the property on this street. He claimed his rights were being infringed on.

The City Attorney stated that the work stoppage order had been served on Mr. Wilken because he had not yet complied with the requirements of the Council on the lot split of his property.

George Hansen asked that the Council assist him in acquiring from the Tidewater Southern Railway 20 feet of property in the rear of his property located on Tully Road to permit the erection of a stainless steel metal shop building. He stated that if this could be arranged he would deed without cost to the city a strip of land in front of his property for the widening of Tully Road. The Company is willing to execute a long term lease, but not to sell the property.

Mr. Hansen objected to erecting a building on property not belonging to him, even with a long term lease. He reported that he had property in Merced and Stockton which could be used for the erection of the building and if he could not obtain land in Modesto, the building will be put up in Stockton.

MOTION

That the City Manager be authorized to check out this matter.

Moved by Arata Seconded by Knoles Unanimously carried

Carl Ulrich was informed by City Manager Miller that his request to install curbs and gutters on Griswold Avenue had not yet been cleared.

HOLD OVER REPORT ON ACQUISITION OF PROPERTY NEXT TO McHENRY LIBRARY 13-85

The City Manager reported that the staff had made arrangements for additional time on this matter and asked that it be held over.

REPORTS ON COST OF WATER LINE INSTALLATIONS IN HILLVIEW ACRES, QUARESMA HOMES, YORKSHIRE MANOR NO. 1 SUBDIVISIONS

The City Manager stated that the estimated cost for installation of water lines in Sherwood Manor was \$6,147.20, the actual cost with city forces, was \$4,883.97, approximately 20% below the estimate.

The engineer's estimate for installation by city forces of water lines in Hillview Acres Subdivision was \$7,499.50. Due to the subdivider's decision to develop only a portion of this subdivision, after bids were called for on the whole subdivision, mains were installed in accordance with the development, at a cost of \$1,539.70. When the subdivider is ready to develop the balance of the subdivision city forces will complete the installation as directed by the Council in Resolution No. 59-261.

The engineer's estimate for the Quaresma Homes Subdivision No. 1 was \$3,100.50; the actual cost was \$2,816.05, 9% below the estimate.

The engineer's estimate in Yorkshire Manor No. 1 was \$1,861.30; the actual cost \$2,092.71. The estimate was based on 1,535' of 6" CIP. City forces actually installed 1,735 6" CIP, and the additional 200' is included in the actual cost. Using the revised figure the engineer's estimate would have been \$2,041.30 and the actual cost would have been 2½% above the estimate.

GRANT WATER SERVICE TO B. V. CIPPONERI, 2030 EVERGREEN AVENUE 13-102

With the unanimous consent of the Council a request filed by B. V. Cipponeri, 2030 Evergreen Avenue, for water service to his property located outside the city was considered.

Mr. Ray reported that Mr. Cipponeri was developing a nursing home on his property and needs water for fire service. As soon as his property is contiguous he is willing to annex to the city. It will cost the city approximately \$2400 to extend a water main to serve the property. Service to the property and city connection fees would be at the expense of the petitioner. Both domestic water and water for fire service will be used on the premises. In view of the development in this area, Mr. Ray Stated, it is recommended that the request be approved, although there is a heavy expenditure in the water line extension budget account this year. The City Manager concurred.

MOTION

That the request of B. V. Cipponeri for water service at 2030 Evergreen Avenue be approved on the basis outlined.

Moved by Adams Seconded by VanderWall Unanimously carried

AERIAL MAP REPORT 12-127

With the unanimous consent of the Council the City Manager reported on the matter of new aerial maps had been submitted to the Council and that the matter would be considered at a later meeting.

RESOLUTIONS COMMENDING THE MODESTO HIGH SCHOOL AND TURLOCK HIGH SCHOOL FOOTBALL TEAMS 14-1

Councilman Knoles presented resolutions for Council consideration congratulating the Modesto High School Football Team for a good

season of football and for winning the championship of the Central California Conference and congratulating the Turlock High School Football Team for its good football season.

RESOLUTION NO. 59-496

A RESOLUTION COMMENDING THE MODESTO HIGH SCHOOL FOOTBALL TEAM

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

RESOLUTION NO. 59-497

A RESOLUTION COMMENDING THE TURLOCK HIGH SCHOOL FOOTBALL TEAM

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

REPORT ON COUNCIL "INDUSTRIES FOR THE CITY" COMMITTEE 14-15

Councilman Martin reported that this committee had met with the Chamber of Commerce, and discussed the program. The Chamber indicated that the same budget was recommended for this fiscal year as was approved for last year.

MOTION

That the report from the Committee be approved.

Moved by Knoles Seconded by VanderWall Unanimously carried

COUNCIL RECESSED INTO EXECUTIVE SESSION

MOTION

That the Council be recessed into executive session to consider the appointment of a new member to the City Planning Commission.

Moved by Spaulding Seconded by Knoles Unanimously carried

RECONVENE COUNCIL MEETING

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Arata 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, Martin, VanderWall, Mayor Hammond
Councilman Adams arrived at 4:03 P.M.
Absent: Councilmen: Spaulding, Knoles

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

Rev. Leroy Sharp gave the invocation.

APPROVE COUNCIL MINUTES

Council members having received copies of the minutes of the Council meeting of November 18, 1959 and the same being available for public inspection and there being no objections, the minutes were approved.

RESOLUTION IN MEMORY OF DR. TULLY C. KNOLES

With the unanimous consent of the Council, Councilman VanderWall presented the following resolution in memory of Dr. Tully C. Knoles, father of Councilman Leslie G. Knoles

"WHEREAS, Dr. Tully C. Knoles has devoted a lifetime of service to his family, his church, his fellow scholars, and his students, and

"WHEREAS, Dr. Knoles has contributed greatly to the welfare of mankind by the humanitarian example he has set, the goodness he has instilled in others, and his staunch support of truth throughout his life of serving others, and

"WHEREAS, Dr. Tully Knoles has been beloved in the hearts of his family and by all those who knew him especially those who have been strengthened by his teachings, many of whom are responsible citizens in our community;

"NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does, in the passing of Dr. Tully C. Knoles, express its condolence to his wife and to his family, and

"BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby directed to send this expression of sympathy and condolence to Mrs. Edith Knoles."

Councilman VanderWall asked that this resolution be adopted at the end of the Council meeting so that the meeting could be adjourned in the memory of Dr. Tully C. Knoles.

ABSENCE OF DIRECTOR OF PUBLIC WORKS MARVIN RAY 1-34

City Manager Ross Miller reported that due to the death in the family of Marvin Ray, Director of Public Works, he would not be present for the public hearing scheduled for this meeting on Improvement District No 8- Storm Drainage for the North Central District, and that City Engineer Ross Campbell would act in his place.

HEARING ON IMPROVEMENT DISTRICT NO 8- STORM DRAINAGE FOR NORTH
CENTRAL DISTRICT 1-36

Mayor Hammond announced that the hour of 4:00 P.M. had arrived, the time set for the public hearing on the proposed Improvement District No. 8- Storm Drainage for the North Central District.

Eugene K. Sturgis, Bond Counsel for the City on the District was introduced

The City Manager reported that out of the 1096 parcels involved in the area the following protests had been filed by 2:00 P.M. this date:

Total protests wholly or partially verified---	413
Duplicate protests -----	8
Protests outside district boundary-----	2
Unidentifiable protests-----	<u>4</u>

Individuals submitting protests ----- 402

The City Manager stated that since these protests had been tallied, the City Clerk reported receipt of 38 additional protests.

City Engineer Campbell reported that the protests received as of 2:00 P.M., this date, represents 45.3% of the district. The additional 38 protests would bring this percentage up to approximately 49% of the total area. These percentages included some protests which were clearly not valid.

Mayor Hammond stated that the members of the Council recognized that people must pay close attention to things which affect them personally but when they live in a community they also have an obligation to the community as a whole--the obligation for a person to contribute his portion to the progress and construction of the proper physical plant so that a city may work effectively. One of the things which has come out of all of the protests is the fact that many are based on misinformation and on facts which are not clear and need to be resolved. Questions on engineering have been raised, which technically should be cleared further.

Mayor Hammond asked if anyone in the audience wished to comment on the proposed district.

H. W. Jorgensen, Engineer of H. W. Jorgenson & Associates, 1320 LaLoma Avenue, Modesto, representing Dr. Hoyt Gant, protestant to the formation of the District, stated that he had been authorized by a committee of protestants to speak on their behalf. The main thought of the protestants is their objection to the cost of the district, approximately \$439,000, as being too much money to put into drainage for the benefit received. The majority of the protestants do favor a storm drainage plan. There are several alternatives which should be considered further:

1. The possibility that a portion of this District, which is not affected too much by storm water, be handled by the less expensive manner of storm drain dry wells.
2. Irrigation District canals be used, as is being done in other cities in the State, (Possibly the whole area cannot be handled in this way, but portions can, reducing the over-all cost substantially.)

Mr. Jorgensen stated that the large storm drainage line constructed on McHenry Avenue was built as a part of this project. The

people in the District have been told that it would reduce their costs. However within the system, to be paid for by the people in the District, is another system of trunks joining the McHenry Avenue trunk line. The whole line above Griswold Avenue, where the District ties in, has no benefit at all. The only benefit for this District is the portion of the capacity below Griswold Avenue. This is only 37% of the total use for that line. The McHenry Avenue trunk line is "not quite the bonanza that some people were given the impression".

He stated that he had some alternative ideas on the District, but had not had ample time to explore them. However he had given it enough thought to be confident it could be handled and have something which was adequate. He understood that the city would be liable if the drainage was not adequate but there was plenty of room between what was adequate and what was not.

He pointed out that the plan designed by the City was for a "five year storm". If someone had said it should be designed for ten years or it would be called inadequate, that would be bad. Who is to say, is it ten or five or three or one year storm which is adequate or inadequate. The people just feel that \$400,000 plus for storm drainage is more than they need. The protestants, he stated, had instructed him to present this proposal for consideration. They feel that they will not be harmed by waiting for half an hour while the water leaves the streets so that they can walk across the street and not get wet.

Mr. Jorgensen stated that he was not going into a lot of engineering details except to bring out a couple of scattered points;

1. An open acre of land costs \$1,650 for drainage, on the basis proposed, and if paid out over the time prescribed in the bond proposal the interest would double this charge;

2. Some combination of rerouting lines, waiting a little longer after the storm for the streets to clear, dry wells and some use of the MID canals are the avenues the protestants are offering to the City as alternatives worthy of consideration.

The protestants feel that they can have progress at a lesser cost. He stated that the Catholic Church and School on Granger Avenue would be assessed under the proposed District \$24,000 on its acreage, but "they have no problems as far as they are concerned". They can take care of it locally and yet see no reason why that amount should be charged against them. There are various other similar cases in the District.

Mr. Jorgensen considered that when the McHenry Avenue trunk line was built it could have been engineered more carefully with the future drainage projects in mind. Improvement District No. 8 is getting no benefit from the whole length on McHenry Avenue and for a little additional cost this area would have been able to, as well as other areas. As long as the line was to be put in, it could have been done better or maybe not at all. This was not the proper place for the trunk line, if the line all drains to the west. The fact that the property owners have to buy it once and then again on the west side, leaves room for questioning. The protestants want "something but feel that it can be obtained at lesser cost".

Mayor Hammond stated that in previous meetings the Council had listened to a great many protests. He asked if anyone wished to speak in favor of the project. The following persons spoke in favor of the drainage:

Herbert Stevenot, 1237 Grinnell Avenue

Don Bodes, 1718 Griswold Avenue

Jon B. Shastid, 1020 Carolyn Avenue

A question raised by Frank Vierra, 607 Coldwell Avenue, relating to the size of the drainage line and adequacy of maintenance was cleared by City Engineer Campbell.

(3-1) The City Manager commented on points raised:

McHenry Avenue trunk storm sewer: This drainage line on McHenry Avenue had been carefully and competently designed to serve an area far beyond this District. If for any reason this District is not tied into the line now, it is still available not only for this District but other districts, some of which are not in the city now. The people to the north of this District are very anxious to have storm drainage and they will be served by the McHenry Avenue line. It is a real dividend to the City to be able to get this line on this basis.

Dry Wells: They are an "aspirin" treatment which worked better in the past than will work in the future. Formerly there were no restrictions on the depth but now the State Health Department limits this.

Standards and adequacy: This is a subject which is a matter of judgment and finally of policy. A city can design and build a storm drainage system, as is proposed here, or it can design it half this big. Mr. Jorgensen could design one which would be half as big and it would be a perfect valid design and the City engineers could also do this. Then the question arises---"What is adequate?". It is not a question of how good the engineering is, a system can be designed of any size. The only way this can be decided is by using the best possible judgment. The court finally decides, if the city is sued and found to be liable for damage. It may well be that some other standard is the one which should be used. This is not a question of a good engineer vs a poor one, it is a question of what is this community willing to do, both from the money and the liability standpoint.

These are the kind of questions which are worth the fullest kind of consideration, Mr. Miller stated, when consideration is given to those in favor of the district. Those who have not filed a protest are in favor or are willing to go along on some basis. The protest is close and technically the District could proceed. The question before the Council is --"Should the District proceed under these conditions?" In fairness to a lot of fine people who want drainage, he stated, some of these problems should be cleared. One of the questions to be asked of those in favor of the District is--"Does it make sense to permit some time to clear these matters so that there would be a better basis with the problems and the people involved?" Most of the people who have talked before the Council have stated they are for drainage and are interested in some type of solution of the drainage problem. The question of allocation of cost, adequacy of standards could be cleared with additional time. Mr. Jorgensen's assistance would be welcomed.

Mayor Hammond stated that in the hearings held the Council had listened primarily to the reasons why this District should not proceed. The parties speaking in favor of the District represented the reasons why the people of this District initiated the procedure through the Council to get the District started. He stated that in view of the many problems raised and the misunderstandings which still exist that he would like to introduce a motion for the abandonment of the proceedings as of this time and that at some future time when these problems are resolved, then the people in this area, if they so desire, may resume the proceedings by petitioning the Council.

At the request of Mayor Hammond, Mr. Sturgis cleared the position of the city if this motion was approved:

1. This present project, as it stands, would be eliminated.
2. This leaves the Council an opportunity, even next week if it wished, to revive the proceedings for this or some other type, or a portion of the District.
3. Any time in the future, if the Council deems it appropriate, it may renew this project or a different project in the same area or a part of the project in a part of the area. This would give the Council complete liberty to solve the problems which have arisen as a result of the protests and to renew all or any part of it at any time it desires.
4. The posting and opportunity of protesting starts over again. All of the legal proceedings will have to be started over again in any project which is revived. Abandonment means that the proceedings which have taken place to this date are wiped out as though they did not exist.

Charles W. Saunders, corner Griswold and Enslin Avenue, objected to the premise that if a property owner did not file a protest, it signified that he was voting for the District.

Mayor Hammond pointed out that the State law, under which improvement districts are created, requires that a written protest be filed to express an objection to the improvement.

Elliott Navon, 814 Magnolia Avenue, suggested that if a new plan for a district was made, that the property owners receive a ballot to vote "yes" or "no" to determine the extent of interest before the City proceeded with the district.

Mr. Sturgis stated that this was not legally required as far as the Council was concerned. The law provides that notices shall be sent and anyone who wished to object should file a protest in writing to be legally considered as a protest. Those who are against a district have the right to object. The Supreme Court has said that those who do not file a written protest are deemed to be for the project.

Mr. Sturgis answered a question raised by the City Attorney--- Would it be possible for the Council to make an informal poll or vote of the property owners in a proposed project?--- that the Council had the right to do anything which it wished to do about it.

Mayor Hammond declared the hearing closed.

MOTION

That the proceedings on Improvement District #8--Storm drainage for the North Central area be abandoned as of this time and that at some future time when these problems are resolved the people in this area, if they so desire, may resume the proceedings by petitioning the Council.

Moved by Mayor Hammond Seconded by Martin Unanimously carried

Mayor Hammond declared a two minute recess at 4:53 P.M.

Mayor Hammond reconvened the Council meeting at 4:55 P.M.

FURTHER DISCUSSION ON IMPROVEMENT DISTRICT NO. 8 4-56

MOTION

That the staff be authorized to continue to study the problems with the people in this area or any engineering groups, to work out a satisfactory solution but that the first emphasis should be placed on Improvement District No. 10 (Northeast Drainage District).

Moved by Mayor Hammond Seconded by Martin Unanimously carried

Fred Moore, resident in the District, suggested that the city engineering staff work with Mr. Jorgensen.

Mayor Hammond pointed out that this point had been included in the previous motion.

Councilman Adams stated that somebody, somewhere, must set up the design basis. Either it is a one year storm system, or a two, five or ten year system. Until somebody decides what they want to put up with or how fast they want the water to run off, nothing can be done.

Mr. Jorgensen agreed that this would be the first step and that this would take some study.

Councilman Martin stated that this could not be decided at this time. Until the costs are determined on the different year bases, the Council cannot make its decision.

Lola Davis, stated that in working against the formation of the District, she had contacted many people who were not against the drains but opposed the high cost.

Mayor Hammond cleared the method to be used in petitioning the Council for initiating a drainage district in the area--a signed petition should be submitted to the Council. The Council will not proceed unless there is an indication that it is wanted by the people in the area.

Councilman Arata stated that there should be a strong favorable action before any city funds were expended. Mayor Hammond considered that it would be unwise for the Council to proceed unless there was an indication that the people were interested in going through with the drainage district in one form or another, perhaps half or only one section. Whatever the people want should be indicated. Comments have been made that the Council was trying to "ram something down their throats and it is not the function of the Council to do this but merely to assist in carrying out their own wishes".

Councilman Arata pointed out that this was the reason the Council turned the District down.

At the request of the Council Mr. Sturgis explained alternate methods available for improvement district assessments. He pointed out that drainage presents one of the most difficult problems in assessing for the reason that drainage is one of the things that people in general think they want to have but someone else should pay for it. It is hard to convince the man who does not have a drainage problem that it is, perhaps, his property that is helping to create the problem for the man in the low spot. There are numerous methods of assessing.

Square footage area method: This has been the one most largely

accepted, both by Councils and by property owners, as being the nearest to a fair deal. The basic principle of assessing is benefit. The theory of the square foot assessment is that every square foot of property in that area benefits from the drainage, 1) either direct because of the fact the property is low and floods immediately if there is a rain and 2) the people who are a little higher may not get quite that same problem but they benefit by the fact that they and their automobiles are in an area where traffic can go through without having to go through mudpuddles, etc. The facility is available to the owner of the vacant property when and if he needs it.

The basic thing for the Council to remember is that it must "stick to a principle in assessing or it gets into chaos".

Front foot basis: If assessing is done by a lineal foot basis, frontage on a road or street, there may be a man with a very shallow and long lot or a man with a narrow frontage and a greater depth to his lot and there may be a parcel of land 10 acres in size with 200 foot frontage. The theory of all drainage is that the property is not drained but drainage is put in the street area. If water comes up to the place where it can go into a street or a drain it will drain off. Private property is not drained.

Lineal foot basis: This will create inequities.

Unit basis: What is the unit basis? It is possible to take the unit basis on two methods. An arbitrary amount can be taken and each and every parcel can be assessed an amount. This might mean that the man who has 5000 square feet will be assessed the same amount as the man who has 20,000 square feet. The dilemma of benefit is raised immediately. If it is taken on the basis of unit price and an average lot of 50' by 100' in depth is taken, immediately the same problem arises. When the man with the 10 acres is assessed, how many units will he be assessed? If he is assessed for three units, then the problem is raised of why three as against one unit. He will protest being assessed for three units. The unit basis comes back to the square foot basis. When assessing in units it is really area of property.

The alternatives of assessing in this type of a project are relative few when considering benefits. What is benefit is the judgment of the Council. The basic principle of benefit is---it means that a facility is constructed which is available for use by the property owner if he wants to use it. A benefit can be either direct or indirect. The courts have held that an indirect benefit, such as the man who is on high land, must pay just as much for drainage as the man on the low land, as he is equally benefited because he can drive down the streets, across a fully drained area with safety and without wading in water, and it is partially his water that does it.

Assessed valuation basis: The basis of assessed valuation has been upheld by the Supreme Court of the United States as being a basis which can be used. Mr. Sturgis stated that he had never known it to be used in a drainage district. If there is a commercial property in the area, the assessed valuation would be very high as compared to a man who might have 20 acres, who will later subdivide and who has a low assessed valuation. The question of benefit will be raised.

Mr. Sturgis pointed out that general obligation bond issues are based on assessed valuation and sometimes it does not really measure out as a true measure of benefit. A school bond issue may be voted for the entire city and present problems of why a person

residing in the north, who has no children, should pay for school bonds for a school located in the south of city. This is on the theory that the city benefits by having well educated children. So assessed valuation could be used for drainage districts on this basis. On the other hand the argument could be used that the commercial property benefits more from drainage than undeveloped property because the business would be operating in a well drained area which permits easy access to its customers. This basis can be used as it has been upheld as legal. In certain types of parking districts it has been used, perhaps on the basis that all of the property is downtown commercial property so there will not be much variation.

Councilman Martin stated that drainage, as such, on open land soaks into the ground, so it really is the streets and the hard surfaces which creates the problem. Because of this fact there is quite an argument for the frontage basis or some variation basis of assessment.

Mr. Sturgis stated that there was another method of assessing which could be considered, which is sometimes used, the

Zone principle: Under the zone principle, property which is within a certain number of feet of the street that has the facility immediately available, can be put in one classification for a certain percentage of cost because the benefit is immediate and direct and everyone can see the benefit. Other zones can be established which may be 600', 900' or 1200' back from the street, on a different percentage of cost on the theory that if the owner does develop the property it will cost him to put in adequate drainage facilities to tie him to the drainage system. In some cases the zone system, where there are large parcels involved, can be used with reasonable success. This will appeal to more people than the front footage basis. Front footage basis on a drainage district would cause more protests than were filed on the area basis. The zone principle is the only one which can be considered in a drainage matter aside from the square footage.

At the request of Councilman Adams, Mr. Sturgis enlarged on his explanation of the zone principle for assessing. A drainage system is constructed in the street which means that the property immediately fronting on the street, to an average depth of 100' or 150' or 200', whichever is approved by the Council, can tie into the drainage without expense. Back of the depth approved by the Council, if a man is going to subdivide his property and develop additional housing, in order to use the drainage, it will cost him to connect with the major drain. Therefore this man should be put in a different category of payment. Zones are established and then a fair percentage of cost basis to charge the people who have direct access without cost, etc., is established.

Councilman Adams asked about capacity in the system. Mr. Sturgis stated that this was operated on the principle that everyone in the district can be charged for capacity as a basic charge.

Answering a question raised by the City Manager, Mr. Sturgis stated that there was no legal authority for postponing payment on undeveloped property by the city picking up the charge and being reimbursed later as the area developed. The city could pay for this as its contribution to the district. There is a direct authority of law for reimbursement on sanitary sewers but not on drainage.

LETTER FROM STATE COMPENSATION INSURANCE FUND 6-60

A letter was read from the State Compensation Insurance Fund enclosing a dividend check for \$5,802.85 for additional dividend earned after recalculation of loss experience developed during the policy year ending July 1, 1956.

This additional dividend resulted primarily from subrogation recovery on claim case of Patrolman Eric E. Larson. When combined with the original dividend paid the city it results in a total saving of \$8,927.46, 50% of paid premium.

ACCEPT BID OF INDUSTRIAL TRACTOR SALES FOR TRUCK CRANE 6-68

Tabulation of bids received for the furnishing of a truck crane was considered by the Council. The City Manager recommended acceptance of the low bid of \$2,399.28 submitted by the Industrial Tractor Sales.

RESOLUTION NO. 59-499

A RESOLUTION ACCEPTING THE BID OF \$2,399.28 FROM INDUSTRIAL TRACTOR SALES FOR FURNISHING ONE NEW TRUCK CRANE

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

HOLD OVER CONSIDERATION OF BID AWARD ON SUB-TRUNK SEWER IN MONTGOMERY VILLAGE NO 3 6-76

At the request of City Engineer Ross Campbell this matter was held over in order to clear the contractual agreement provisions with the subdividers.

ACCEPT BID FOR SUB-TRUNK SEWER IN SUNSET AVENUE 6-80

The City Manager reported receipt of payment from the Sportmen of Stanislaus of \$211.10 being its portion of connection cost of the clubhouse. Tabulation of bids received was considered by the Council.

RESOLUTION NO. 59-500

A RESOLUTION ACCEPTING THE BID OF \$2,973.20 FROM W. M. LYLES CO. FOR CONSTRUCTION OF SUNSET SUB-TRUNK SEWER

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

FINAL ADOPTION OF ORDINANCE NO. 343-C.S. REZONE PROPERTY 6-87

ORDINANCE NO 343-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (LOTS 24 THROUGH 41, BLOCK 570 AND LOTS 1 THROUGH 5, BLOCK 569)

introduced on November 18 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

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

HOLD OVER RENEWAL OF MODESTO MOTOR BUS PERMIT 6-90

The City Manager reported that the staff was working with Willis Kleinenbroich on the renewal of his bus permit which expires on December 13. A further report will be submitted later. The possibility of a shorter term permit is being discussed. The Chamber of Commerce has also been contacted on the need to continue the bus service.

HOLD OVER MATTER OF ESTABLISHING 25 MPH SPEED LIMIT ON K STREET BETWEEN WASHINGTON AND NINTH STREETS 6-97

The City Attorney reported that this ordinance is being held over to consolidate with other traffic changes.

NOTICE OF MEETING OF STATE PUBLIC WORKS BOARD 6-100

The Council noted receipt of a notice of a meeting of the State Public Works Board being held in Room 5114 of the State Capitol, Sacramento, Wednesday, December 9 at 1:00 P.M. At this meeting further consideration will be given to the selection of sites for new state colleges in Alameda County and Stanislaus County.

The City Clerk was directed to make transportation arrangements for any Council members who wished to attend.

CITY HALL MATTERS

Mr. Campbell reported that the exterior of the new city hall had been lighted for the first time on Tuesday, December 2. The final decision was made on the soft type of lights which brought out the color of the brick better.

Mayor Hammond reported that a great number of citizens had mentioned to him how appreciative they were of the architecture and general plan of the building.

APPROPRIATION TRANSFER 6-115

RESOLUTION NO. 59-501

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$571 FROM GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED FOR AUTOMOTIVE INSURANCE

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

REPORT ON AMERICAN MUNICIPAL ASSOCIATION CONVENTION 6-122

Mayor Hammond and City Manager Miller reported on the recent conference of the American Municipal Association which they had attended in Denver, Colorado. The theme of the meeting was Urban Transportation. A great many communities have not yet approved any plan of action on this problem. Records indicate that in the year 2000, approximately 80% of the population will be in urban centers and it is incumbent that communities start now to consider their mass transportation problems. There was a recognition voiced at the conference that the communities were "getting strangled in traffic".

Mr. Miller reported that this was his last session as Chairman of the AMA Fire Grading and Rating Committee. Copies of the minutes of this committee will be made available to the Council. Real progress is being made in this field.

REPORT WILL BE MADE TO COUNCIL ON BOOTHE FRUIT COMPANY FIRE

Mr. Miller stated that a report would be made at the next Council meeting on the recent fire at Boothe Fruit Company on 11th Street.

RESOLUTION OF CONDOLENCE TO FAMILY OF DR. TULLY C. KNOLES 7-45

RESOLUTION NO 59-498

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO EXPRESSING ITS SYMPATHY AND CONDOLENCE TO THE FAMILY OF DR. TULLY C. KNOLES

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

ADJOURNMENT

MOTION

That the meeting be adjourned in memory of Dr. Tully C. Knoles.

Moved by VanderWall Seconded by Arata Unanimously carried

The meeting was adjourned at 5:40 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.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Knoles, Martin, VanderWall, Mayor Hammond
Councilman Spaulding arrived at 7:35 P.M.

Absent: Councilman Arata

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

Rev. Lee Nelson gave the invocation.

APPROVE COUNCIL MINUTES

Council members having received copies of the minutes of the Council meeting of November 12, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM SENIOR CITIZENS

A letter was read from the Modesto Senior Citizens withdrawing its offer to take over the Community Service Center.

MOTION

That the request of the Modesto Senior Citizens to withdraw its offer to lease the entire Community Service Center be approved.

Moved by Adams Seconded by VanderWall Unanimously carried

LETTER FROM VERNON J. SNAPP RE: ABANDONMENT OF PROPOSED IMPROVEMENT DISTRICT NO. 8 1-46

With the unanimous approval of the Council, Mayor Hammond read a letter received from Vernon J. Snapp, 1008 Hackberry Avenue, relating to the abandonment of proceedings for the proposed Improvement District No 8- Storm Drainage for the North Central Drainage District. Consent of the Council was given by Mayor Hammond to answer the letter, setting forth the reasons for the abandonment of proceedings.

MATTERS RELATING TO IMPROVEMENT DISTRICT NO 8.

With the unanimous consent of the Council, the City Manager was granted permission to raise other matters relating to this district:

1. A report will be placed on the next Council agenda, summarizing the city's position and listing questions which remain to be cleared, particularly matters relating to standards which the city will accept and which the people of the city "are willing to buy". The question of whether the drainage lines are to be built on a five year storm or a two year storm must be cleared.

- 2. There are continuing requests for normal tree removals in the North Central area. The staff was requested to present all these requests for Council action until the matter of the district was cleared.

MOTION

That the staff be authorized to proceed in the normal manner of tree care and removal in this area.

Moved by Knoles Seconded by Spaulding Unanimously carried

Councilman Adams asked that the staff's report include some summary of what the design criteria is so that the Council will be informed on the technical features, in order to answer questions raised by citizens.

HOLD OVER AWARD OF BID ON BACKHOE 1-96

The City Manager asked that the award of bid on the backhoe be held over for further clearance.

ACCEPT BID OF W. M. LYLES FOR SUB-TRUNK SEWER IN MONTGOMERY VILLAGE NO. 3 1-96

RESOLUTION NO. 59-502

A RESOLUTION ACCEPTING THE BID OF \$7,268.68 FROM W. M. LYLES COMPANY FOR CONSTRUCTION OF SUB-TRUNK AND PERIMETER SEWER IN MONTGOMERY VILLAGE NO. 3 SUBDIVISION

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

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR ONE RUBBER TIRED TRACTOR

RESOLUTION NO. 59-503

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR ONE RUBBER TIRED TRACTOR

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

The time set for opening the bids was December 28 at 2:00 P.M.

Director of Public Works Ray answered a question raised by Mayor Hammond that the specifications, as prepared, would not be restrictive to one make of tractor.

ORDINANCE APPROVING AGREEMENT WITH PAUL G. WIESEHAHN RELATING TO ACQUISITION OF RIGHT OF WAY FOR WIDENING COLLEGE AVENUE 1-124

City Manager Miller reported that it had been impossible to clear the right of way for widening of College Avenue with Paul G. Wieseahn, et ux, prior to the improvement of the street. Since this time an agreement has been reached. Provisions of the proposed settlement were outlined by City Attorney Allen Grimes, which called for the payment by the city of \$300 to cover costs for curb and gutter constructed by the owner and for damages to the front yard. The City Manager recommended approval of the agreement.

ORDINANCE NO. 346-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT WITH PAUL G. AND LILLIAN E. WIESEHAHN RELATING TO THE ACQUISITION OF CERTAIN RIGHT OF WAY FOR THE WIDENING OF COLLEGE AVENUE"

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

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

ORDINANCE RELATING TO TRAFFIC MATTERS 2-09

The City Attorney presented for Council consideration an ordinance which would amend the Municipal Code to provide a 25 MPH speed limit on K Street between Washington Avenue and Ninth Street and would change certain sections to make them coincide with the recent changes in the State Vehicle Code.

ORDINANCE NO. 347-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-2.701, 3-2.807, 3-2.902, 3-2.1015, 3-2.1016 and 3-2.1401 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS, AND REPEALING ORDINANCE NO. 342-C.S."

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

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

ORDINANCE AMENDING CODE RELATING TO GOING OUT OF BUSINESS SALES 2-23

Pursuant to direction of the Council, the City Attorney presented an ordinance for consideration which would amend the Municipal Code relating to "going out of business sales" to eliminate the extension of period for sales and with respect to removal sales only, eliminate the payment of a license fee if the applicant files an affidavit that he has been in business at his present location for a period of not less than one year immediately prior to the sale and that he intends to operate in the new location for a period of not less than a year. The bond requirement is not changed.

ORDINANCE NO. 348-C.S.

"AN ORDINANCE AMENDING SECTION 4-7.1405 AND 4-7.1406 OF ARTICLE 14 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO GOING OUT OF BUSINESS SALES"

Was introduced and ordered printed and published as required by the City Charter.

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

AUTHORIZE CITY MANAGER TO SIGN APPLICATION TO FEDERAL AVIATION AGENCY RELATING TO AIRPORT CONTROL TOWER 2-40

The City Manager stated that an agreement with the County relating to the construction of the project would be presented later for Council consideration. It is necessary at this time to file the application with the FAA showing the City and County as co-sponsors of the Airport Control Tower.

In answer to a question from H. B. Little, Mayor Hammond stated that the City Manager would not sign any application with the FAA for federal aid participation without the full and complete consent of the Council.

GIRL SCOUTS REQUEST FOR RENTAL OF FACILITIES IN THE COMMUNITY SERVICE CENTER - REPORT ON OPERATIONS OF THE COMMUNITY SERVICE CENTER 2-60

Director of Parks & Recreation Lloyd Lowery reported that the city did not recover its full operating cost of the Community Service Center for fiscal year ending June 30, 1959. This current fiscal year, assuming that the Girl Scouts are granted a lease on the basis of their proposal and with the extension of additional space to the Boy Scouts, the city would receive an additional revenue of \$645 for the remainder of the fiscal year. This is based upon the Girl Scouts occupying the Parks and Recreation Department quarters on March 1, which is dependent upon completion of the new City Hall.

Mr. Lowery stated that the Janitor Leadman has advised that as soon as this Department moved out, the janitor's time would be reduced approximately 2 hours per day, reducing operating costs approximately \$300.

Assuming \$5,000 revenue, because the revenues are gradually increasing, the deficit for the current year would be \$90. Beginning next fiscal year, if the full space is rented to the Girl Scouts, based upon estimated revenue and assuming comparable operating costs and rental revenues, the Center would pay about \$1,000 annually above operating expenses.

Mayor Hammond stated, that in line with Council policy, the life of the Center is predicated on how self-sufficient it is as to meeting its operating costs.

The City Manager pointed out that the revenues derived from rental of the building should, as originally proposed, amortize the city's costs for improvement of the building.

Mr. Lowery stated that there was still some redevelopment going on at the building which would probably be completed this year.

Terms of the Girl Scouts offer for the rental of additional rooms in the Center were outlined by the City Manager.

MOTION

That the staff be authorized to prepare an agreement, on terms outlined, for the rental of space in the Community Service Center to the Girl Scouts for a period of 5 years for Council consideration.

Moved by Adams Seconded by VanderWall Unanimously carried

APPROVE RIGHT OF WAY CONTRACT FOR WIDENING McHENRY AVENUE ISABEL N. LOPEZ 2-110

The City Attorney presented a contract for Council approval

relating to the widening of McHenry Avenue which had been executed by Isabel N. Lopez. The agreement provides for dismissal of the attending condemnation suit without payment of compensation and the recovery of the deposit posted by the City with the County Clerk.

RESOLUTION NO. 59-509

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND ISABEL N. LOPEZ FOR WIDENING OF McHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT ON BEHALF OF THE CITY

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

REPORT ON TRAFFIC SIGNALS 2-120

The City Manager noted that copies of a report, dated December 4, 1959, from the Director of Parking & Traffic on "Relative Priorities for Traffic Signal Installation" had previously been distributed to Council members.

One point remains to be cleared in the report--the 10th and D Street signals are not being proposed since this location is below a number of others in priority. The 14th and D Street signals are included. These priorities are not precise and before budget action is taken in subsequent years, more precise information will be presented. He recommended that the city proceed with the 14th and D signals as already cleared informally by the Council, leaving the 10th and D Streets-signals out at this point. No Council action is required at this time, the City Manager stated. No Council objections were made to the recommendation.

HEARING ON ANNEXATION OF MORAN ADDITION 3-10

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposed annexation of the Moran Addition to the City.

The City Clerk's certification was read, that the notice of the hearing had been published in the manner provided by law; that notices had been sent to interested parties; and that no written protest had been received.

The City Planning Commission's recommendation that the area be annexed was noted.

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

ORDINANCE NO. 349-C.S. entitled

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

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

CONSIDERATION OF PLUMBING ORDINANCE 3-30

The City Manager reported that through error the agenda for this meeting had not included the item "Consideration of the Plumbing Ordinance". He noted that the Council had previously

received copies of the proposed ordinance. He reported that a number of people were in the audience who had been notified that the matter would be discussed at this meeting.

Unanimous approval of the Council was given to consider this matter.

Ross Campbell

Assistant Director of Public Works reviewed the background on the proposed ordinance which would adopt the 1958 Uniform Plumbing Code. A request had been received by the City from the Orangeburg Manufacturing Company to include bituminized fibre pipe in the ordinance, as a material for house sewer connections. He recommended that the fibre type, as presented, meeting the federal specifications, be included in the ordinance. A notice had been sent out by the city to plumbers and plumber supply houses concerning the revision of the plumbing code and the adoption of the 1958 plumbing code for Modesto. Two letters were received from interested parties, Crozier Plumbing and Heating and J. Greenberg & Co., stating that they did not approve the inclusion of fibre pipe in the Municipal Code. Hansen Plumbing verbally opposed the inclusion.

During the interim, Mr. Campbell stated, the staff had further investigated the pipe. It is the opinion that fibre pipe is at least equal to transite pipe, which is already included in the Code. It is proposed that the 1958 Uniform Plumbing Code be adopted for the City and in this adoption one change be made--include under Section 9-2.20 bituminized fibre type, as approved material for house sewer connections. No written complaints have been received from local plumbers to date.

Dr. A. Diefendorf, Consulting Engineer for Orangeburg Manufacturing Company, spoke on manufacturing standards, testing procedure and historical background on Orangeburg Fibre pipe. He pointed out that his company did not manufacture any larger size pipe than 6" because the larger size would not be competitive.

Donald Erickson, Erickson Plumbing Co, spoke in opposition to including fibre pipe. He considered that cast iron pipe was the only type which qualified for sewers from the house to the city sewer, as it would be a life time installation.

Harold Boss, local plumbing contractor, stated that hot water would make Orangeburg pipe collapse, roots would distort the pipe which had been softened by water.

Councilman Adams stated that although he favored cast iron pipe, there was some validity in permitting the use of less expensive type of pipe with the full knowledge of the people using this type, that it would not last a lifetime. The new type of Orangeburg Bituminized Fibre sewer pipe, is a better grade than referred to by local plumbers. New products are being manufactured constantly and the city should not say "no" to everything because it happens to be new and it is uncertain that it will last a lifetime. There are problems with transite pipe also, such as acid soil conditions, etc. Since transite pipe is permitted because some people cannot afford cast iron pipe, bituminized fibre pipe should also be permitted.

Pat Maloney, Line Materials Industries, manufacturers of vinyl pipe, stated that the company also believed that cast iron pipe was a very good material however it is not a cure-all. There are times when other types of sewer pipes will function superior to cast iron pipe, such as in hot soil, acid soil or electrolytic condition or in cinders. There are areas for each product.

received copies of the proposed ordinance. He reported that a number of people were in the audience who had been notified that the matter would be discussed at this meeting.

Unanimous approval of the Council was given to consider this matter.

Ross Campbell

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Director of Public Works Ray answered a question raised by Mayor Hammond on "distortion of fibre pipe", that his experience had been where fibre duct pipe for electrical systems had been used instead of Orangeburg sewer pipe. He displayed the new type of pipe used now for sewers. The Code requirements, as proposed, would protect the user against substitution as mentioned above.

Councilman Martin stated that the Council had an obligation to protect against dangerous and inferior materials but it should be careful in the matter of trying to restrict new products which can be demonstrated to be within the range of people's choice.

A letter was read from Donald L Erickson suggesting that the Council include in the new plumbing code a provision for plumbing contractors to place a deposit of \$50 on file with the Department of Finance so that they could telephone in their requests for permits which can be mailed to them. The company could send its check in payment immediately upon receipt of permit. This would permit a savings in time for the company as well as the city. He pointed out that this system had been used in other California cities with great success.

The City Manager stated that this suggestion would be checked out with the people concerned and a staff recommendation made to the Council.

Mr. Campbell reported that these were the only two basic changes suggested for the ordinance.

MOTION

That this matter be referred to the staff for report and recommendation and that this matter be placed on the agenda for the next Council meeting.

Moved by Spaulding Seconded by VanderWall Unanimously carried

EXTEND COMPLETION DATE FOR IMPROVEMENT DISTRICT NO. 9- STREET LIGHTING ON MCHENRY AVENUE 5-95

The City Manager recommended that the completion date for Improvement District No. 9, street lighting on McHenry Avenue be extended from December 15 to January 20, 1960 to permit the installation of a light standard on the detour area at MID lateral and for the completion of the assessment diagram.

RESOLUTION NO. 953-S.P.

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

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

APPROVE AGREEMENT WITH FRED M. JOHNSON, CONSULTING ENGINEER 5-102

Terms of the proposed agreement which had been ordered by the Council were briefly reviewed by the City Attorney.

RESOLUTION NO. 59-506

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED M. JOHNSON, CONSULTING ENGINEER, FOR ENGINEERING SERVICES TO ANALYZE AND REPORT ON THE EFFECT OF STORM DRAINAGE WATERS ON WATER LEVEL IN BEARD BROOK

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

APPROVAL OF RENEWAL OF PERMIT TO OPERATE BUS TO MODESTO MOTOR BUS COMPANY 5-125 -

The City Manager read a letter from Willis Kleinenbroich advising that it would be financially impossible for the Modesto Motor Bus Company to be operated on a "shuttle-type" basis. He asked that his bus permit, which expires on December 13, be renewed for a term of five years. The City Manager recommended that the permit be extended for this term. He reported that the Chamber and merchant groups have agreed to work with the city and Mr. Kleinenbroich to make suggestions for better service.

RESOLUTION NO. 59-507

A RESOLUTION AUTHORIZING RENEWAL OF PERMIT TO OPERATE BUS LINE TO WILLIS KLEINENBROICH DBA MODESTO MOTOR BUS SERVICE IN THE CITY OF MODESTO

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

CLEAR COUNCIL'S INTENT ON RESOLUTION RELATING TO SALARIES 6-30

The City Manager noted that copies of Resolution No. 59-456, adopted by the Council on November 25 relating to Council policy on salaries for city employees had been prepared in draft form by the City Clerk's office and sent out to Council members for clearance of contents.

He reported that the drafted resolution had been discussed by the Personnel Commission. It is the opinion of the Commission that the suggested guides and policy statement would clarify procedures. The Commission plans to make some further suggestions on procedures for considering salary at a later date.

The Commission has recommended that paragraph 6 of the resolution be changed to read "Consider major salary changes as of January 1 of each year". The Commission considered that it should be made clear that while it might consider major salary changes prior to January 1, the changes would be effective Jan. 1.

The City Manager pointed out that the records of the Council discussion on its policy statement on establishing salaries, were not clear on the question of including it in the resolution.

Mayor Hammond stated that it had been understood that the policy statement should be a part of the resolution, as indicated in the draft.

MOTION

That paragraph 6 of the drafted resolution be amended to state: "In considering major salary changes take action in time so that if any change is made it would be effective as of January 1 of each year".

Moved by Martin Seconded by VanderWall Unanimously carried

HOLD OVER REPORT ON GANT PROPERTIES 6-80

The City Manager reported that Attorney Warren Gant had asked this matter be held over.

SET DATE FOR HEARING ON PROPOSED ANNEXATION OF SARATOGA MANOR 6-82

The City Manager reported that the Planning Commission had recommended the annexation of Saratoga Manor to the City in its Resolution No. 567.

RESOLUTION NO. 59-508

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

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

The time set for the public hearing was January 20 at 4:30 PM

HOLD OVER APPROVAL OF MORAN ESTATES FINAL MAP AND AGREEMENT 6-92

The City Manager requested that this matter be held over.

REPORT ON STATE COLLEGE SITE HEARING 6-93

Mayor Hammond reported on the public hearing held before the State Public Works Board on this date in Sacramento on the selection of a site for the new state college to be constructed in Stanislaus County.

He reported that the unanimous decision of the Board was to select the Turlock Site (No. 5). Contrary to the criteria sent out by the State Departments of Education and Architecture, Dr. Vaschee of the Department of Education recommended to the Board that the Turlock site be selected. Contrary to the recognized difficulties as to construction and landscaping of the Turlock site, the Board acted favorably on the recommendation. It appears that both of these departments are responsible for these matters. The Public Works Board did not give sufficient attention to the facts that were presented. If the Board continues to locate colleges based on some other facts besides criteria which it has set up, it will continue to have difficulty in selecting college sites. When a decision is made contrary to facts which do not meet criteria established by the Department of Education and Department of Architecture, it gets into the realm of a political decision. It appears that it would be in order for the people of the community to raise a question with their legislative representatives as to why decisions of this nature are made, contrary to facts presented.

Mayor Hammond asked the City Manager to present a report on the staff activities in compiling the facts presented to the State Board. Mayor Hammond considered that the people in Modesto were entitled to a thorough review of the efforts which have been made in behalf of the community. He stated that the community was indebted to Ian Hardie, Chairman of the Greater Modesto Chamber of Commerce College Site Committee, Harold Peterson, former staff

Page 9 12-9-59

member of the Chamber of Commerce and Joe Good, present Manager of the Chamber, as well as the Directors and staff of the MID.

The City Manager stated that during the past two years the city staff had given top priority to the State college site project. A tremendous amount of time and hard work was put on the project by the staff. The staff had proceeded on the basis that the decision was to be made on the basis of facts. No attempt was made to obtain a lot of endorsements from other cities or groups or to circulate a petition. Needless to say the staff is deeply disappointed on the decision. Work was started from a statement by the State Department of Education in its official report dated September 1, 1957 entitled "Factors in the Selection of a State College Site" which reads as follows:

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..."
3. "Extension of publicly supported institutions to the degree that the continued operation of private ones long in existence and seemingly serving the community well is jeopardized, is not in the public interest."

This report was used as a guide in submitting the original presentation to the Board at the local hearing and in everything subsequently done. The City summarized its position on this recently in a letter signed by Ian Hardie and sent to the State Public Works Board and the State Department of Education which reads as follows:

December 4, 1959

"Gentlemen:

" This summary of some of the factors relating to the location for 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 and Dakota Avenue in West Modesto (Site 7) is the best location for the college, for reasons which include the following:

- "1. Compliance with State College Location Principles of the State Department of Education

"Site 7 meets all principles and policy requirements set forth by the State Department of Education in its report, 'Factors in the Selection of a State College Site in Stanislaus County'. The site is near the center of the student population to be served. It is in an area where local taxpayers have, over the years, developed and financed adequate junior college education at a cost to themselves 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 attend College of the Pacific from all over the State and from many other states. Most students from the Stockton area desiring to attend a state college will do so whether the school is at Modesto or thirteen miles farther south. The difference to these Stockton students would be the extra time, cost, and inconvenience-of the additional travel required.

- "2. Location near Center of Student population

"Based on 1959 enrollment, the geographical center of the

page 10 12-9-59

"29,957 high school student 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 within a forty-mile radius of both the Modesto and Turlock sites. Of this latter group 63.8 per cent (15,693) are closer to the Modesto site than to the Turlock site; 10.2 per cent (2,504) are about the same distance from the two sites, and only 26 per cent (6,388) are closer to the Turlock site. The increase within the forty-mile radius area in enrollment in 1959 over 1957 of high schools closer to the Modesto site was 3,123, compared with an increase of students in schools 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 about one hour's drive of the college (40 miles) would commute to and from the college daily, they would be required to travel approximately 15,000 miles more per day if the college were at Turlock than if it were at Modesto. This extra daily travel would amount to more than half way around the world each day. In 175 school days (which does not include Summer sessions) this additional mileage would amount to more than 2,500,000 miles per year. Even at sixty miles per hour this would represent over 42,000 extra man hours of travel time per year. (Tabulations of the above data; which sources, have been furnished to your staff and to the State Department of Education.)

"3. 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 that Merced County, closer to the Turlock site, 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 major permanent industrial developments already under way in this area, such as the Libby-Owens-Ford Glass Company west of Manteca and the Simpson-Lee Paper Company at Ripon. This major northward increase in population holds for Stanislaus County also. The General Plan for 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 urban area of only about 24,000. This indicates that the total estimated increases in population in the college service area which includes Modesto and northward in a period of about twenty years, will be over 200,000. During the same time the indicated increase for the area which includes Turlock and southward is estimated to be only 53,000

"4. Site desirability

"While the average costs per useable acre, including acquisition, site development, and 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 and Rootknot, nematode infestation. Site 7 will be served by an

"existing local public transportation system. Students attending college at 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 of all hazards, blight, and undesirable developments. Access is excellent from anywhere in the college service area.

"The City of Modesto and the 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 the people of our community in moving forward this very important undertaking.

Sincerely,
 Ian Hardie, Chairman
 Chamber of Commerce College Committee"

This summary was made after receipt of a report from the State Department of Finance, which included the comments of the Division of Architecture of the State, which was the official study made by the State staff and submitted to the Board for its guidance. This report states as follows:

"---the sites are in an area of Stanislaus County having a relatively high water table. Records for site 5 near Turlock show a depth to the water table of 7 feet as of January 1959; 5.6 feet in the spring of this year with a gradual lowering to 7½ feet in October. After the heavy rains during the winter and Spring of 1957-58, a depth of one-half foot to the water table was recorded in April, 1958 and depth of 4 feet in July. Irrigation of the college planted areas and lawns would not be as heavy as presently for agricultural purposes but the water table would not be materially lowered by this due to the large amount of irrigation necessary on adjacent farm land. A relatively high water table as exists on this site would add to the construction cost of the proposed college facilities due to the need of pumping excavations and trenches. The cost of storm water disposal would be increased as more water must be disposed of by pumping as the amount percolating directly in the ground would be materially reduced. In addition during extreme wet years, the water table may become so high as to damage vegetation and surfaced areas. Sites 6 and 7 near Modesto have a high water table which is normally at a depth of around 12 feet below the ground surface. It becomes somewhat higher during years of high rain fall. This depth of water table does not materially add to the cost of improvements or interfere with the construction."

The report also contained this statement:

"We are informed by the Stanislaus County Agricultural Commission and the Farm Advisor's office of the U. C. Extension Service regarding nematodes:

"A Site #5---Heavy infestation Rootknot nematodes, fumigation necessary, other types also present

"B Sites #6 & 7---General varieties of nematodes present, only isolated rootknot nematode larvae found (no adults), control measures not required.

"C Rootknot nematode is a serious pest to ornamentals (trees and shrubs used for landscaping) and is the only nematode of major effect on ornamentals."

Mayor Hammond stated that the report recommended that in order to handle the water table level at least two wells would be required, pumping continuously throughout six or seven months of the year to keep the water at such a level that it would not endanger the landscaping and the structural features of the building.

report of the
The City Manager read statements from the Coon's Committee which indicated that the site should be in the north part of Stanislaus County, near Salida, to serve adjacent areas which have rising needs for state college services.

The City Manager stated that John Carr's principle argument was that the original cost of site 7 would be \$150,000 more than site 5. He ignored the facts made clear in the State's own report, that it would cost about \$100,000 more to get site No 5 in any shape to use.

The City Manager stated that it was his personal judgment that "when you are talking about locating a multi-million dollar state institution, which will be here for generations to come, and the selection of a site is made on the basis of a savings of a few dollars one way or another, as compared to the advantages which we firmly believe accrue to site No 7, it is being penny wise and many, many pounds foolish."

Mayor Hammond stated that although the decision has been made, it is certainly in order for the people of this community and county to thoroughly question their representatives in the Legislature as to the type of decision made today. He stated that he could really appreciate why the Public Works Board was having difficulties because "when they make decisions contrary to the criteria which they have established and contrary to their Division of Architecture, they can't help but have trouble". The City's legislative representatives should be thoroughly questioned as to why these types of decisions are permitted.

Councilman Spaulding stated that the decision was a disappointment because most of the people in the community had hoped that the decision would be made on facts despite the persistent rumors many months ago that the city was wasting its time because the site was already decided, signed and delivered as a present to Senator Donnelly. This decision raises a very good question on what basis it was made, "if it is being a political football we ought to put a little pressure on some legislators."

Ian Hardie stated that he was disappointed on the selection of the site. He expressed appreciation to the Council and city staff for assistance given to the Greater Modesto Chamber of Commerce College Site Committee.

Joe Good, Manager of the Chamber of Commerce reported on the activity of the Committee during the past two years. He listed the following persons who had assisted the committee, Ian Hardie, Mayor Don Hammond, City Manager Ross Miller, James Corson, Modesto Irrigation District and the real "work horse", George Smeath. He stated that the Chamber looks forward to having a state college in the county and will give every assistance in making it a reality and a success.

Mayor Hammond stated that a comment had been made at the public hearing that if any building goes over two stories on site No. 5 that it would be necessary to sink pilings, because

of the water table and ground conditions. Mr. Carr's statement of economy is rather misleading.

REPORT ON CITY HALL FURNISHINGS 8-92

No action required at this time

HEATERS AND DEFROSTERS ON CITY EQUIPMENT

The City Manager stated that these could be installed from the revolving fund but the matter was placed on the agenda to clear with the Council because the purchase of heaters and defrosters had not been proposed in the budget. It would provide for installation on 30 pieces of city equipment. The installation is recommended by the City's General Safety Committee and would cost approximately \$50 each. No objections were offered by the Council.

HOLD OVER REPORT ON BOOTHE FRUIT COMPANY FIRE 8-102

At the request of the City Manager this report was held over.

REPORT ON HOLIDAY PAY LITIGATION 8-103

The City Attorney reported that the Supreme Court of the State of California had granted a hearing on the Holiday Pay Case and it will render an opinion on the matter in the future.

APPROVE APPROPRIATION TRANSFER 8-108

The City Manager reported on the need to purchase water pipe for subdivisions. He recommended the transfer of funds from the General Reserve.

RESOLUTION NO. 59-509

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$53,500 FROM GENERAL RESERVE TO WATER FOR WATER LINES and HYDRANT EXTENSIONS.

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

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF NOVEMBER 1959

The City Manager filed the financial statement for the month of November, 1959.

APPROVE APPOINTMENT OF CITY MANAGER TO STATE COMMITTEE 8-119

With the unanimous consent of the Council, the City Manager brought up a matter not on the agenda-----letter from Commissioner Theodore Anderson of the State Economic Development Agency.

Mr. Anderson advised that the Agency was in the process of setting up a Technical Advisory Committee to review its plans and program and offer counsel on the policy it should follow. He asked that City Manager Miller accept an appointment by Governor Brown to serve on this committee.

MOTION

That the City Manager be authorized to serve on this Committee.

Moved by Adams Seconded by Mayor Hammond Unanimously carried

REPORT ON INVITATION RECEIVED BY STEVE COLLINS TO ATTEND WHITE HOUSE CONFERENCE 9-20

With the unanimous approval of the Council, Councilman Knoles reported that Steve Collins, student at the Modesto Junior College, had been invited to attend the White House Conference in Washington, D.C. on Children and Youth, being held on March 27, 1960.

COUNCILMAN KNOLES EXPRESSES APPRECIATION FOR COUNCIL RESOLUTION OF CONDOLENCE ON DEATH OF FATHER

Councilman Knoles expressed appreciation for the Council resolution expressing condolence to his family on the recent death of his father, Tully C. Knoles.

COUNCIL ADOPTS POLICY ON RECOGNITION OF CONTRIBUTION TO COMMUNITY 9-26

Mayor Hammond suggested that the Council give greater recognition to young people in the community who do an outstanding job, such as Steve Collins, in any field of activity. The staff, or member of the Council, upon learning of an individual who has made a worth while contribution to the group which he serves and the community, should report it to the Council so that the proper recognition could be given.

Councilman Knoles indicated his willingness to work through the High Schools and Junior College to obtain this information.

MOTION

That the Council give recognition to outstanding achievements of the young people of the community and that the staff be authorized to prepare for Council consideration, a resolution setting forth this policy.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

REPORT ON APPOINTMENTS TO PLANNING COMMISSION 9-60

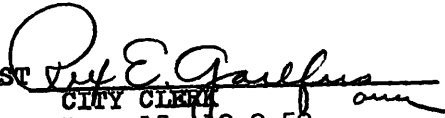
Mayor Hammond reported that in line with the appointment of members to the Planning Commission, the City Manager would furnish the Council members with a list of names of persons who had served in various capacities in the community. He considered that this list should be reviewed by the Council before any appointments were made.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by VanderWall Seconded by Adams Unanimously carried
The meeting was adjourned at 9:45 P.M.

ATTEST 
CITY CLERK
Page 15 12-9-59

Modesto City Council
December 16, 1959

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.

Rev. Charles Foley gave the invocation.

Mr. Crysostomos Kosseris, guest of the Council from Greece, was introduced and gave a brief talk on the purpose of his visit to the United States.

APPROVAL OF COUNCIL MINUTES 1-10

Council members having received copies of the minutes of the Council meeting of December 2, 1959, and the same being available for public inspection and there being no objections, the minutes were approved.

HOLD OVER PRESENTATION OF SUGGESTION AWARDS 2-12

This matter was held over for further clearance at the request of the City Manager.

LETTER FROM FRANK ANDREWS RE: ELECTRIC RATES 2-15

It was noted for the record that copies of the letter were previously distributed to Council members and to the San Francisco Public Utilities Board.

RESIGNATION OF DON MEYERS FROM PLANNING COMMISSION 2-20

With the unanimous consent of the Council, Mayor Hammond read a letter received from Don Meyers tendering his resignation as a member of the City Planning Commission, as he was moving from the City.

RESOLUTION NO. 59-510

A RESOLUTION ACCEPTING THE RESIGNATION OF DON MEYERS FROM THE MODESTO CITY PLANNING COMMISSION

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

CLAIM FILED BY PODESTO

With the unanimous consent of the Council, receipt of a letter from William J. Podesto regarding his claim for damages to his property

Page 1 12-16-59

by the overflow of an industrial sewer line was noted. By order of the chair this matter was scheduled for consideration at the next meeting after the members had an opportunity to study the matter. The Clerk was directed to send copies of the letter to the Council members.

REQUEST BY CHAMBER OF COMMERCE FOR PAYMENT OF FUNDS ALLOCATED 1-35

MOTION

That payment of funds allocated in the fiscal budget to the Chamber of Commerce be approved as provided in the contract agreement.

Moved by Arata Seconded by Knoles Unanimously carried

AWARD BID ON PIPE FITTINGS FOR FISCAL YEAR 1960 1-40

Copies of the tabulation of bids received at 10:00 A.M. December 14, for pipe fittings for the fiscal year 1960 were distributed to the Council members for consideration. The City Manager recommended the acceptance of the low bids received as follows:

J. Greenberg & Co., items 1 through 4 at a cost of \$1,659.06	
R. H. Baker Co., Inc. items 5 through 9-----	243.25
Heieck & Moran, items 10 through 59-----	469.89
	<u>\$2,372.20</u>

RESOLUTION NO. 59-511

A RESOLUTION ACCEPTING THE BIDS FOR PIPE FITTINGS FOR FISCAL YEAR 1960

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

ACCEPT BID OF FARM EQUIPMENT CENTER, INC. FOR FURNISHING BACKHOE 1-55

Director of Public Works Ray reported that three bids had been received at the bid opening time, December 7, at 2 P.M. The low offer was submitted by Farm Equipment Center, Inc. in the sum of \$3,428.88 for a Davis-220 model backhoe. This model appears to meet the specifications in all requirements except as follows:

1. Specifications require reach from the swing post 14 feet minimum. This model is 13 ft. 10 inches.
2. Specifications provide for a dumping height of 8 feet 6 inches. This model is 8 feet.

The staff feels that these are minor variations in the specifications and that the contract for delivery and installation should be awarded to the Farm Equipment Center, Inc. for the Davis backhoe subject to the requirement that approved assembly and installation must be made on the city's tractor.

Mr. Ray noted that a bid had been received from the Valley Tractor Company after the time set for the opening of the bids. He recommended that the bid not be considered because of its late arrival; the proposal

did not include installation on city tractor, and the model bid on was a used 210 instead of a new 220.

The Council found that the bid of Farm Equipment Center Inc. substantially met the specifications and was the lowest responsible valid bid.

RESOLUTION NO. 59-512

A RESOLUTION ACCEPTING THE BID OF FARM EQUIPMENT CENTER INC. IN THE SUM OF \$3,428.88 FOR THE FURNISHING OF ONE NEW BACKHOE

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

AUTHORIZE CALL FOR BIDS FOR GASOLINE AND DIESEL FUEL FOR YEAR 1960

RESOLUTION NO. 59-513

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE FURNISHING OF GASOLINE AND DIESEL FUEL FOR THE YEAR 1960

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

Opening date of bids was set for January 4 at 2:00 P.M.

FINAL ADOPTION OF ORDINANCES 2-105

ORDINANCE NO. 346-C.S. entitled

"AN ORDINANCE APPROVING AN AGREEMENT WITH PAUL G. AND LILLIAN E. WIESEHAHN RELATING TO THE ACQUISITION OF CERTAIN RIGHT OF WAY FOR THE WIDENING OF COLLEGE AVENUE"

introduced on December 9, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

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

ORDINANCE NO. 347-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-2.701, 3-2.807, 3-2.902, 3-2.1015, 3-2.1016 and 3-2.1401 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS AND REPEALING ORDINANCE NO. 342-C.S."

introduced on December 9 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

ORDINANCE NO. 348-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 4-7.1405 AND 4-7.1406 OF ARTICLE 14 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO GOING OUT OF BUSINESS SALES"

introduced on December 9 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: Arata, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Adams, Martin, Spaulding

APPROVE AMENDMENT TO CONTRACT WITH STATE EMPLOYEES' RETIREMENT SYSTEM 2-114

RESOLUTION NO. 59-514

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT PROVIDING FOR THE PARTICIPATION OF THE CITY OF MODESTO IN THE STATE EMPLOYEES' RETIREMENT SYSTEM, MAKING ITS EMPLOYEES MEMBERS OF SAID SYSTEM

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

WITHDRAWING VARIOUS ANNEXED AREAS FROM VARIOUS FIRE DISTRICTS 2-120

RESOLUTION NO. 59-515

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (MODESTO INDUSTRIAL PARK ADDITION)

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

RESOLUTION NO. 59-516

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ORANGEBURG MUNICIPAL ADDITION)

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

RESOLUTION NO. 59-517

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (YORKSHIRE ADDITION)

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

RESOLUTION NO. 59-518

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE MCHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (SHERWOOD MANOR ADDITION)

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

RESOLUTION NO. 59-519

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE MCHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (MONTGOMERY VILLAGE ADDITION)

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

RESOLUTION NO. 59-520

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE MCHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ALLEN ADDITION)

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

HEARING ON APPEAL FILED BY RAY GADA TO THE DECISION OF THE PLANNING COMMISSION DENYING REZONING REQUEST 3-15

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set by the Council for the public hearing on the appeal filed by Ray Gada to the decision of the City Planning Commission denying his request for the rezoning from R-1 to C-1 a portion of lot 9 in Block 6060 on the north side of West Coolidge Avenue.

A report from the City Clerk was noted that the notice of the hearing had been published in the manner provided by law; that notices had been sent out to interested parties; that the area was posted with notices; that no written protests were filed and that one petition signed by 14 persons favoring the proposed rezoning had been filed.

The Council noted Resolution No. 558 of the City Planning Commission denying the request for the following reasons:

1. Rezoning of the property would not necessarily provide additional parking or access to the existing business property;
2. Necessary parking can be provided by the granting of a conditional use permit by the Board of Zoning Adjustment;
3. Rezoning would make possible the development of an entirely new and separate business from those already fronting on McHenry Avenue, thus opening commercial frontage on a side residential street and creating conflicts of traffic and congestion between the commercial and residential areas.

A map of the area was displayed by Planning Director Smeath. He briefly reviewed the background on the request.

Ray Gada stated that he had reapplied to the Commission to rezone the property to C-1 instead of C-2 but this request had also been denied. He reported on his plan to construct a commercial building on the 40 feet if rezoned, and place a parking area between the two buildings instead of placing the building on the area next to his building already zoned C-2, and placing the parking on the western portion of his property after obtaining approval of a use permit from the Board of Zoning Adjustment. He considered that this plan would be better from the standpoint of access in case of fire instead of having the two buildings built next to each other.

Council discussion

Answering a question from Mayor Hammond, Mr. Smeath stated that if the zoning was approved, it would extend commercial zoning on the Gada property beyond the commercial zoning line on property on the south side of Coolidge Avenue (Modesto Building and Loan property). Mr. Smeath answered a question raised by Mr. Gada---that the Drake property located north of the Gada property was zoned C-M, 256.87 feet deep. Mr. Smeath stated that if the Gada property was zoned to commercial, it would be better to rezone it as C-2 because otherwise there would be one single spot lot zoned C-1 joining to C-2 zoning. Mr. Smeath stated that the Planning staff has recommended to the Commission that Coolidge be closed at a certain point to prevent vehicular access on McHenry Avenue. Coolidge is 40 feet wide and it would be difficult to widen.

Uses to which C-2 and C-1 property could be placed and set back requirements for buildings was generally discussed by the Council, staff and Mr. Gada. Mr. Gada answered a question raised by Mayor Hammond that he would not object to the changing of the zoning on the rear of his property now zoned C-2 to C-1 if he could get the balance of his property facing on Coolidge (40 feet) also zoned C-1. Mayor Hammond pointed out that C-1 zoning would limit the type of business and that the principle objection of the Commission was on the type of business which might be established to generate traffic onto this street and onto McHenry Avenue.

Councilman Arata stated that Mr. Gada was not requesting anything unreasonable. Adjacent property is zoned deeper than Mr. Gada's property.

City Manager Miller raised the question of whether this zoning of a single isolated lot might constitute "spot zoning".

The City Attorney stated that it would raise certain questions about the propriety of making a zoning change which is not correlated to or joining any other C-1 property.

The City Attorney pointed out that from a procedural point of view there is no jurisdiction of the Council to take any action on the zoning of the property that is presently zoned C-2, as this is not a part of this proceeding or application.

RESOLUTION NO. 59-521

A RESOLUTION THAT THE MATTER OF APPEAL TO THE COUNCIL FROM THE DECISION OF THE PLANNING COMMISSION NOT TO REZONE THE RAY GADA

PROPERTY IN BLOCK 6060 BE CONTINUED AND THAT THE PLANNING COMMISSION BE ASKED FOR A FURTHER REPORT IN ACCORDANCE WITH PROVISIONS OF SECTION 10-2.2114 OF THE MUNICIPAL CODE AND THAT THE DECISION OF THE COUNCIL BE WITHHELD UNTIL THIS FURTHER REPORT IS RECEIVED

Introduced by Arata Seconded by VanderWall

Before the City Clerk called the vote on the Resolution, the City Attorney asked if the Council wished to give some indication to the Commission as to what it wished to do.

Councilman Arata stated that his indication was that it should be C-1 as requested.

Mayor Hammond offered this suggestion---to consider rezoning the balance of the property to C-1, (changing the zoning of 60 feet of the present zoned C-2 property to C-1). Mr. Gada approved of this recommendation.

Answering a question from the City Attorney, Councilman Arata approved of including this recommendation in his resolution.

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

The City Attorney declared that the resolution failed because the Charter requires that action be taken by four affirmative votes.

Mayor Hammond stated that the matter would be placed on the agenda for the next meeting.

HOLD OVER REPORT ON GANT PROPERTIES 5-80

This matter was held over.

HOLD OVER CONSIDERATION ON ACCEPTANCE OF ROSE AVENUE TRUNK SEWER 5-82

This matter was held over at the request of the Director of Public Works.

HOLD OVER ACCEPTANCE OF SANITARY SEWER ON NORWEGIAN AVENUE ETC. 5-83

This matter was held over at the request of the Director of Public Works.

CLEAR REQUEST FOR SEWER SERVICE - DOWNEY VILLA TRACT #2

The City Manager reported that J. H. Kilpatrick had requested sewer service for lots 10 & 12 in Block 1027; lots 9, 10, 11, 12 & 13 in Block 1026 and lots 1, 2, 3, 5, 6, 7 & 12 in Block 1028 in the Downey Villa Tract No. 2 and agreed to:

1. Annex this property to the city when requested to do so by the City.
2. Obtain a permit from the City Building Inspection Official to connect to sewer lateral.
3. Pay sewer connection and inspection fees as required by the Municipal Code.
4. Pay sewer rates for service outside the City as provided by the Municipal Code until the property is annexed to the City.
5. Comply with City building regulations.

MOTION

That the request of J. H. Kilpatrick for sewer service for the property above described be approved on the conditions set forth.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

CONSIDER REPORT ON STORM DRAINAGE CRITERIA 5-108

Pursuant to Council instruction, the City Manager filed "Report on Storm Drainage Design Criteria".

Mayor Hammond read his letter to H. W. Jorgensen of H. W. Jorgensen & Associates advising him that the city would like to receive any suggestions which he might have for a reduction in costs of the storm drainage system in the North Central Drainage District. Mayor Hammond asked that these suggestions be submitted as early as possible since if any change is to be made in the standards to be followed in storm drainage design it should be done before the plans are finalized for the storm drainage district farther north.

Mr. Jorgensen's acceptance of Mayor Hammond's invitation to review the drainage criteria with the Council and the city engineering staff at this meeting, was read. Mr. Jorgensen stated in his letter that the present standards for storm drainage do not seem realistic to the group he represented. The group has approached him with the thought that they would like for him to pursue this problem to the end that both they and the city can say that a satisfactory result will be attained. He further stated that this group considered that canvassing subscriptions to finance this was not feasible and felt it could be included as part of the Engineering costs of the project. He asked if the Council wished to consider this matter at this meeting.

The City Manager stated that at the public hearing on the district on December 2, some serious questions were raised on the validity of the engineering on the district and the McHenry Avenue storm drain, as to whether or not it was properly designed or "as good a deal as it had been reported to be". He pointed out that the report filed was prepared by the Public Works Department and deals almost entirely to the criteria which are used in storm drainage.

Mr. Jorgensen commented briefly on the report as it related to the Council policy on the design criteria. He stated that he agreed on the principle of the report but not on the exact figure quoted.

Answering a question raised by Mayor Hammond, Mr. Jorgensen stated that he had, to some extent, had an opportunity to check over the grade lines and the reason for these lines proposed in the plans, and that he could be in a better position next week to enlighten the Council and the staff as to his engineering experience.

Mr. Jorgensen pointed out that this was only one phase of the problem. He considered that some of these could be resolved but the other ideas presented by him should be explored, the possibility of the MID use, etc. This would require a lot of study, he stated, but would mean a substantial savings to this area.

The City Manager pointed out that it was easy to make this type of statement. The city has spent years studying this problem and for a person to make this statement, without first knowing the engineering facts and economic basis, would be out of line.

Councilman Arata pointed out that the MID had indicated the use of the canals for drainage would be undesirable. Even if the canals were used, the city would be required to obtain permission each time and in the meantime the areas would be flooded.

Mr. Jorgensen stated that "I will retract the specific idea, but the generalities are certainly there and I feel that it can be done and is done other places (use of MID canals). We are all taxpayers whether we belong to the MID or not. So I think there is possibility there. I am not satisfied that we cannot explore it and get some answer here".

Mayor Hammond pointed out that the previous discussion of the drainage district was one of inquiry rather than criticism.

Mr. Jorgensen stated that he had no "quarrel with the engineering" but it was the matter of policy.

The City Manager stated that adverse comments had been made at the Public hearing regarding the engineering of the trunk line on McHenry Avenue by Mr. Jorgensen. The City Manager stated that the engineering of the line had been checked by the State Division of Highways, County Engineers and the City Engineers, including Roy Fredricksen, former employee. Plans for drainage had been worked on for years by these engineers.

He suggested that since this matter was so important to everybody in the district, that the matter be carried over until a later meeting to give an opportunity to everyone in the district who wished to study the report made by the City Engineering Department. The Council agreed that copies of the report should be made available at the City Hall to all interested parties.

The City Manager stated that the validity of some of the things which the city has done in this district has been questioned last week at the public hearing on the district.

Mr. Jorgensen stated "he had been retained and was acting in good faith to see if there is a suitable answer to this from an engineering economic standpoint. I am not responsible for any other statement other than I made myself. I do maintain and I will try to show, if permitted, as things go along, that the people can get some satisfactory storm drainage at a substantially lesser cost than this project, as it now is".

Mr. Jorgensen stated that the use which could be made of the storm drain by the people in this area was limited due to its engineering.

Mayor Hammond pointed out that it would be unwise to criticize the McHenry Avenue drain line because it was designed to serve other areas besides the North Central area. This line is an accomplished fact and plans for drainage must proceed from this point on.

The City Manager pointed out that it was very important to the city staff to have some of the statements made by Mr. Jorgensen cleared. The implication is that "we made a big mistake on McHenry Avenue line and that in my judgment is simply not true. This is the biggest bargain this city ever got. That line cost almost three quarters of a million dollars. It was built by the State of California because we were able to work out with the property owners and the state an agreement under which they would finance it. They spent almost \$300,000 more

than they originally anticipated in order to get everything we could get for everybody in this area and for every other area. Now to come along at this point and say that it should have been done differently, is very easy but for months we worked with the State and persuaded, pushed and begged to be sure that we got everything for this community that could possibly be gotten out of that project. The simple fact is that, and we went as far as we could possibly get them to go and go with them. Sure if it were five feet deeper, it would be easier to get into it. This is an obvious fact. You don't have to be an engineer to know that. But the simple fact is that it is as deep at the points, as it possibly could be gotten under this agreement or any other reasonable basis. It is 19 feet deep at places now and it was designed with the full cooperation of Roy Fredricksen and of our own staff which we have now and of the State of California and the County Engineer, checking and double checking every inch, every phase, the criteria, the grades, the design, the sizes to get the very most that we could possibly get and still get the project. This project saved this community over a million dollars. The major portion of that project was not paving in the street, two-thirds of it was the storm drains put down there. It was not designed to serve this area, it was designed to give the maximum of benefit to this area and to every other area, clear out north. This is the fact of which we are so certain, which is so easily challenged."

Director of Public Works Ray stated that regarding the remarks which had been made on the design of the McHenry Avenue storm drain, in line with Council policy, the staff should be heard and the questions raised should be cleared. If the engineering is challenged, it should be cleared. He stated that the staff would be glad to check over the engineering with Mr. Jorgensen during the week prior to the hearing next week. Mr. Ray stated that if Mr. Jorgensen had spent some time with the staff prior to the hearing on this subject, he would have felt that this was the proper location. The staff feels that the location was the proper one. The report filed with the Council is primarily in answer to its request of last week on the design criteria.

Mr. Ray stated that the Council decision on criteria must be made before the staff could proceed any further. The staff does feel that it is entitled to clarification of the statements made by Mr. Jorgensen. Mayor Hammond asked that the verbatim statements from the dictabelts of the public hearing relating to the engineering be listed so that the Council could take them up individually and clear them out at the next meeting.

Mr. Jorgensen stated that the use of this line would have meant less cost in the North Central Area had they been able to go in at various places instead of duplicating the line.

Mayor Hammond stated that he had enough faith in the engineering staffs of the State, County and City that this line best serves the people of the area. Although it is not tailored to each individual area, it is a compromise for each district.

Mr. Jorgensen stated that this concept is also entirely acceptable.

MOTION

That this discussion be held over until the next meeting.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

DISCUSSION ON STORM DRAINAGE FOR NORTHEAST AREA 8-10

Richard Giddings asked for an expression on the city's engineering department as to the time element involved in providing storm drainage for the Northeast Area.

Mr. Ray stated that the staff was not proceeding until the design criteria was settled.

Mayor Hammond stated that the problems involved in the North Central Area were peculiar to that area only due to large vacant areas and that the criteria design approved by the Council should continue to be used for the Northeast area. The differences in District No. 8 should not delay completion of plans for District No. 10.

The City Manager pointed out that the question to be resolved was is a five year storm an appropriate standard for storm drainage in this city. If a two year storm is going to be good enough for District No. 8, why should the people in District No. 10 be "saddled" with a 5 year storm design if in the judgment of the Council a two year storm is the proper criteria. In fairness to everyone, design criteria must be resolved first.

Mr. Jorgensen stated that his group did question the design criteria as applied to District No. 8.

Clarence Duke, resident in District No. 10, stated that if this district had to wait until the question was resolved, it would be a long time before they had drainage. There are no large parcels of undeveloped land and the people are anxious to get started.

MOTION

That the staff be instructed to continue the engineering on Storm Drainage for Improvement District No. 10 as directed by the Council at a previous meeting on the basis of a five year storm standard as previously approved.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

Mr. Ray reported that the design could be completed within about six weeks. It would be next October before one section could be completed, that portion located under MID lateral No. 3. After the plans are completed, a public hearing could be scheduled in approximately three months.

Ben Roen asked for a boundary description of District No. 10 to be furnished. The City Manager stated that maps of the area would be made available to interested parties.

Mr. Giddings asked if the siphon under the canal could be constructed this season while the canals are empty as an advance on the part of the city toward the expeditious completion of this project.

Mr. Ray stated that it could be done time wise if the money were available. It would have to be completed before March when the water is turned into the canals.

The City Manager considered that this might be a worthy enterprise and the Council could be furnished the data as to what is involved in costs and the degree of interest in the area. Any advance of money

should be on the basis of a compelling expression of interest and support in the area, and the knowledge of what is involved, so that the city would not find after it was constructed that there was no use for the siphon under the canal.

Mr. Ray asked that no expression of interest be obtained from the property owners in the area on the basis of costs for improvement district No. 8. The costs could be considerably different, one way or the other.

FURTHER CONSIDERATION OF ADOPTION OF UNIFORM PLUMBING CODE 8-116

The City Manager pointed out that two matters had been raised at the last meeting when the adoption of the Code had been discussed, 1) question of the use of Orangeburg Bituminized Fibre pipe, and 2) suggestion made for easier way of obtaining permits.

He considered that the suggestion on obtaining permits had some merit but the staff needed time to check it out. The suggestion could be used for electrical permits also.

MOTION

That the staff be authorized to prepare and submit an ordinance adopting the 1958 Plumbing Code with the changes as recommended by the Department of Public Works including Orangeburg Bituminized Fibre pipe.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

REPORT ON REQUEST OF CARL ULRICH TO INSTALL CURB AND GUTTER ON GRISWOLD AVENUE 9-5

The City Manager reviewed the request of Carl Ulrich to install curb and gutter on Griswold Avenue which had been referred to the staff by the Council for a report and recommendation.

Mr. Ray reported that the trees on Griswold had been checked to determine widths at which the curb and gutter could be installed without affecting the trees. He displayed a map of Griswold from McHenry to Virginia Avenue indicating various widths in each block. He stated that the Director of Parks and Recreation had advised that the curb could be faced two feet from the trunk of the tree as a reasonable safety factor. If curbs were installed on the basis of the map it would represent considerable jogging and would not be a satisfactory way to construct the street. At the present time the Council has set the width of the street between curbs as 40 feet.

Mr. Ray recommended that the staggered location of the curb not be approved since there is presently underway a study for determination of a master street plan and it must be finalized. The staff feels that no permit should be issued for curb and gutter on Griswold Avenue until that time or if they are issued they should be on the presently established curb to curb width of 40 feet.

Mr. Ulrich spoke on behalf of his request.

Mayor Hammond asked the City Attorney whether it would be possible, in light of the fact that this area had a multitude of problems and that time was needed to resolve them, to draw up a document which could be executed by the property owners agreeing to replace the curb at the proper location when the need was developed.

The benefit accrued to the city by retaining the trees would justify the expense.

The City Attorney stated that agreements could be executed between the city and the present owners but the change of ownerships would raise problems.

The Council generally discussed the problems involved in narrowing the established width of Griswold Avenue and the legal ramifications involved in requiring property owners to pay the costs if and when the street was widened to its proper 40 feet width.

MOTION

That the staff bring back to the Council next week for its consideration, procedure by which this could be accomplished on a temporary basis and the owners be required to pay costs when it was necessary to relocate the curb.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

CITY HALL MATTERS

With the unanimous consent of the Council the City Manager was granted permission to raise matters not on the agenda:

Stairway:

It is now proposed that the stairway be installed parallel to the north property line (on the present north corner of the MID property). Only one parking space will be lost.

MOTION

That the staff be authorized to proceed on this basis.

Moved by VanderWall Seconded by Arata Unanimously carried

Furniture for City Hall:

The City Manager reported that the Council Committee on City Hall Furnishings had met with the City Staff and contracting furniture companies. He submitted a summary of the Committee's findings.

It is the staff's and Committee's recommendation to purchase the necessary counters for the various areas and to purchase furnishings as listed in the summary for the department head offices, the public areas, multi purpose room and ladies lounge and going beyond that to the other areas using only the very best of the present furnishings.

One suggestion is that the furnishings be purchased on a lease-rental basis, with an option to purchase.

Councilman VanderWall, Chairman of the Committee, stated that \$42,000 would provide for the minimum recommended but \$65,000 would provide everything recommended in revised Plan "B".

The City Manager pointed out that two factors should be considered, 1) the arrangements with the furniture companies provides for an excellent price on furnishings and 2) there is in the immediate offering, an estimated price increase from 7½% to 12½%. The reserve in the Special Capital Outlay Fund is about \$80,000. There are some

capital improvement projects which were approved but which cannot be completed in the balance of this fiscal year. There would be some revenue from furniture sold.

The Council Committee recommended that revised Plan B be approved by the Council. The City Manager stated that a report on the lease rental basis would be submitted later.

MOTION

That the recommendation of the Council Committee on City Hall Furnishing that revised Plan B be used in furnishing the City Hall be approved and the purchase authorized.

Moved by Mayor Hammond Seconded by Arata Unanimously carried

DENY REQUEST OF JACK M. WHERRY FOR TEMPORARY VARIANCE FROM SIDEWALK REQUIREMENTS 11-30

A request from Jack M. Wherry for a temporary variance to permit a driveway to remain at 417 Mensinger Avenue as it is until sidewalks are installed in the rest of the block. The driveways have been properly constructed of concrete blocks to the property line, Mr. Ray reported, but in both cases curbing projected three inches above the concrete surfacing which has been constructed on each side. The only violation involved is the fact that the curbing projects above the concrete in the driveway or sidewalk area thereby provides tripping hazards.

Mr. Wherry spoke on behalf of his request and displayed photographs of the area.

The Council generally discussed the request.

RESOLUTION NO. 59-522

A RESOLUTION DENYING REQUEST OF JACK M. WHERRY TO PERMIT RAISED CURBING TO REMAIN ON HIS PROPERTY AT 417 MENSINGER AVENUE IN THE CITY OF MODESTO

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

APPROVE AGREEMENTS ON MORAN ESTATES 12-10

RESOLUTION NO. 59-523

A RESOLUTION APPROVING THE FINAL MAP OF THE MORAN ESTATES UNIT NO. 1 OF THE CITY OF MODESTO

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

RESOLUTION NO. 59-525

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRESNO GUARANTEE SAVINGS AND LOAN ASSOCIATION FOR SHARING COST OF SANITARY SEWER CONSTRUCTION IN MORAN ESTATES SUBDIVISION NO. 1

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

Page 14 12-16-59

APPROVE USE OF FLEET RESERVE ASSOCIATION OF THE ELECTRONICS FACILITY
12-22

RESOLUTION NO. 59-524

A RESOLUTION CONSENTING TO THE GRANTING OF A LICENSE BY THE NAVAL RESERVE ELECTRONICS FACILITY TO THE FLEET RESERVE ASSOCIATION TO USE THE ELECTRONICS FACILITY

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

APPROVE PURCHASE OF NEW BRUSH CHIPPER

Copies of a report from the Director of Parks and Recreation relating to the purchase of a new Brush Chipper were noted. Mr. Lowrey made a brief oral report and recommended the purchase of a Asplunch Brush Chipper.

MOTION

That the purchase of a new Brush Chipper be approved. as outlined in the report. (Asplunch Brush Chipper)

Moved by Arata Seconded by VanderWall Unanimously carried

REPORT ON BOOTHE COMPANY FIRE

The City Manager noted that the Council members had been furnished a copy of a report from Fire Chief Wemyss on the D.P. Boothe Company fire which had occurred on November 26, 1959.

The City Manager noted that the Company did not have an automatic alarm system which would have given early notice of the fire and probably saved most of the property destroyed.

FURTHER REPORT ON NEGOTIATIONS TO PURCHASE PROPERTY ADJACENT TO
McHENRY PUBLIC LIBRARY 12-65

The City Manager reported that an oral offer had been received this afternoon from the owners of the property next to the McHenry Public Library on 14th Street to sell the property to the city for the sum of \$21,000 net, plus cost owners had paid for paving the alley in back of their property. The city agreed to take into account this paving cost when earlier negotiations were underway.

MOTION

That the purchase of the property on this basis be approved and the staff be directed to prepare the necessary documents for Council approval.

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:


CITY CLERK

Page 15 12-16-59

Modesto City Council
December 23, 1959

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

Councilman Arata arrived at 7:37 P.M.

Absent: Councilmen: None

PRESENTATION OF SUGGESTION AWARDS

Mayor Hammond presented Suggestion awards to the following city employees:

Honorable Mention Awards: Kaye Cheatham, LaVerne Eilerts, Douglas Carmody, Robert Lester, John Meier.

Certificates of Commendation: Carole Turnbow, Ted Hawes

Monetary Awards (All suggestions recommended for adoption): Eric Larson, Robert Lester, Gordon Opalka, John Moseley, Delores Murphy and William Washam.

LETTER FROM CHARLES F. ASPLIN RE: DRIVEWAY TO HIS PROPERTY LOCATED ON MCHENRY AVENUE 1-100

A letter was read from Charles F. Asplin, 211 McHenry Avenue, stating that the new driveway entrance to this property constructed by the State contractor on the McHenry Avenue widening project did not line up with his driveway.

MOTION

That the staff investigate and report to the Council on the location of property line and relation of driveway to this line.

Moved by Spaulding Seconded by Arata Unanimously carried

Councilman Arata left his chair at this time.

CLAIM FILED BY WILLIAM J. PODESTO 2-50

A claim filed by William J. Podesto for damage to his property caused by the overflow of the city sewer line on the north end of the Seventh Street bridge was presented to the Council.

MOTION

That the claim be referred to the staff for referral to the City's insurance adjuster.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

Councilman Arata returned to his chair at this time.

Page 1 12-23-59

FURTHER CONSIDERATION OF THE APPEAL OF RAY GADA TO THE DECISION OF THE PLANNING COMMISSION DENYING REZONING OF PROPERTY 2-74

Mayor Hammond opened the meeting to further discussion of the appeal filed by Ray Gada to the decision of the Planning Commission denying his request for the rezoning of his property located on the north side of Coolidge Avenue from R-1 to C-1. He reviewed the action of the Council at the last meeting which resulted in failure to adopt a resolution overruling the decision of the Planning Commission because it did not receive the affirmative vote of the four Council members as required by the Charter.

The City Manager noted that the absent Council members had been furnished with copies of the discussion held at the previous meeting.

Councilman Spaulding, who had been absent at the previous meeting, stated that he had gone over the minutes and familiarized himself with the facts of the case. In the interest of reviewing the Council's policy on zoning and plans for the future of the City, he read the following excerpts from a statement prepared by former Mayor Marks which had been adopted by the Council as its policy on zoning during the month of January, 1957:

"-----5. Last---and most emphatically not least---there are far too many people in this community who flatly refuse to accept existing zoning regulations as applied to their own properties, or to properties owned by their friends, or to properties they intend to buy. Their persistent (and sometimes violent) pressure upon both administrative and policy-shaping officials in promoting their private interests regardless of the rules, or of the rights of others, has produced a record of day-to-day zoning administration, if such it can be termed, that threatens both the dignity and well being of the people of this community and our integrity as public officials.

"Again I want to make it clear that this is not the fault of the Planning Commission. This is a matter of policy, which it is our duty as City Councilmen to define, and which we have failed not only to make clear to others but to be clear on ourselves. We have agreed in abstract on the desirability of an orderly pattern of growth for our community. And then in specific instances we have seemed to abandon our intent. We spent two years drawing up a new zoning ordinance. We held countless public hearings. We have honest, well-intentioned citizens serving on the Planning Commission and on the Council. And in spite of all this we go on making hazy, haphazard decisions, to 'help' in individual cases, overlooking the harm to the whole community, and we cannot bring ourselves to look squarely at what we are doing.

"It is time we faced up to this issue. Let us not be caught straddling the fence while it rots away beneath us. Maybe we should just throw the zoning ordinance out. It would be simpler to just zone everybody's property commercial, and forget all our talk about planning for the future. But if we really believe that zoning will help us achieve a city in which people can live together in dignity and harmony, then let's get down to cases, define our policies and back them up with action.

"One of the principal purposes of zoning is to establish and protect appropriate uses of land, and it should be recognized that in so doing we also establish relative values for that land. If zoning is to be made a device for upgrading the value of property purchased

while zoned for one use and then promoted for another, then the basis of property values disintegrates and zoning has lost its true meaning. Why should anybody who wants to establish a business buy property already zoned for commercial use if he can buy cheaper residential property and get it rezoned? If this becomes accepted practice, where then is the equity for all the owners of property already zoned for commercial use who have not yet been able to develop it but have paid taxes for years on that basis? How can we justify pulling the rug out from under them in order to accommodate somebody else who has bought a cheaper piece of land and wants to have rights equal to theirs?

"There is only one valid reason for rezoning--and that is because the interests of the area and the community require it. Yet in the five years that I have been Mayor of Modesto seldom has an applicant presented this to the Council as the real reason that his piece of property should be rezoned. Here are some of the reasons they do give--and apparently in good faith--and none of them are valid justification for rezoning:

"1. "Well, anything would be better than what is there now." (The theory seems to be that if you let a lot look lousy enough long enough you can get any kind of zoning you want.)

"2. "This development will increase the tax roll, and the city needs the taxes." (It is easy to get trapped on this one. Actually, property taxes pay only a small part of the cost of providing city services. The City will manage to survive without depending upon land uses not in the best interests of the whole community.)

"3. "I have a petition here signed by practically all the neighbors approving the rezoning." (If these matters were to be decided on the basis of a 'vote' or of who could get the most signatures on a petition, action by the Planning Commission or the City Council would not be necessary. While the desires and interests of those nearest the property are important, the needs of the area and of the whole community must be considered also. Many times such signatures are obtained upon the basis of plans or promises which may or may not be carried out.)

"4. "I'm just going to build a small three-family unit and it won't change the character of the neighborhood a bit." (Any property rezoned by this Council is rezoned for the maximum use which is permitted in that area for any time in the future, regardless of 'Joe's' present plans. Where a 'three-family' unit is permitted, any kind of multiple family unit can be built, including an apartment house 65 feet high.)

"5. "I can't afford to build on it unless it is rezoned." (He should have thought of that before he bought it.)

"6. "I'd like it rezoned so I can put my business on my own lot." (There are none of us in business who couldn't get a cheaper location by buying property zoned residential and then getting it rezoned for business.)

"It is important that the people of this community understand that these are not valid reasons for rezoning, and that we ourselves, as public officials, understand this. It is essential that we establish basic zoning policies to guide our actions while our master plan is being completed.-----

"-----And I am also vigorously opposed to the doctrine of the fast buck and the free ride and to the making of 'windfall' decisions which grant zoning concessions to individual investors at the expense of the general public today and of our children and our children's children in the future.

"Zoning is intended to benefit not only those who own property but the entire community, and to protect the people in an area from changes which affect adversely the property they have purchased in good faith. The entire concept of planning and zoning boils down to this fact that it is not for private gain in special cases, but for the common good--recognizing that in the common good each individual in the community, his children, and their children will also benefit. Zoning must not be used as a device to 'bail out' or 'fatten' owners of individual pieces of property, even though we have 'known Joe for 20 years'. The service of conscientious men and women on boards, commissions, and city councils is not, has not been, and never will be a means of making individual friends and influencing individual people. In these positions, in order to truly serve his community, a person must think and act independently of, and many times in direct conflict with, both friends and the 'popular' point of view.

"Let those who are perturbed by planning and are disturbed by 'ideas' and their effect on our American way of life realize that planning is a vital force of the American system of representative government. To operate without it augurs of anarchy--which, desirable as it may seem to some, deprives the vast majority of our citizens of their rights for the benefit of a few, and robs our citizens of their birthright of an orderly inheritance.

"The confusion engendered by trying to please everyone threatens not just planning but carries over into all the other matters of municipal concern. We need to clarify right now our fuzzy zoning concepts and define the principles which are to guide legislative and administrative zoning procedures in Modesto. Pending the development and adopting of long-range community policy which completion of the master plan will made possible.

-----"2. To keep reliability in the zoning program, and to minimize time spent on unjustifiable requests, compelling evidence that the change requested is desirable and necessary in the public interest must be presented by the applicant before approval of the application. Individual applications will be studied for quarterly review, and approval if justified. The burden of proof that a change should be considered shall rest with those proposing the change.

-----"3. Changes in zoning will be made only on the basis of area and community needs. Unless they are justified in the interests of the area and the community, they will be denied. This means that new commercial zoning will not be added in areas where excessive commercial zoning already exists.

"Either we believe in these principles and should support them vigorously and consistently, or we do not believe in them and should cease paying them lip-service. Let's either have a firm, fair zoning program or let's stop pretending to zone at all."

Councilman Spaulding stated that the current problem before the Council is one of many similar ones. The facts were all presented to the Planning Commission and in the absence of any additional substantial factual information, he stated that he could not see any basis upon which the Council could reverse the decision of the Commission.

Mayor Hammond stated that before the Council took action on this request, the Council should be cognizant of 1) that zoning must be, as mentioned in Mayor Marks' statement, based on area and community needs; and 2) it is not the function of the Council to rubber stamp the Planning Commission's recommendations. The City's government machinery is set up for checks and balances and one of these is that the Council is the Board of last review. It is the Council's responsibility to review the Commission's findings, again review the staff's recommendations and in the light of its best judgment make a decision. This decision may coincide with the Commission or may differ. If the decision is different from the Commission, it does not mean that the Commission erred in its thinking, but it may mean that the Council places a different interpretation on the facts.

At the request of Mayor Hammond, Planning Director Smeath displayed a map of the area and reviewed the action of the Commission.

Mayor Hammond stated that one of the objections of the Commission was the "taint of spot zoning". The Council should be cognizant that spot zoning is undesirable, likewise that conditions and problems change and area needs cannot be held inflexible. The Commission refused to recommend a change in zoning for the R-1 property to C-1 zoning which is bounded on the north by C-M zoning, on the south by C-2 and yet in essence the Commission is asking that R-1 residential, sandwiched in between C-M and C-2, remain as spot zoning in essence in reverse. This does not quite make sense, Mayor Hammond considered. It appears in the logical sequence of the area needs that this zoning should be changed from C-1 (property behind Mr. Gada's building) and include the R-1 area in order to restrict the C-2 uses.

At the request of Mayor Hammond, Mr. Smeath commented that throughout the city there are irregular depths in the zoning. At one time the Commission instructed the staff to set a straight line and zoning did take a straight line along many of the streets. These lines then created the problem of running through people's property and there were constant requests to rezone the balance of the property. The Commission finally changed the policy and now there is an attempt to put the zone lines on property lines.

The problem from the Planning standpoint on this property is that if it is zoned commercial, other properties in the immediate area will request zone changes. The back properties are often used as zone boundary dividing lines and if the city is to change the zoning for all the properties which front onto a street and are backed onto other zones, then the city's zoning would be chaotic.

Councilman Knoles pointed out that the McHenry Avenue study recommended buffer zones of parking between commercial and residential uses. He pointed out that Mr. Gada's property could still be used for commercial purposes but the question was where should the parking be established.

Councilman Arata stated that the Commission had done a fine job but at any time he thought any of its decisions were wrong he would have "the courage of his convictions and vote against them". The Council must be practical in its decisions. "We are elected Councilmen, the Planning Commission is not. We appoint them so we are the final and we are the one responsible for the whole set-up."

Councilman Spaulding reminded Councilman Arata that three Councilmen got their office by appointment first---Councilmen Spaulding, Martin, and Arata.

RESOLUTION NO. 59-526

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION AS INDICATED IN ITS RESOLUTION NO. 558 BASED ON THE FINDINGS SET FORTH THEREIN DENYING THE APPEAL OF RAY GADA FOR THE REZONING OF PORTION OF BLOCK 6060

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

Mayor Hammond recommended that the Planning Commission review its study on McHenry Avenue in the light of the new widening of the street. New problems will be created and prior to Council consideration on requests for changes in zoning, it should have some understanding of the basic needs for the entire area before individual problems are considered.

MOTION

That the matter of the McHenry Avenue study be put on the agenda of the Planning Commission for further study and report to the Council.

Moved by Mayor Hammond Seconded by Spaulding Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE CHRISTIAN CHURCH ADDITION 3-100

Mayor Hammond declared that the hour of 8:00 P.M. had arrived, the time set by the Council for consideration of the annexation of the Christian Church Addition to the City of Modesto.

The City Clerk certified that the notice of the hearing had been published in the manner required by law; notices were mailed to interested parties and no written protests have been filed up to this time.

Resolution No. 554 of the Planning Commission recommending the annexation was noted by the Council.

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

ORDINANCE NO. 350-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CHRISTIAN CHURCH ADDITION TO THE CITY OF MODESTO"

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

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

ORDINANCE ADOPTING THE 1958 PLUMBING CODE 3-114

The City Manager stated that as directed by the Council the ordinance included bituminized fibre sewer pipe as an approved alternate type of pipe for house sewer materials. The staff is still checking out the suggestion on permit procedure.

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

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

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

DISCUSSION ON ORDINANCE ADOPTING THE 1958 BUILDING CODE 3-120

The City Manager reported that notices had been sent out to interested parties that an ordinance adopting the 1958 Building Code was being proposed for discussion by the Council on January 6, 1960. The notice asked for any suggestions or comments. There is general agreement that the adoption would be desirable.

The City Manager reported that a steel building now under consideration for construction in the city would exceed the square foot area permitted in Fire Zone #2, as presently in effect. The new code to be adopted would permit this construction as proposed. No objections were voiced by the Council on the proposal to include the new provision in the Code.

The City Attorney pointed out that the ordinance would be prepared in final form after the public discussion scheduled for January 6.

ACCEPT SANITARY SEWER LINE FROM W. M. LYLES COMPANY 4-55

RESOLUTION NO. 59-527

A RESOLUTION ACCEPTING THE CONSTRUCTION OF EXTENSION OF SANITARY SEWER FACILITIES IN CARVER ROAD FROM PEARL TO EVERGREEN ROAD AND A SEWAGE LIFT STATION FOR PARK MANOR SUBDIVISION 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

CLEAR PROPOSAL FOR AERIAL MAPS 4-60

Planning Director Smeath presented a modified proposal for obtaining aerial maps. The maps should be cleared prior to the new leaves on the trees and as close to the April 1 census date as possible. An informal proposal of \$3180 has been received for the aerial photographs. The cost for base maps to cover this area had been estimated to be \$6,820. In lieu of preparing base maps it is now proposed to borrow maps from the Public Works Department, reduce them photographically and have new tracings made at a cost of \$800. The modified cost would total \$4,000 and the maps could be ready for the 1960 census.

MOTION

That the modified proposal for obtaining aerial maps as outlined by the Planning Director be approved, and the staff be authorized to proceed on this basis.

Moved by Adams Seconded by VanderWall Unanimously carried
 Page 7 12-23-59

RESOLUTION ON POLICY OF HONORING YOUTH OF CITY 4-110

Pursuant to Council instruction the City Attorney presented for approval a resolution establishing Council policy relating to honoring youth in community.

RESOLUTION NO. 59-545

A RESOLUTION ESTABLISHING THE POLICY OF THE CITY COUNCIL RELATING TO THE HONORING OF YOUTH FOR OUTSTANDING ACCOMPLISHMENTS

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

WITHDRAW AREAS FROM VARIOUS FIRE DISTRICTS 4-125

The City Manager reported that the Airport Addition in the Empire Fire District remains to be cleared with the County and Fire District before withdrawal.

RESOLUTION NO. 59-528

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE EMPIRE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (MORAN ADDITION)

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

RESOLUTION NO. 59-529

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (DURAND ADDITION)

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

RESOLUTION NO. 59-530

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

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

RESOLUTION NO. 59-531

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ROBERTSON-FIRST ADDITION)

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

RESOLUTION NO. 59-534

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ROBERTSON-FOURTH ADDITION)

Introduced by Martin Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 59-532

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ROBERTSON-SECOND ADDITION)

Introduced by Martin Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 59-533

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ROBERTSON-THIRD ADDITION)

Introduced by Martin Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 59-535

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CLUB HOUSE ADDITION)

Introduced by Martin Seconded by Spaulding

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

DISCUSSION OF SEWER SERVICE AGREEMENT FOR THE GANT PROPERTY 6-37

The City Manager reported on conferences held with representatives of the Gant property located on Paradise and Franklin Streets outside the city limits relating to sewer service for the shopping center. He noted that copies of a summary report prepared by Assistant City Manager Masonheimer had been previously distributed to the Council.

Terms of a proposed agreement with the Gants were briefed by the City Manager, as follows:

1. The City authorizes the Company to connect to the City sewer after obtaining proper permits and payment of sewer service charges.
2. The Company agrees to pay an installation fee based upon existing regulations.
3. The Company agrees to meter its water connection.
4. The Company agrees to annex to the City.
5. City has the right to enter premises to inspect.
6. Company agrees to pay sewer service charges at the "outside the city" rate until annexation is completed.
7. The Company agrees to maintain a building set back from the street center line of not less than 50' on Paradise Road and not less than 45' on Franklin Avenue, except that if a lesser setback is formally established the less restrictive requirements would apply. (Existing County setbacks are 50' in each case.) In

calculating off-street parking requirements the setback area will not be used in such calculations. (An offer of the City to place curb and gutter at City expenses for dedication of the right of way was refused.)

8. The Company agrees to locate driveways at not less than 25' from the intersection of the setback lines along Franklin and Paradise. (This was to eliminate a driveway access opening directly into the five point intersection of Tuolumne, Sutter, Paradise, Franklin and H.)
9. The contract to be binding on successors in interest.

The City Manager read his letter to Attorney Warren Gant (Dec. 20, 1959) agreeing to delete section 8 from the agreement relating to the location of driveway entrances.

The City Manager noted that the covering letter to the Council dated December 7, 1959, listed the following alternatives:

- 1- The Corporation and the City can agree on conditions for obtaining city services and annexing to the City; or
- 2- The City can disconnect the property from the sewer and the Corporation can carry forward the development outside the City without City services.

The Manager also suggested that all of the references to setbacks, except that portion relating to not using the setback areas to meet parking requirements, could be eliminated from the agreement if the Company wished since the County setback is already 50 feet from the center line on both Paradise and Franklin at this point.

Resolution No. 789-N.S. of the City Council, adopted on June 13, 1923, granting sewer service to Clara Gant for her residence located on the Gant property was noted.

Documents establishing the historical background on the use of the city sewer on the Gant property were displayed by Attorney Gant. He pointed out that the sewer granted for residential purposes had also been used for a service station located on the property for many years. Mr. Gant stated that the company was willing to annex the property, with reasonable notice. The Company did not wish to restrict its use of the property in connection with the sewer application because it is not within the scope of the matter for Council consideration. Ingress and egress, the calculation of parking requirements, and setback lines have no relation with an application for a sewer tap. The Company has taken the position at all times that this is not a new sewer connection. He stated that annexation of the area was the only condition set up by the Council, when it previously considered the application for sewer service in February, 1959. The original agreement prepared by the city was generally agreeable with minor changes. Subsequent to this time the agreement was enlarged to include all of the other conditions which the Company considers are not relevant or pertinent to the particular problem. Relating to the proposed 100 ft. width of Paradise Road, Mr. Gant stated, there is no fixed plan in that regard. The widening of the street may take 10 or 20 years so why should the Company, on the basis of these facts, tie up the use of the property and restrict the free use of the property.

Mayor Hammond pointed out that actions of previous Council's were subject to change. A change of use of the property would abrogate any city obligation. The Council has adopted a policy that any utility connections outside the city will be made only on the basis of annexation to the City. Annexation to the city provides certain conditions be met.

The City Manager stated that since the matter of setback lines is determined and official lines are established, it would not need to be included in the agreement. The provision relating to the entrance can be left out, but it must be resolved in connection with the development of the intersection before the traffic signal is installed. The matter of setbacks is not now involved except that the provision should be cleared that the setback will not be used in future computations of parking requirements. The widening of the street is not just some vague proposal, it is already being widened. The property owner across Paradise Road has already dedicated his right of way and put in improvements, 50 feet from the center line of the street. The City is proposing to give Gant credit not only for sums paid but more because of the change in rates. This is provided in the agreement.

The City Manager pointed out that the question to be resolved is--- whether or not the company will agree not to use the setback area in the computation of future parking requirements. Although it is not included in the city ordinance, he stated that it was his recommendation that it be included in this agreement as it has been done in other agreements in similar conditions. The city should not annex another problem like the one it is now fighting in court on the Quaresma property at Tully and Roseburg. There is more than adequate parking space on the Gant property now and in the foreseeable future but the only question is--- is the property annexed with this condition. The Navon property across the street has also met all of the conditions which are proposed in the Gant agreement.

Director of Parking & Traffic Carmody pointed out that in a typical shopping center 10 parking spaces per one thousand square feet of commercial area is provided while the city only required two parking spaces. Chances are the company will be providing five times as much as the city will require.

The City Attorney pointed out that the Council has no power to impose any requirements on this which the Company is unwilling to accept. The only alternative then is that the property will not be served with city sewers, if amicable agreement cannot be reached upon the terms which the city would be willing to provide the sewer service and the property owner would be willing to make the connection and pay the fees and annex to the City.

Mayor Hammond considered that there would be no different arrangements with the Gant Company than is provided for other developers. The conditions required in this agreement are fair and equitable. The Council needs to consider all problems when annexation of areas are considered.

Councilman Arata asked that Council decision be withheld until the next Council meeting so that he could make a further study.

MOTION

That the matter be held over until the next Council meeting and during this time, the staff prepare more data for Council consideration and try to work out an agreement during this period.

Moved by Arata Seconded by VanderWall Unanimously carried

Page 11 12-23-59

Councilman Adams stated that the Council should consider making the parking calculation a part of the city ordinance. The Planning Commission might consider adding it to the ordinance as an annexation requirement. No action was taken on the suggestion.

FURTHER CONSIDERATION OF STORM DRAINAGE CRITERIA 7-108

The following communications regarding Improvement District No. 8 - Storm drainage for North Central area were read:

- 1- December 14, 1959 letter from Dr. Hoyt Gant addressed to the City Manager with copies sent to Mayor Hammond, Modesto Bee and Homer Jorgensen, Consulting Engineer.
- 2- December 23, 1959 letter signed by J. S. Pyne, George Kempe, Willis G. Neville (additional signature not legible).
- 3- December 18 letter from Dr. H. R. Gant, copy sent to Mayor Hammond, H. W. Jorgensen, John Trimbur and Modesto Bee

Mayor Hammond stated that the letters did not need too much comment. This type of thing is difficult to handle. Some of the statements are based on misinformation and hearsay. Such statements as-----"the MID is willing for the city to use its canals". The Council has discussed this problem for many years and the MID has as yet not found it possible to permit such use.

Councilman Spaulding pointed out that the Council should quit talking about storm drainage for the area and when the people, with the assistance of the city staff, indicated interest to proceed with the district, the Council should assist in the proceedings. There are basic facts which must be taken into account:

- 1- The McHenry Avenue storm drainage line is constructed, it is an accomplished fact and one of the best deals the city has ever received.
- 2- Dry wells have proved inadequate and it is not feasible for the city to use them. The State Health Department has limited the depth because of danger of contamination to the city's water supply.
- 3- The proposal that the city use MID laterals for storm drainage has been studied for years and many efforts have been made to try and work out some arrangements. The District is not being stubborn on this but there are real engineering problems involved.

If the people feel they have a better scheme for storm drainage than the city staff, they should present it for Council consideration, accompanied by detailed plans and specifications together with cost estimates. At that time a decision can be made. It is the Council's job to help in every way possible and this has been done. If the people do not want storm drainage they do not have to have it. There is no need to consider the foolish statements made over and over again about dry wells, use of MID laterals, etc. The people who are talking about these are not taking the time to get the facts.

City Manager Miller considered that one point raised in one of the letters which should be cleared was-----"Why is the project being revived in the area". The answer is that there is now no proposal before the Council to put storm drainage in the North Central area. This district was protested by a substantial percentage of the property owners and in view of that fact and the questions raised, the Council

decided to drop the proceedings. There is no proposal to drain the area now. The reason this district is being discussed is to clear some of the criteria which was used in the design of this district in order to relate it to District No. 10-Northeast Storm Drainage, where the people have expressed themselves in favor of drainage. The answers must be cleared before the new district proceeds.

Mayor Hammond stated that the Council would only discuss design criteria as it applies to Improvement District No. 8. The engineering, as it applies to district No. 10 was settled by the Council previously and it is to be designed on a five year storm criteria design. He asked H. W. Jorgensen, Consulting Engineer hired by Dr. Gant and other property owners in District No. 8, if he had made further studies on the storm design criteria and was ready to discuss the matter.

The City Manager stated that one point should be cleared prior to Mr. Jorgensen's statement----there is no question of personal integrity involved, as far as the city staff is concerned, in the discussion of storm design standards. He considered that the discussion on the McHenry Avenue drain should be cleared. The staff believes that it was a carefully thought out design, that every area to be served by the drain was considered before it was designed. County and State Engineers also checked out the design. It was designed from the creek up and from the outside limits down---every grade and every size being checked against the area which it would serve. It was not designed to serve just Improvement District No. 8. First, it was a basic state responsibility - McHenry Avenue itself, second, all of the area lying to the west as far as Virginia Avenue and to the east as far as Sunrise, reaching as far north as possible, including north of MID No. 3 on both sides. The line was designed to get the maximum from the State, and to give the maximum benefit to all areas to be drained. The city staff stands on this record. He stated that if any member of the Council had any question of any kind on this in view of everything which has been raised, whatever time is necessary should be taken to clear this matter. If in the Council's judgment this was carefully done and was a good thing for the city, "we should say, we built it, let's go on".

Mayor Hammond stated that the line had been reviewed with the Council since its inception. The engineering, plans for its accomplishment and areas to be served were all reviewed by the Council, in the light of the total area needs which the McHenry Avenue line would serve. It was considered the best possible arrangement. It was recognized at the time that the drain would create some problems in each area it was to serve. Each area would call for a different set up. There would be compromises for each district which will eventually hook into this drainage line. The Council has already, in times past approved the line as it was constructed, it is an accomplished fact. If the people who had written letters of protest had spent a portion of their time, instead of writing letters, in getting the proper information from the people who are able to give it, it would be of material assistance to the city. The letters are rabble-rousing type of letters, based on complete misinformation. The city staff is here to serve the people and if they will take a part of their time, which they spend thinking up ways and means to write these types of letters, and ask the city staff to provide them with proper information they would be better equipped to write a letter which would be more constructive in its criticism. It is very simple to set down and write letters of misinformation.

Mr. H. W. Jorgensen read the following statement: "My position has always been to pursue in behalf of the group that I have been working

with, an adequate storm drainage at a lower cost than the one that was proposed, since it was felt that it was too high. The fact that discussion of various possibilities are now being held with the city staff, including a five hour conference this morning, leads me to believe that this objective is going to be accomplished. All of this is a far cry from some public statements made about my attitude on the matter and there has never been any attack of integrity or incompetence or negligence of the city engineers. It is certainly in order for us to maintain that the McHenry Avenue line at its level as built means that costs for serving the North Central area are greater than if it were designed lower. I think that is well admitted. Just as a statement in itself, I think there is no question. Then the next point, whether or not the city has good reason for this is another matter and that is the thing apparently someone tried to make an issue of, or parties, let's say. I see no cause for alarm in this situation. I accept the fact that the storm drain is in there, and constructively now, we should try to do something about it. To state that I had no knowledge of the problems is not borne out by the facts because on two different occasions before the hearing, I did go to the city hall and obtained information from the staff on this matter. I should add that they were very cooperative in giving this information. Possibly my words the other day, designed more carefully, were misconstrued. I am fully aware that design has been going on for two or three years and there has been a lot of careful design going----and careful work going into that design. Maybe it would have been better to say, as I referred to above, that it could have been designed with more consideration to factors that would be of help to this particular area and you can't blame this area for having such an attitude. They would like to have matters cheaper for themselves. This was our contention. Now constructively I would say that additional designs of the system are being explored. Undoubtedly there will be honest differences of opinions, which I think is a healthy situation and conducive to obtaining the best results. The City Engineers agree with me that satisfactory results are not going to be achieved in a few days or a few weeks. In any case, it is anticipated that I will be able to report back to my group some of the answers to questions that they have been asking and possibly a good deal of those that have appeared in some of these various letters."

Mayor Hammond pointed out that the biggest problem was the lack of proper information in getting into the hands of the people who need it. He asked Mr. Jorgensen to think of these things and look up the records and the reasons in back of the McHenry Drainage and the area it serves, and the compromises involved in the construction. From this point if he would take the engineering proposed by the staff and on the basis of his engineering experience check out the criteria as to his interpretation as to whether it should be a two year, three year or five year storm basis and then to review the engineering plans, if there are other avenues of layout that could be obtained cheaper and yet still serve the area in the manner which it should be on the basis of the criteria that the first thing is important. If this was handled in this constructive manner, it would answer a lot of problems in the area and relieve a lot of tension built up over misinformation. There is seldom any tension built up when facts are available and understood. He asked that Mr. Jorgensen pursue his study in the light of these three things. This matter should not be on the Council agenda until this information is available, whether it is two weeks or two months.

Councilman Arata raised a question on the percentage of protests filed against the district. He considered that the definite percentage should be ascertained by the staff.

The City Manager stated that legally the Council could have proceeded with the district. The protests covered less than one half of the area.

MOTION

That the staff work with Mr. Jorgensen to 1) reasons and records for the construction of McHenry Avenue line and compromises involved in the construction, 2) check out criteria, 3) review the engineering plans to determine if there are other avenues of layout that could be obtained cheaper, and 4) an exact percentage of protests filed; and when material is available it be placed on the Council agenda.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

Mr. Ray reported on the effect some of these decisions might have on the Northeast Drainage District. The Council should be aware that a suggestion that Mr. Jorgensen has submitted is something the staff has considered before and discarded as not being the ideal solution for drainage in the North Central area. The staff is again restudying this with him and if it works out to be feasible and something the Council would want to do, it would then effect the design for the Northeast District as well as the other sections which would be tributary to the McHenry Avenue Storm drain trunk line.

Mr. Ray stated that it is uncertain whether the change would work out and it would take sometime to determine this. If it will work at all it would require that a two year storm be used in the design of all other sections served by the McHenry trunk line, which would then mean that in order to utilize this, a change from the five year storm design criteria should be made for the area which the staff is presently working on (Northeast).

Mr. Ray stated that to do what Mr. Jorgensen has suggested it would mean that you could not run the upper section of the trunk line full. It would have to be less than full and in order to accomplish that it would mean that the city would have to cut down on the amount of water from the end of the line from the other areas, as well as this one.

Additional inlets into the McHenry Line from the North Central area would be provided if the suggestion of Mr. Jorgensen was carried out. The upper section of the trunk line could not then be run full. In order to accomplish this it would mean that the city would have to cut down on the amount of water coming into the line from the other areas. This is the reason it would affect the criteria of the other areas. It would back up water on top of the ground at the low points. This information is submitted to the Council so that it would have some forewarning in the event it works out to be feasible and it wishes to consider it further. It would mean then that the work the staff is now doing on the NorthEast area would have to be revised.

Mr. Jorgensen commented "to be technical, a pipe running full does not carry as much flow as one that is less than full by a small amount. If this can be lowered only slightly there will be enough fall from the westerly end of the area in No. 8 to come down and meet this new water level, not at the crown, but only slightly lower. If this could be done it would mean that lines could go in various places with the McHenry line, as is, but a slight change in operation. If the other areas were designed on the same basis as the No. 8 district, they could only pass

so much water into the storm drain line. That is why all the areas are integrated and must be considered together. It would not be good engineering to design No. 8 district on this two year storm basis, which would have to be done in order to use the multiple inlets, knowing all the time that we can't figure on this level because the line is going to be running full from a five year storm up above. It is only fair if this is to be done and if it is agreed that two years does give adequate, not as much as five years, it would be the only way in which this thing can be brought down to some cost and still be what he called adequate. The City staff has agreed that a two year storm would be adequate and less than that would not and I would go along with them."

Answering a question raised by Councilman Adams, Mr. Ray stated that if District No. 8 was designed for a two year storm and the other areas a five year storm, that in the northwest part of the district where the inlet at the gutter elevation is two tenths of a foot higher than the point where it would have to go into the McHenry Avenue drain. This would mean a very critical situation, if it will work at all. If the trunk line was running full, water would be running out of the inlet in this location and flooding the area. You would be transporting the drainage water from one place to another.

Councilman Arata stated the five year storm basis should be used.

Discussion on drainage in Northeast area 10-121

Richard Giddings, resident of the area north of Lateral No. 3, stated the property owners wanted storm drainage for this area. The criteria of the city engineering staff is satisfactory for the residents (5 year storm). District 8 should have every opportunity to avail itself of the McHenry Avenue storm drain, if they are finished then this district would like to have an opportunity for drainage. The owners also suggest that the city take the step of completing the necessary siphon under Lateral No. 3 to permit a savings of time should the district be approved.

The City Manager reported that pursuant to Council direction the staff studied a proposal to construct a siphon necessary for storm drainage for this district. The staff estimated that the cost of minimum amount of work necessary at this time would be approximately \$8,000. If this is done it would be necessary that immediate action be taken in order that plans and specifications could be prepared. In the event that city funds are not available or it is determined that work should be held over until sometime next fall, a different work schedule could be arranged. After the irrigation season was over it would take only about two weeks to complete the work necessary to allow the drainage system to function.

The City Manager stated that after reviewing some of the problems he would recommend that the siphon work be delayed until next fall. If approved the rest of the improvements could be built during the summer.

MOTION

That the staff be authorized to proceed on the basis of one project.

Moved by VanderWall Seconded by Arata Unanimously carried

APPROVE SUBLEASE ON PANCAKE ALLEY 11-54

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. 59-476

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

APPROVE AGREEMENT WITH STATE RETIREMENT SYSTEM TO PERMIT EMPLOYEES TO TRANSFER TO THE INTEGRATED SOCIAL SECURITY SYSTEM 11-98

The City Manager reported that it is now permissible for the city to amend its agreement with the California State Social Security to effect the transfer of city employees who so request to be included under the insurance system (Miscellaneous employees only) prior to November 1, 1960.

RESOLUTION NO. 59-542

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

CONSIDER RENTAL OF SPACE FOR WESTSIDE BRANCH LIBRARY 11-105

A proposal for lease by the city for a Westside Branch Library of a building owned by Dana Development Assoc. to be located in an area west of the Safeway property on Chicago and Paradise was outlined by the City Manager. The property would be leased for a monthly rental of \$200 for a two year basis.

Mr. Navon stated that the building would be ready for occupancy by April if the lease was executed in the near future.

MOTION

That the staff be authorized to prepare the necessary documents and work out the details with Mr. Navon.

Moved by Adams Seconded by Mayor Hammond Unanimously carried

PROPOSED AMENDMENT TO ZONING REGULATIONS 12-36

Resolution No. 570 adopted by the Planning Commission recommending amendments to the zoning regulations was noted.

Planning Director Smeath reported that since the Commission hearing there had been one protest filed by the Stanislaus County Licensed Builders. This will be considered at the public hearing scheduled before the Council.

RESOLUTION NO. 59-543

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED AMENDMENTS TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE (ZONING REGULATIONS)

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

The time set for the hearing was 8:00 P.M., January 13, 1960.

Page 18 12-23-59

ADOPTION OF BUILDING SET BACK LINES 12-45

Resolution No. 571 of the Planning Commission recommending building setback lines on College Avenue, Needham Avenue, Downey Avenue, and Scenic Drive was noted.

The Planning Director stated that the present line on College Avenue varied from 60 feet to 80 feet and the proposal is to make it 80 foot setback to Bowen and 60 beyond that, plus the zoning setback lines; Needham is now 65 feet wide for its full length and the proposal is to have setbacks of 90 feet, plus the residential setback; Downey is 80 feet wide for its full length and the proposal is for 90 feet; Scenic Drive varies in width. The effect of the change would be that a new building could not be put in within that setback area. If there is an existing building in that area nothing new could be added in the setback area. Additions could be made to a building back of the setback line. In case of a fire, the percentage burned would determine if a building could be rebuilt in its existing position as provided in the zoning ordinance and the building code.

Mayor Hammond pointed out that setback lines was one of the first things which should be implemented in the city's general plan.

The City Attorney stated that there was a provision for granting of variances in instances of hardship.

Mr. Smeath stated that there were some problems on Needham where, after full information is obtained, it is possible the ordinance will have to be amended to take more off one side of the street than the other. The best information at this time is that it should be set off on the center line of the street as provided in the ordinance. He stated that the Council would be furnished with copies of maps showing the setback lines on the various streets in the city.

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

RECESS COUNCIL MEETING TO CONSIDER APPOINTMENTS TO THE PLANNING COMMISSION 13-1

Mayor Hammond recessed the meeting to hold an executive session to consider appointment to the Modesto City Planning Commission at 11:00 P.M.

Mayor Hammond reconvened the Council meeting at 11:15 P.M.

APPOINTMENT OF CHARLES L. TOCALINO TO THE PLANNING COMMISSION

RESOLUTION NO. 59-544

A RESOLUTION APPOINTING CHARLES L. TOCALINO A MEMBER OF THE MODESTO CITY PLANNING COMMISSION

