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: Anderson, Hammond, Robinson and Mayor Marks

Absent: Councilmen: Adams, Arata and Merrill

Councilmen Arata and Merrill arrived at 4:09 P.M.
Councilman Adams arrived at 4:15 P.M.

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

Rev. Arthur Brohm, pastor of the Grace Lutheran Church, gave the invocation.

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

APPROVAL OF COUNCIL MEETING MINUTES

Council members having received copies of the minutes of the Council meeting of December 19, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

COMMUNICATION FROM THE CITIZEN'S COMMITTEE ON BUSINESS LICENSE TAX REVISION 1-26

A communication received from the Committee on Business License Tax Revision, appointed by Mayor Marks, was read. Attached to the communication was a "summary report of activities and conclusions of the Committee on Business License Tax Revisions" and a "Draft of Title VI--Business, Professions and Trades", Modesto Municipal Code.

Mayor Marks expressed his appreciation to the committee members who were present, for their consenting to serve on the committee and for the time, effort and intelligence behind the report submitted.

City Attorney Allen Grimes stated that it would be necessary to introduce the ordinance at least 30 days prior to the end of the fiscal year in order for it to be effective as of that date (as recommended by the committee).

Paul Hudelson, Chairman of the Committee, and Norman West spoke briefly on the recommendations of the committee.

MOTION

That the Council accept the report of the committee for study and future consideration and act on the recommendation as soon as it is feasible.

Moved by Anderson Seconded by Arata Unanimously carried

Mr. Grimes commented that, although he had sat in on some of the Committee meetings, he had not had a chance to look into the drafting of the ordinance and that this was one of the factors which should be considered by the Council.

Mayor Marks asked Mr. Masonheimer to convey the Council's gratitude to former Director of Finance Fred Lawrence, Acting Director of Finance Charles Bird, and Lenna Abbey, secretary in the Finance Department, for the excellent staff job on the revision of the business license regulations.

Councilmen Arata and Merrill arrived at 4:09 P.M.

REQUEST FOR APPOINTMENT OF ALTERNATE MEMBER OF THE STANISLAUS CITIES-COUNTY ADVISORY PLANNING COMMITTEE 1-112

Councilman Robinson pointed out that under the by-laws of the Stanislaus Cities-County Advisory Planning Committee only the representative from the Council and Planning Commission were voting members and in their absence, unless there is an alternate member to act, the city would not have representation. The by-laws call for the appointment of alternate members by both the Council and Commission.

Mayor Marks appointed Councilman Anderson as the alternate representative from the Council, which action was approved by the Council members.

MOTION

That the Modesto City Planning Commission be notified of the by-law provisions relating to the appointment of an alternate representative from the Commission.

Moved by Arata Seconded by Hammond Unanimously carried

Councilman Adams arrived at 4:15 P.M.

RESOLUTION AWARDING BID FOR AUTOMOTIVE EQUIPMENT 1-126

A summary report of the bids received for automotive equipment, which had been opened in the office of the City Clerk at 2:00 P.M., December 27, later tabulated by the Public Works Department, was distributed to the Council members for consideration. Director of Public Works Ray recommended that the offer of Helm Chevrolet for the 19 pieces of equipment at the prices underlined in the tabulation report, plus heaters and defrosters be accepted. He further recommended that alternate Item 12A be purchased for Fire Department use, which substituted a Station Wagon for a Sedan. He reported that the total additional cost for the heaters and defrosters was $402.50 making the total amount of the purchase, $29,864.91.

He also recommended that the cash offers on four pieces of existing City equipment be accepted George Pfarr, Santi's, Inc., and Wm. Moorad.

RESOLUTION NO. 57-1

A RESOLUTION ACCEPTING THE BIDS FOR AUTOMOTIVE EQUIPMENT

Introduced by Hammond Seconded by Robinson

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

SET TIME FOR PUBLIC HEARING ON PROPOSED REVISION OF BUSINESS LICENSE REGULATIONS 2-59

Mayor Marks set 8:30 P.M., January 23, 1957, in the Council Chamber as the time and place for a public hearing on the proposed redraft of the business license filed by the Citizen's Committee. He directed that

copies be made available to the general public; copies distributed to the Board of the Chamber of Commerce; and an invitation be issued to the Board to be present at the meeting. He directed that ample publicity be given to the meeting so that people may appear who are opposed to the provisions.

DISCUSSION ON HOUSE NOW UNDER CONSTRUCTION BY MILTON LOWENTHAL AT 325 MENSINGER AVENUE 2-80

Milton Lowenthal, owner of a new house being constructed at 325 Mensinger, appeared before the Council and reported that he had just learned that the plans for his driveways, blacktopping of an area between the existing paving on Mensinger and his property and landscaping, would not meet the city's regulations. He displayed and outlined his plans for Council information and agreed to remove the blacktop, at his own expense, when and if the curbs and gutters were constructed and the street grade established.

Mayor Marks asked that Mr. Ray explain the situation, who pointed out that there were three infractions:

1. The landscaping plan called for the installation of oval planting islands which extended into the sidewalk area and the redwood curbing for these islands would be raised and was already installed. This would prove a liability for the city as well as the owner, from people tripping over the curbing in the sidewalk area.

2. That it is proposed to blacktop the sidewalk area. This is being done right now and the blacktopping material to complete the job is at the house.

3. A permit was not secured by the owner for the driveways installation, blacktop material has been used and the two driveways are wider than permitted by code and the paving extends out to the existing paving on Mensinger.

Mr. Ray pointed out that the Public Works Department had previously submitted a proposal for Council consideration recommending that where curbs and gutters were not installed in the balance of a street, which is the case in this instance, and where it would be advantageous to permit temporary blacktop driveways until curbs and gutters were installed, that the code be revised to permit the Director of Public Works to issue such a permit on the basis that the owner would remove the blacktop at his expense and install proper driveways when the street was developed. He pointed out that the code had not been amended as yet but the Council could approve this construction.

The following points were discussed by the Council, staff and Mr. Lowenthal:

1. That if the redwood curbing was drawn back to the property line it would not be a public liability from the City's standpoint. This could be done but it would be difficult for the landscape plans to follow the planned circular pattern. Mr. Lowenthal agreed that this would not present a major problem and that it would be done.

2. That the two proposed driveways were wider than the 30 feet permitted by the code and the two of them together would represent a greater area than 40% of the property width, which would require Council action.

3. That not only were the driveways to be blacktopped but also the sidewalk area in between. Mr. Ray offered the recommendation that in this case that a temporary blacktop driveway be permitted in the

two locations as planned but that the excessive width not be approved and that the area in between the driveways not be blacktopped.

Mayor Marks suggested that the matter be taken under advisement until a diagrammatic sketch of the property could be prepared for Council information since there were so many different problems involved.

Councilman Merrill pointed out that Mr. Lowenthal had the material and equipment at his house to do the work and in order not to delay him suggested that he be permitted to blacktop out to the street if he moved the two planting areas back to his property line.

Councilman Hammond pointed out that this solution would not solve the infraction relating to the width of the two driveways which were obviously over 30 feet each. He recommended to Mr. Lowenthal that his driveways should conform to the code since the Council could not make an exception without setting a precedent, and it would prove difficult to deny other similar requests.

Mr. Lowenthal considered that there should be some elasticity in things of this sort and the circumstances in some cases should warrant an exception.

Mayor Marks pointed out that if he could work out his problems with the staff within the limitations of the code as it exists, that the exception of the blacktopping on the driveways could be handled by the Council at this time, otherwise additional information would be needed by the Council relating to the other matters. Mayor Marks answered the statement of Mr. Lowenthal's about "elasticity". The Council does not believe in special legislation and has always stayed away from it and cities very frequently get in trouble by it. Mayor Marks stated the staff would be instructed to work with him to see what could be done within the limits of the code, which would not delay the work. If this cannot be handled administratively tomorrow, then Mr. Ray should bring back a sketch to the next meeting so that the Council can act upon the matter. At this time, he asked the Council members if they approved the recommendation of the staff on extending the blacktopping in the driveways out into the paved area of the street. All members indicated their approval.

Mr. Lowenthal asked if he could dump a load of gravel on the area in front of his property between the driveways instead of blacktopping and was informed that the code would permit it.

Mr. Ray reminded the Council that the code required a concrete driveway and that the Council would be departing from the code by granting a permit to blacktop the driveways.

AWARD BID TO EDWARD R. BACON COMPANY FOR RUBBER TIRED TRACTOR LOADER 4-65

A tabulation of the bids received for a rubber tired tractor loader, which had been opened in the City Clerk's Office at 3:00 P.M., December 27, 1956, was distributed to the Council for its consideration and action. Mr. Ray recommended that the bid of $6,728.80 be accepted as the lowest responsible bid.

RESOLUTION NO. 57-2

A RESOLUTION ACCEPTING THE BID OF EDWARD R. BACON COMPANY FOR A RUBBER TIRED TRACTOR LOADER

Introduced by Adams Seconded by Robinson

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

RESOLUTION NO. 57-3

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM GENERAL RESERVE TO SERVICE DIVISION TO COVER INCREASE IN PURCHASE PRICE OF AUTOMOTIVE EQUIPMENT AND TRACTOR LOADER

Introduced by Anderson Seconded by Robinson

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

Mr. Ray reported that the additional amount of $766 was due to the increase in the purchase price of automotive equipment and a tractor loader since the current budgets were prepared.

ORDINANCE REPEALING SECTION 7-3.408 OF THE MODESTO MUNICIPAL CODE, RELATING TO RENT FOR LAND 4-76

Mr. Grimes reported that Section 7-3.408 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code set a minimum price for the rental of airport land, since it was the policy of the Council to negotiate for the rental of land, he recommended that this section of the code be deleted.

ORDINANCE NO. 134-C.S. entitled

AN ORDINANCE REPEALING SECTION 7-3.408 OF THE MODESTO MUNICIPAL CODE, RELATING TO RENT FOR LAND

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

Moved by Arata Seconded by Hammond

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

ORDINANCE AUTHORIZING THE PURCHASE OF LAND AT AIRPORT FROM MIKE AND LENA KALLAS 4-84

ORDINANCE NO. 135-C.S., entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM MIKE KALLAS AND LENA KALLAS"

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

Moved by Robinson Seconded by Arata

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

REPORT ON CONSIDERATION OF DRAINAGE PROBLEMS 4-92

Director of Public Works Ray stated that the reason the staff had requested that time be given for a discussion with the Council on the drainage situation throughout the city was because certain studies which have been prepared by the engineering staff would be of interest. Normally, at this time of year, the city has some very serious drainage problems and

the city knows that something must be done about it. Certain factors which will be presented should be considered by the Council since they involve very important policy decisions. He stated that Frank Reynolds of the engineering staff had been working on these drainage studies under the direction of Assistant Director of Public Works Fredricksen. Maps showing different areas to be served with storm drainage were displayed to the Council, showing the present major storm sewer lines; the 66 inch line which had been proposed in 1922 but not constructed; and the possible storm sewer systems by various districts which would serve the entire city. The reason for discussing these matters at this time, Mr. Ray continued, was that the agreement with the State for the McHenry Avenue widening project is an immediate possibility. A study has been made of a line to serve this area which would go to Dry Creek. If this line is built it makes it feasible for the formation of an improvement district to drain all of the area between McHenry Avenue and Virginia Avenue. He suggested for Council consideration that as soon as the plans are firmed for the widening of McHenry Avenue that action be taken to propose drainage for this area. He pointed out that the largest part of the area east of McHenry Avenue was outside the city limits and not proposed to be included in the drainage system at this time.

Mayor Marks asked Mr. Ray if there had been any studies made predicating any use of a storm drain down the freeway, which could serve the area west of Virginia Avenue. Mr. Ray replied that the department had not gotten that far along in its studies of that section as yet.

Mr. Ray stated that the studies had been concentrated on the McHenry Avenue area because it was the most urgent and the staff then undertook a study of the LaLoma area because it was the easiest area to drain. He displayed the map overlays for the area west of Virginia Avenue and the LaLoma area for Council information. Since the area between Virginia Avenue and McHenry Avenue would be taken out of the drainage system previously planned for the northern section of the City, the values and studies which had been made would now have little importance, he stated.

He stated that there had been considerable discussion on the use of the canals. The design studies indicate that Lateral No. 4, which has a capacity of about 220 second feet at its largest point, would not be large enough to handle the storm drainage for the surrounding area and that in order to use laterals through the city, it would be necessary to construct by-passes both above and below the city. Even if that were done the lateral from the junction just west of the city would have to be constructed to a larger size because it has less than one-half the capacity of the lateral directly through the city itself. The estimated cost of the by-passess mentioned above would be approximately $250,000. There would be a very severe operational problem since it would take time to open and close gates and to shut off and open flows in a canal system that large, and by the time this was done, in most cases, when the canals are full, the emergency would have passed by or the districts would be flooded. More studies need to be made on this, he continued, but the staff is not convinced at this point that the use of the laterals, except perhaps to some limited degree in particular sections, would be beneficial as a whole to people who need drainage in this community.

He pointed out that the studies made in the LaLoma and Rose Avenue areas indicate they were relatively simple to drain because of the location of Dry Creek. Currently, he reported, the city is not immediately concerned about the areas south of the M. & E. T. tracks, but it so happens that this is where the break in grade occurs and it can be drained to the river although no studies are proposed until further annexations develop. No studies have been made on the area south of Modesto.

The staff recognizes the need for drainage, as well as the Council and a good many people in the community, he stated, but other city functions

must be carried on. He asked the Council to consider whether it would be desirable to proceed with these studies with the city's engineering staff as and when it can, or whether it would be better to employ outside engineering services in order to speed up the development of plans for an overall drainage system. He pointed out that the staff was perfectly willing to do the work, but it would take a considerable period of time.

The second matter for Council consideration, he pointed out, is the city's present policy to share in the cost of paving in new districts to the extent of 20%, provided storm drainage is available or is provided--is this policy to continue? He asked, if drainage districts are formed, should they include paving of the streets? In line with this, he stated, if drainage districts are formed and paving is not a part of the same project, curbs and gutters definitely should be included because they are essentially the first step in the drainage system.

He also asked the Council to consider whether initiation of the formation of drainage districts be by Council action or as a result of petitions for such districts. He pointed out that experience has shown that if petitions alone are depended upon the areas represented are only those suffering the effects of the over all problem. It would be difficult to obtain petitions from people in a large district. He recommended that projects be initiated by the Council but that the city have petition forms available for those who have particular problems so that they can indicate their interest, even though they may involve a very small area in a drainage district.

He reported on the temporary drainage measures now being used by the city which consist mainly of "french drains". These are required in new subdivisions where there is no storm drainage,, he stated. The city has been limited by State Health Department regulations on the depth to which these drains can be constructed. This limitation is 10 feet above the water table and in many cases this does not provide any drainage because of subsoil characteristics. He stated that the city had been abiding by the State limitation due to the possibility of contaminating the underground water system of the city.

Mr. Ray pointed out that it had been the Council's policy to urge the installation of curbs and gutters, but in many cases it would be more desirable from a drainage point of view if they were not constructed. He pointed out that problems were presented when there was partial construction in a block. However, the staff cannot propose that this installation be discouraged because 1) it is required in the subdivision ordinance in all new subdivisions, and 2) because of the long range gain by construction of curbs and gutters. The staff would like to propose for Council consideration that there be a period in the winter months when this installation is not permitted, especially where the city is expected to oil the section from the curb line out to the existing surfacing. He stated that currently materials for such purposes must be taken from the city's stock pile which is prepared during the summer months for maintenance purposes, and in the past few winters, the city has ended up with a shortage of those materials because of the demand created by curb and gutter construction.

He pointed out that over-irrigation in the summer presented a severe drainage problem. He reported on the successful informal campaign against water waste conducted by the city forces during the past few summers, which has resulted in a reduction of water consumption on hot days of 1 million gallons per day, even though the city has had more customers. He stated that the staff would like to step up this campaign next summer.

The Council discussed the recommendation of Mr. Ray on the limitation of installation of curbs and gutters during the winter months with

no decision reached.

Mayor Marks commented that solution of the drainage problem was the key to a truly fine city and that it seemed to him that the obligation went a little bit deeper than the surface obligation toward the people in a particular district---and that a sensible system of financing, not just the drainage, but one that is publicly acceptable should be considered on the curbs, gutters drainage and streets all at the same time. The program would be much more palatible if it was big enough to get the entire community behind it. He pointed out that the property owners in the older part of the city had paid for their streets, curbs and gutters and drainage while the owners in the new area had not paid for theirs yet, but that they would pay for it in a different way. He stated that the people in the old area would benefit to a degree too if Modesto was a first class city with drainage and streets, curbs and gutters. The thing for the Council to determine, on a policy setting basis is---where is the realistic break where we can get the public enthused in all of these other areas about going out and demanding and being willing to pay for financing this thing. He considered that the McHenry Avenue area could be the starting point. He pointed out that if the city could use the freeway route for the installation of a large pipe down to the river, it would cut the cost to that area to the west of the city. He was opposed to a suggestion from Mr. Ray that a possible financing method suggested in a publication of the Public Works Association Newsletter might be used. This was a revenue bond device, the bonds to be paid by revenue received from sewer service charges. Mayor Marks opposed the suggestion since the sewer service charge had been levied for the purpose of paying for the disposal of the city's industrial and domestic wastes. He contended that the financing should be a general obligation.

Councilman Arata expressed his approval of considering the McHenry Avenue area first, which would set an example before an over-all program was undertaken.

Councilman Adams asked whether the cost of contract engineering could be chargeable to the district. Mr. Ray answered that it would be chargeable to a district but an over-all study would have to be financed from a general fund first, with reimbursements being made if and when the districts are formed. The city could be in a position to proceed more rapidly if contract engineering was arranged. He pointed out that it would be difficult for the city to obtain additional engineering personnel on a temporary basis to do the work because of the quality of men needed. He offered a suggestion for Council consideration, proposing that the preliminary studies be made by City staffs, and, as the districts are outlined, a different personnel policy might be adopted. He asked that the Council be considering this angle since it was one matter which must be answered sooner or later.

Mr. Ray assured Councilman Adams that paving over a back filled ditch could be properly done.

Frank Reynolds stated that the storm sewer limits had followed the sanitary sewer limits. He explained the problems involved if the mains were increased in size.

To a question from Councilman Robinson, Mr. Ray estimated that the city's staff could prepare the preliminary studies for these different areas in approximately one year, considering the present work load, which presently is somewhat lighter than in the past, but if other developments were speeded up, the staff just would not have the time. In terms of cost for an outside engineering firm to prepare the entire study of the over-all area, formation of districts and everything, Mr. Ray estimated the cost to be approximately $200,000. Part of this could be charged to the district as it went along but at least three fourths of the cost would have to be advanced. To complete all the studies, and to pre-

pare and design plans with the present City staff and work load would take at least five year, he reported.

MOTION

That the staff present to the Council specific recommendations on the McHenry area as it pertains to setting up a district for drainage, streets, and curbs and gutters, and the action to be taken by the Council to start the project immediately.

Moved by Hammond Seconded by Merrill Unanimously carried

Mayor Marks commended Mr. Ray on his report and pointed out that the Council would consider the McHenry Avenue area as a pilot plan to learn how to operate the rest of the districts. He envisaged at least six or even eight similar districts throughout the city.

RESOLUTION ESTABLISHING RATES FOR OFF-STREET PARKING LOTS 7-88

Mr. Grimes presented for Council consideration a resolution which would "restate" the present parking rates at all the city's various parking lots and assign numbers to each lot.

RESOLUTION NO. 57-4

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. 56-475

Introduced by Robinson Seconded by Hammond

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

REPORT ON TRIPLEX ON TULLY ROAD BY JOHN QUARESMA 7-99

Mr. Masonheimer stated that a resident in the vicinity of the triplex being constructed by John Quaresma on the corner of Tully Avenue and Glenwood Drive had complained that the construction of a triplex was not proper use for the land. In checking the permit, it was ascertained that the lot was zoned R-3, but that the area was some what deficient for three one-bedroom dwelling units, since it would be short 600 sq. ft.

Mr. Quaresma agreed to change the type of construction so that it does conform with the code, and thus the problem becomes an administrative matter to be handled by the staff. The complainant, however, had asked specifically that the matter be placed on the agenda for Council consideration.

The complainant not being in the audience, the item was ordered held over for final consideration until later in the meeting.

RESOLUTION ESTABLISHING SALARY RATES FOR EMPLOYEES AT THE McHENRY PUBLIC LIBRARY 7-129

RESOLUTION NO. 57-5

A RESOLUTION AMENDING RESOLUTION NO. 56-300 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR CLASSES OF POSITIONS IN THE CITY SERVICES"

Introduced by Anderson Seconded by Robinson

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

Mr. Masonheimer recommended that in accordance with Council policy, the salary rates of city library employees should be changed to correspond with the county salary rates. He reported no increases had been granted at the beginning of the fiscal year, as was true of most other city employees. He pointed out that County employees were receiving a 5% increase as of January 1, 1957 and city employees should also receive such an increase in accordance with policy.

Mr. Masonheimer reported that as directed by the Council, Carl Hamilton, Librarian, had been shopping for a motion picture screen which could be used to project the drawings, maps, and charts presented to the Council, and had been successful in finding a screen at a cost of $60. In order to grant the increase in the salaries and to purchase the screen, it would be necessary to transfer $432 from the Library Reserve to the appropriate budgets.

RESOLUTION NO. 57-6

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM LIBRARY RESERVE FOR MOTION PICTURE SCREEN AND SALARIES

Introduced by Adams Seconded by Arata

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

NOTICE OF TERMINATION OF LEASE AGREEMENT SHELL OIL COMPANY SITE AT AIRPORT 8-25

Mr. Grimes reported that the city had received a 30 days notice from the Shell Oil Company as provided in the agreement that it wished to cancel its airport site lease as of January 31, 1957.

RESOLUTION REMOVING STOP SIGNS ON SYCAMORE AVENUE AT MORRIS AVENUE 8-26

RESOLUTION NO. 57-7

A RESOLUTION AUTHORIZING THE REMOVAL OF STOP SIGNS LOCATED ON SYCAMORE AVENUE AT ITS INTERSECTION WITH MORRIS AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Robinson

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

REPORT ON ACQUISITION OF AIRPORT PROPERTY FROM JOHN J. MAGGI 8-35

Mr. Grimes reported that the condemnation trial to acquire the John J. Maggi property for the airport expansion would begin on January 3, 1957. Since the county has an interest in the matter they have offered to provide the assistance of Dave Dunford, Deputy County Counsel, as attorney of record, at no cost to the city. Mr. Grimes asked the Council's approval to associate Mr. Dunford as attorney of record.

MOTION

That the association of Dave Dunford as attorney of record in the John J. Maggi condemnation case be approved.

Moved by Anderson Seconded by Arata Unanimously carried

STATEMENT BY MAYOR MARKS ON PLANNING AND ZONING PRINCIPLES 8-42

Mayor Marks read a statement entitled: "Statement by Mayor Marks re: planning and zoning, Council meeting January 2, 1957" into the records of the meeting, a copy of which report is on file in the office of the City Clerk. He recommended that the Council adopt the following principles and procedures to guide them:

"1. Zoning regulations, both text and map, shall be revised only every three months (applications received during January, February, and March of each year to be processed in April, etc.). The Planning Commission would consider applications made and initiate changes it believes desirable for hearing at these appropriate three-month intervals. The Council would refer any changes it feels are needed to the Commission for study. The Commission and the Council would recommend and effectuate changes that are justified.

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 formal consideration is granted. Individual applications will be studied for quarterly review, and hearing 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.

4. No application which has been denied will be permitted to come up for reconsideration for at least one year.

5. Changes in the zoning regulations will be in the direction of simplicity, exactness, and specified standards. Fewer matters would then have to go to hearings, and more applications could be granted or denied on the basis of the direct provisions of the regulations.

6. Fees charged for hearings and permits shall be raised to more nearly equal the cost to the city. At present, for ten dollars, anybody can require the city to spend several hundred dollars worth of time--of the staff, of city officials, and of other interested parties--trying to resolve individual zoning desires. It is recognized that it takes considerable time to amend zoning regulations, to process applications which require hearings, to gather data and make the reports necessary for Council or Commission action, and that shortcuts and special "hurry-up" processing are undesirable. But we must not be so busy solving the promotional problems of a few that we fail to take the time necessary to make real progress on the important planning problems which affect us all--both now and in the future.

7. The staff shall work toward completion of the detailed land use and other necessary studies to provide a sound basis for a major zoning review during 1958, by which time the master plan is expected to be completed.

8. At that time a citizens committee shall be appointed, composed of housewives, businessmen, educators, members of labor, civic, and other organizations, and public officials, to work with the Planning Commission in recommending policy determinations based on the master plan. Thus an effective, streamlined zoning program could go into effect during 1959."

Councilman Hammond commended the Mayor on his statement and recommended that the Council study the statement during the coming week.

Mr. Grimes stated that in order to put some of the Mayor's recommendations in effect it would be necessary to amend some of the present zoning regulations.

Mayor Marks asked that the Council study the recommendations and present any other recommendations or changes they considered advisable.

Mayor Marks pointed out that this was an interim item until the master plan was finished in 1959. He stated that he would like to see, if the principles are adopted, that each attorney, each real estate man, Modesto Board of Realtors, each subdivider, everybody in the community interested in property on the professional basis, receive a copy of those principles so that they know "what the score is".

Mayor Marks asked John Quaresma, who was in the audience on another matter, if he agreed with the principles outlined in his statement. Mr. Quaresma stated that he did not agree with certain of the principles listed by the Mayor and contended that a man should have the right to do whatever he wishes with his property just so it is not detrimental to the welfare and safety of the general public. He stated that during the past few years since the city has had a planning director and staff, that, in his opinion, the city had made more errors than it had made up to this time.

REPORT BY CHIEF BUILDING INSPECTOR ON CONSTRUCTION OF COMMERCIAL BUILDINGS 9-110

Chief Building Inspector Tom Hermida presented for Council information a model of a commercial building to demonstrate the advantages of construction under the Uniform Building Code as compared to the time prior to its adoption.

When the recent fire at 12th and J Street was mentioned, Fire Chief Wemyss and Mr. Hermida compared the structure of the model under present day code requirements to the code requirements of yesterday. They assured the Council that under the present code regulations the fire walls in the attic area would have prevented the fire from spreading across the entire building as occured in the Seely building, and that the tenants as well as the property owner would be more adequately protected.

Mr. Hermida reviewed the requirements to be enforced in restoring the damage under the present code which was adopted after review by the State Fire Marshall's office, representatives from the various industries and other fire experts.

To a question from Mayor Marks, Mr. Grimes stated that if the Seely building was rebuilt for the same use and the same size as before the fire, no additional off-street parking would be required under the law.

Mr. Hermida reported that he had received a report from the structural engineer employed by the insurance company covering the Seely building that the percentage of destruction to the building was between 40% and 45%. He stated if this is the percentage of destruction, Mr. Seely can rebuild the building without the masonry walls, but he must put in the fire breaks. He also stated that if the percentage of destruction exceeds 50% then he is required by law to demolish the remainder of the building and rebuild under the present code requirements

according to the law.

FURTHER CONSIDERATION ON TRIPLEX ON TULLY ROAD BY JOHN QUARESMA

Since no one appeared during the remainder of the meeting, the matter was referred to the staff to handle administratively.

ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Adams Seconded by Anderson Unanimously carried

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

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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, Mayor Marks

Absent: Councilmen: Anderson, Merrill and Robinson

Councilman Merrill arrived at the meeting at 7:35 P.M.

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

Rev. Dale Sherwood, Assistant pastor of the First Christian Church, gave the invocation.

APPROVAL OF MINUTES

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

MAYOR MARKS REMINDS COUNCIL MEMBERS OF THE CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES MEETING IN STOCKTON, JANUARY 24, 1957 1-15

Copies of a memo from Mayor Marks, President of the Central Valley Division - League of California Cities, reminding the Council members of the next meeting of the League to be held in Stockton, January 24, were distributed.

Councilman Merrill arrived at 7:35 P.M.

LETTER FROM FRANK ANDREWS 1-20

A letter was received from Frank Andrews requesting permit to use a sound truck on the city streets and a "sandwich man" ringing a bell, to advertise his candidacy for member of the Board of Directors of the Modesto Irrigation District.

Mr. Andrews spoke briefly outlining his plans, claiming that he had been unable to obtain ethical and fair treatment on ads and news articles from the Modesto Bee. He contended that the general public should be properly advised of the situation and he planned to do this if granted permission to use the sound truck and "bell ringer". He also requested permission to use the sound truck on the day of the election, February 6, to urge the voters to vote.

City Attorney Allen Grimes reviewed the Code regulations on the use of sound trucks, which were permissible in the business district only. The bell ringing, he stated, could be used on the sound truck, if they were not a public annoyance but the use of the city sidewalks would not be permissible.

MOTION

That permit be granted to Mr. Andrews to operate a sound truck in the business district of the city from this date through February 6, in conformance with the code regulations.

Moved by Arata Seconded by Adams Unanimously carried

Mayor Marks pointed out that if permit was granted for a "sandwich man" it would set a precedent which might prove difficult to the Council in denying similar requests.

MOTION

That the request for permission to use a bell ringing sandwich man on the city sidewalks be denied.

Moved by Mayor Marks Seconded by Merrill Unanimously carried

Mayor Marks pointed out to Mr. Andrews that the bell ringer could be used on the sound truck but the sidewalks could not be used as a media for advertising with the bell ringer.

LETTER FROM ATTORNEY GENERAL EDMUND G. BROWN 2-12

A letter received from Attorney General Edmund G. Brown acknowledging receipt of the city's resolution endorsing a program to decrease deaths, injuries and property damage resulting from traffic accidents, was read. Mr. Brown commended the Council on its action and assured the Council that he would cooperate in seeing that a state-wide program was maintained.

ORDINANCE APPROVING PURCHASE OF JOE DIEU PROPERTY AT AIRPORT 2-20

ORDINANCE NO. 136-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM J. P. DIEU AND VINITA F. DIEU"

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

Moved by Arata Seconded by Merrill

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Anderson and Robinson

Mr. Grimes stated that this property would be used in the Modesto City-County airport expansion project and the cost to the city would be $495, plus escrow charges and incidental expenses.

ITEMS 4 AND 5 OF AGENDA HELD OVER 2-30

City Manager Ross Miller stated that item 4 - award of bid for gasoline and item 5 - call for bids on air compressor were being held over until certain matters were cleared.

FURTHER CONSIDERATION OF MAYOR MARKS STATEMENT REGARDING PLANNING AND ZONING 2-30

Mayor Marks reported that he had invited the members of the Board of Zoning Adjustment and Modesto City Planning Commission to be present at this meeting to hold a general discussion of the principles he had proposed in his statement of January 2 on planning and zoning. He stated that he was opposed to the Council taking any action at this time or until after a thorough public consideration of the subject and a conference with the Commission to determine its ideas on the matter. He reported that certain members of the Commission had considered that there was a need for a "laying down" of certain principles that the city should follow or not follow in zoning and that this had been the reason for

the statement.

Since the statement had been read at the last Council meeting, Mayor Marks continued, he had conferred with Mr. Grimes, Planning Director Smeath and Mr. Miller and discussed certain phases and that after further consideration and review of his statement, he wished to suggest certain modifications in his recommendations. He read a statement which recommended certain changes in the wording of items 1 and 2 and suggested that if the three-month limitation of hearings on zoning changes was adopted and fees increased to cover a greater portion of city handling costs, that item 4 in his recommendations (page 9) not be approved at this time but be subject to review later if the need arises.

Councilman Arata recommended that the change in wording in item 1 which provided "that in exceptional cases, which meet standards established by the Planning Commission, by unanimous agreement of the Commission members present at a meeting, earlier consideration may be granted", be changed to provide that by "majority agreement" instead of "unanimous agreement" of the Commission members. Mayor Marks contended that this would emasculate the provision since everybody would have a "special deal". He discussed his reasons for recommending the change in the wording. Councilman Arata stated that he concurred in Mayor Marks' recommendation on processing application every three months since it cost the city materially to pursue its present course on hearings but that there would be hardship cases which must be considered sooner, especially in the older locations throughout the city where changes were taking place oftener and which should be watched closer to avoid a "blighted area". The Council must be flexible on the whole thing, Councilman Arata considered, especially on the old areas. Mayor Marks pointed out that the Council could refer any changes it feels is needed to the Commission for study, which would take care of this situation outlined by Councilman Arata, but as far as an individual application to the Commission, on an individual piece of property, these must be considered on a 3 month basis. The big problem has been that all the Planning Commission's time is so taken up with public hearings that it does not have time to do any planning and all it is doing is zoning. Most of the time of a Commission should be spent on planning, he stated.

Councilman Adams pointed out that if the exceptional cases were considered on a standard procedure, as recommended in the Mayor's change in wording, that the Commission would unanimously approve the application. If there is opposition on an unusual case, he stated, possibly it should be studied further.

Councilman Arata contended that the city operated on a majority rule basis instead of a unanimous rule basis. Mayor Marks pointed out that the recommended changes were for discussion only. He pointed out that the term standards, as referred to in the change in wording, would be established by the Commission---that the application should be of community wide interest or betterment, etc. No zoning should be done, he contended, unless it benefits the community and it is not done for individual purpose.

Councilman Adams recommended that the words "exceptional cases" be spelled out to avoid having all of the cases being determined as special.

Councilman Hammond commended the Mayor's suggestion on the change in wording on Item No. 2, relating to the recommendation "compelling evidence that a change requested is desirable and necessary in the public interest must be presented by the applicant before approval of the application."

Mayor Marks considered that the portion of Item No. 2 recommenda-

tion relating to the fees be increased to cover a greater portion of city handling costs. He pointed out that it costs the city several hundred dollars to process an application, which is not fully realized by the citizens. The charge of at least $25.00 should be made, he stated, and perhaps $50.00. This will be determined by further investigation with the Commission, Council and others.

Councilman Arata recommended that the Commission give the Council a recommendation on the fee charge.

Mayor Marks consider that if the filing fee was increased and the three month limitation adopted that it would tend to cut down the "repeat" applications.

He requested that the Council and Commission discuss the recommendations further. Councilman Arata reported that Mr. Boundey, Chairman of the Planning Commission, was unable to attend this meeting and had requested that the Council's action on the recommendations be held over until later.

Councilman Arata suggested that the Commission consider the recommendations and present their own recommendation to the Council.

Mayor Marks suggested that the Council, Commission and Board of Zoning Adjustment meet together in the Council Chamber and consider the recommendation to see if all persons were "thinking along the same lines" and then after this meeting the Commission can come forward with a recommendation that certain things be done or not be done.

Mayor Marks asked if the representatives of the Board of Zoning Adjustment and Commission could wait until after the scheduled public hearings to present their viewpoints. He recommended that the joint meeting be scheduled sometime within the next two weeks.

HEARING ON IMPROVEMENT DISTRICT NO. 5 3-59

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on Improvement District No. 5 - sewer laterals and street light materials in the LaLoma Area--when any and all persons interested in the work done, or in the assessment on file could be heard by the Council.

A statement from the City Clerk was read setting forth

1- That notice of the hearing was posted at the entrance to the Council Chamber on Wednesday, January 2;
2- That notice was published in the city's official newspaper, the Modesto Journal on December 20 and 27;
3- Notice of the hearing was mailed to each property owner in the district on December 24 (affidavit of mailing executed by the Clerk was placed on file with the records of the district);
4- That five letters had been received from persons in the district:

Name	Address
Mr. & Mrs. J. R. Lemmon	Block 2155, lot 12 (Assessment No. 2155-14)
Lillian G. Tyler	349 Covena
Carroll Tweedy	Rt. 1 Box 235, Martinez
Zen Damir	909 Edgebrook Drive
Howard E. Olds	1122 LaLoma Drive

These protests and the reports made by the staff on the protests were read by Mr. Miller.

A report from the Director of Public Works on two errors in assessment was also noted as being placed on file for consideration later in the hearing.

Mr. Olds verbally protested to the payment for street light materials in advance of installation.

Director of Public Works Ray outlined improvement district procedure for Mr. Old's information at the request of Mayor Marks. Mr. Ray estimated it would be approximately 7 months before all the street light materials would be installed. He reported that it was proposed to present plans and specifications for Council consideration at the next meeting so that bids could be called for.

The City Manager pointed out that this would be the last major area where the city would assume the cost of installation of street light materials, since the adoption of thenew policy on street lights by the Council.

Bond Counsel Eugene Sturgis explained the provisions of the improvement act on protests. He stated that there were only two of the letters filed which could be considered protests--those objecting to the payment on street light materials. He stated, however, these had been written under a misapprehension of what the property owners were getting in the improvement district, since only materials had been included. The other letters, he stated, were only inquiries for information which could be handled administratively. He commended the staff on the good public relation job done on the district since out of over 1400 parcels there were only two official protests. He stated that the things to be considered by the Council were, 1) the statements must be paid, and 2) has the assessment been evenly and fairly distributed and has the work been properly done.

Mayor Marks asked if there were any oral protests or if anyone wished to make any comments.

Mr. Ray answered a question asked by Mr. Moore, 214 Las Flores, that the assessment was based on an area basis, to a depth of 150 feet, and not on valuation.

Julius Stein, 1817 Yosemite Boulevard, protested to paying for a portion of Block 2156, lot 4, which was being used as a public street, Rosemary Lane.

Mr. Ray pointed out that although the property was being used as a public street it had never been dedicated for street purposes and there was no other choice for the city but to include it into the assessment for this property. Mr. Stein asked if he could construct a fence across the property and build a building. The City Manager suggested that he check further with the city staff to clear the staus of the street--Rosemary Lane, across his property.

Lyman Flint, 1853 Maria Court, representing several of his neighbors, protested to the condition of Maria Court Street, as it was left by the contractor after installation of the sewer lateral. Mr. Ray stated the staff considered that the contractor had done a satisfactory job in backfill and resurfacing of the oiled street to comply with that which existed before the work was undertaken. He pointed out that it would be the responsibility of the city to maintain the street after this district had been accepted and turned over to the city.

Mayor Marks advised Mr. Flint that the Department of Public Works would check the street to determine what could be done for him and his neighbors.

J. N. Martin, 345 Rowland, complained that the alley in his block had not been oiled as agreed. Mr. Ray stated that this must be one of several alleys where the work was completed too late in the fall for the oiling operation to be done. This type of work is done only in the summer months, he stated.

Mr. Ray explained the two discrepancies which had occurred in the assessments in the district, 1) assessment No. 2087-6, Chester Spearing, overassessment of $10.17, and 2) assessment No. 2168-4, Clyde O. Prickett, overassessment of $12.71. He recommended that the roll remain as is and the city make arrangements to reimburse the two property owners for these amounts.

Mr. Ray reported that the assessments for the sewer laterals were 25% lower than the engineer's estimate and the street lighting assessments 3% lower. He attributed this to the fact that the improvement district was for a term of 15 years instead of 10 years, as were some of the other districts which would be more desirable to investors, that this was the large district and would be of greater interest to contractors, and the time of bid call worked to an advantage.

Mayor Marks declared the hearing closed.

MOTION

That the city be authorized to pay the sum of $22.88 in connection with assessments 2087-6 in the sum of $10.17 and 2168-4 in the sum of $12.71

Motion by Adams Seconded by Mayor Marks Unanimously carried

RESOLUTION NO. 890-S.P.

A RESOLUTION OVERRULING PROTESTS

Introduced by Adams Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Anderson and Robinson

RESOLUTION NO. 891-S.P.

A RESOLUTION CONFIRMING ASSESSMENT

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

HEARING ON ANNEXATION OF THE LALOMA SCHOOL ADDITION 6-92

Mayor Marks announced that the hour of 8:30 P.M. had arrived, the time set for the hearing on the proposed annexation of the uninhabited territory known as the LaLoma School Addition.

The City Clerk filed a statement that the notice of the proposed annexation had been published as required by law; that notices had been mailed to each property owner in the area proposed to be annexed on December 21; and that no written protests had been received as of this date.

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. 137-C.S. entitled

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

was adopted and ordered printed and published as required by the city charter.

Moved by Hammond Seconded by Arata

Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Anderson and Robinson

HEARING ON PROPOSED CHANGE OF ZONE BOUNDARIES OF CHAS. D. WARNER PROPERTY LOCATED ON YOSEMITE AVENUE 6-105

Mayor Marks announced that the hour of 8:45 P.M. had arrived, the time set for the hearing on application of Charles D. Warner to reclassify from Neighborhood Commercial (C-1) to General Commercial (C-2), lots 9 and 10 in Block 2032, being the northwest corner of Yosemite Boulevard and N. Santa Ana Avenue.

The City Clerk stated that the notice of the public hearing had been published in the official newspaper of the City, the Modesto Journal, as required by law and that no written protests had been received as of this date.

Resolution No. 359, adopted by the Modesto City Planning Commission on December 4, recommending to the Council that an amendment be approved to Section 28 of the Zoning Map, to reclassify the property from C-1 to C-2, was noted.

Director of Planning George Smeath displayed maps of the surrounding area; reported on the recommendation of the staff; the vote of the planning commission, and related matters. He reported that Mr. Warner had applied to the county, before the area had been annexed, for a land use permit to replace his garage on that portion of his property which is being used for overnight storage of the trucks. This permit was granted by the county but Mr. Warner had not proceeded to do the work before the area was annexed. The existing zoning of C-1 was continued by the city, Mr. Smeath stated, which will not permit the moving of the garage location. At the time this request was made, the staff first felt that Mr. Warner probably had a legal non-conforming use and could probably build, through his county land use permit or through a legal non-conforming use. This was referred to the City Attorney and County Attorney and the County Counsel informed the city that due to the fact that county zoning had been changed before the permit was used, even while the land was still in the unincorporated area of the county, Mr. Warner could not have received a permit for a garage on the vacant lot on this change of property, because the permit had expired due to the fact the zoning was changed and the permit no longer met the requirements of the laws and ordinances of Stanislaus County. The only alternative which appeared, under the circumstances, Mr. Smeath stated, would be a rezoning. The Planning Commission discussed the problem and recommended the approval of reclassifying the property as requested by Mr. Warner by an Aye vote of four members, one no vote, and two members were absent.

Mr. Warner has some other business there as well as the trucks. There is no question about the continuation of the present use but there

is a question as to whether or not, if the zoning is changed, the garage might be built on the now vacant parcel of property, Mr. Smeath stated.

Attorney Frank Collier, representing Mr. Warner, pointed out that at the public hearing held by the Commission on the request no protests had been filed by property owners, that the Planning Commission had recommended the rezoning, since this was a hardship case as Mr. Warner had used the property for 29 years for the present purpose, storing of trucks used in his sand and gravel business. The fact that Mr. Warner was not financially able to build the new garage on the vacant property at the time the county issued the land use permit in 1952, should not preclude the construction in 1956, when he is in a financial position to improve his property. The materials for this steel building have already been ordered, he reported, and Mr. Warner has purchased lot 10 at a large expense. He considered that the proposed improvement would be an asset to the community, that it would be unfair to ask him after he had been there for so many years to sacrifice the property and move to some other place. He considered that zoning was an approximate matter--that the Council could not always do justice to everybody and asked that an ordinance be adopted to reclassify the Warner property as requested.

Mayor Marks pointed out that changes in zoning should be done for the public good and not for private gain. He pointed out that Mr. Warner could continue to operate his business at this location as a non-conforming use. Once the property is zoned C-2, Mayor Marks pointed out, it could be used for a number of uses besides the garage, and when a property is upgraded by zoning another piece of property is correspondingly downgraded. He stated that he would like to hear, when zoning changes are requested, that these requests were in the public welfare.

Mr. Collier pointed out that the people in the surrounding area in this case should be the judge of whether it would be in the general welfare and no protests were filed by them at the public hearing.

Mayor Marks pointed out that the Council and Commission were the judges of these matters.

Mr. Collier contended that after the Commission had made a study of a zoning change and approved the request and recommended to the Council that it be made that it was more or less the duty of the Council to approve and go along with the recommendation.

Mr. Collier stated that due to the traffic congestion on Santa Ana that some different arrangements would have to be made for the trucks backing out from the garage. If the old garage could be dismantled and a new one built on the new lot, it would materially help the drivers in getting out of the driveway.

Mayor Marks contended that this would be spot zoning and if this request was approved, it must be given to anyone else requesting the C-2 classification---that the wedge would be in the area and many other requests would be forthcoming. After years of study by the Commission and Council, it was determined that this area should be C-1 and the area three blocks east should be C-2--heavy shopping area. He stated that if Yosemite Boulevard developed naturally and soundly along the lines that the Planning Commission has laid out then it will be a fine asset both to itself and to this entire community.

Leon Warner called attention to the traffic conditions on Santa Ana Avenue, which created a public hazard. He asked for permission to construct the same size garage on the new property which would not change the use since they have been working on the vacant property, already, repairing trucks. If this was permitted it would give the drivers sufficient room and clear vision to back out onto Santa Ana.

Albert J. McMeekin, 110 N. Wilson Way, representing Mrs. Etta Rae, 1011 Yosemite Boulevard, who owns property adjoining the Warner property asked that the present zoning remain.

Councilman Hammond considered that when it was more economically possible to dismantle an old structure and put up a new one of the same size that it should fall within the rights of the non-conforming use of his property---this is not a matter of zoning, but whether it is a non-conforming use.

Mr. Grimes explained that a non-conforming use only permitted the present existing use on the property and the right to relocate the building elsewhere on the property is not included. He defined non-conforming use as set forth in the zoning regulations for the Council's information, and as it related to the property in question. He pointed out that the theory of non-conforming use was that when the economic use of the existing building was exhausted, that the use should disappear from the land, and eventually the land would revert to its proper use.

Councilman Adams pointed out that when the operations became too large for the property, they should be moved to a larger location. There are certain hardship conditions in this case, but the Council should deny the request.

RESOLUTION NO. 57-23

A RESOLUTION REJECTING THE RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION THAT SECTION 28 OF THE ZONING MAP BE AMENDED TO REZONE LOTS 9 AND 10 IN BLOCK 2032, CITY OF MODESTO AND REQUESTING A FURTHER REPORT FROM THE COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MUNICIPAL CODE (WARNER PROPERTY)

Introduced by Adams Seconded by Mayor Marks

Councilman Arata considered that Mr. Warner should be permitted to replace his old garage with a new one the same size, not to rezone the property.

Mr. Grimes stated that under the provisions of the zoning regulations this would be precluded but the building could be maintained but not rebuilt or enlarged.

Councilman Hammond pointed out that the neighborhood was of a commercial type and the zoning should not be changed from that standpoint because of the residential characteristics on both sides of Yosemite Boulevard, plus the fact there is C-1 zoning for approximately 2-3 blocks, but it seemed peculiar that a person could not keep his premises for the same use and as long as the building was not increased in size, tear down the building and put up a new one.

Councilman Merrill considered that he would increase the value of his property by putting up a new building.

Councilman Hammond considered that in a few years this type of operation would not be compatible with the area.

Mayor Marks considered that this was the main reason for denying the request---that it would be in his interest to be turned down. Mr. Warner is already complaining of traffic conditions.

Mr. Smeath stated that the use is a truck repair, which the staff considers is a M-1 use. Mr. Warner has been told that even if the zoning was changed to C-2 that literally under the law it would not permit the

the reconstruction and enlargement of this kind of use, the rezoning of the area seems not to fit. In planning there is an equality of right within the zone---if one person is able to use his property for a given purpose, other people would be able to use their property for that purpose and the problem of non-conforming uses has been one of this enlargement--constant growing or reconstruction permanently of non-conforming uses which cannot be established on adjacent properties. Does the simple fact that a man was there once before the ordinance went into effect, give him and the people to whom he sells, a right to continue forever that use on that certain parcel of property, a use for which none of his neighbors can use their property. He outlined the provisions of the present non-conforming regulations for Council information.

Mr. Smeath stated that in many cities the strong feeling is that there must be much more stringent regulations governing non-conforming uses---that for an individual property to have a special right that nobody else in his area may have and to perpetuate that right forever is wrong and that sooner or later he has amortized that use and the property should be put into its proper conforming use. He considered that the only way this property could be used for truck repair would be to rezone it to M-1 and that any change of any lot or single pair of lots was in policy matter a spot zoning procedure, which he considered was illegal. Unless there is an area which is to be rezoned as M-1, the further development of a truck repair area is not legally possible unless the non-conforming regulations were changed in the code which would provide non-conforming uses may be relocated on the property, structurally altered or rebuilt.

Mr. Collier stated that this garage was not a public garage, that it was owned and used by Mr. Warner for storage and repair of his own trucks which are used in the sand and gravel business. It is not a truck terminal either, he pointed out.

Mr. Smeath pointed out that the definition of a public garage in the Code does not have anything to do with whether it is privately owned or not--it has to do with whether cars are repaired there.

Councilman Arata considered that the Council should consider the recommendation of the Planning Commission and asked for a call on the vote of the resolution.

Councilman Hammond commented that in an analysis of the area he did not consider that C-2 zoning would be advisable and he considered that as the area continued to grow that the use of this property as a parking and repair facility for Mr. Warner would become less compatible to the neighborhood but he considered that within the framework of the non-conforming use and definition of private garage and other things that Mr. Warner could enhance his repair facilities and do it within the present framework without a necessary change of the zoning. He asked that the City Attorney study this matter further since Mr. Warner's request was not unreasonable and not incompatible with his present non-conforming use. He stated that the Council should be considering an area zoning program and not have a "hodge-podge" one. He asked that the staff study the problem further to see if something could be handled within the framework of the present ordinance.

Section 10-2.1703 of the Municipal Code relating to non-conforming uses was read by the City Attorney. He pointed out that these provisions precluded any relocation, reconstruction or structural alteration of a non-conforming building.

Mayor Marks asked the Clerk to call the roll on the resolution rejecting the recommendation of the City Planning Commission:

Ayes: Adams, Hammond, Mayor Marks

Noes: Arata and Merrill Absent: Anderson and Robinson

Mayor Marks declared that since the Charter required that before a resolution or ordinance became effective that it receive four affirmative votes, the resolution failed of adoption.

Mrs. Wagner, owner of property adjoining the Warner property, asked for information on maintenance of the garage building, which were answered by Mayor Marks.

MOTION

That the matter be further reconsidered at the next Council meeting.

Moved by Adams Seconded by Mayor Marks Unanimously carried

MAYOR ASK STAFF TO ARRANGE MEETING WITH MEMBERS OF THE BOARD OF ZONING ADJUSTMENT, CITY PLANNING COMMISSION AND COUNCIL TO DISCUSS ZONING PRINCIPLES 11-70

Mayor Marks asked if any members of the Board of Zoning Adjustment and Planning Commission, who were present, wished to make any comments. No one availed himself of the opportunity.

The Mayor suggested that the meeting of the three bodies be held as soon as possible to discuss the principles of zoning and planning and asked the City Manager to make arrangements.

FURTHER CONSIDERATION OF REQUEST FROM MILTON LOWENTHAL FOR VARIANCE IN CURB CUT REGULATIONS 11-81

Further consideration was given to the request of Milton Lowenthal for variance from curb cut provisions for his residence being constructed on lot 18, Block 744, Mensinger Avenue.

Mr. Miller reported that, as instructed by the Council, the staff had conferred with Mr. Lowenthal during the past week and endeavored to clear all his problems administratively but this had not been possible.

Mr. Ray displayed a detailed plan of the area in question, as directed by the Council and outlined the points of conflict:

1- Two planting areas with raised 1" redwood curbing projecting into the street, a distance of 4';

2- It has been suggested to the owner that the curbing of the eastern planting area might be lowered to ground level. It would not be possible to lower the curbing on the west planting area due to other conditions. The owner has indicated that he will remove this section back to the property line. Mr. Ray considered that this would be adequate protection to the city as a temporary measure until such time as curbs and sidewalks are installed.

3- The width of the driveways already constructed is 22½' and the other 26'. This would mean that if curb and gutters were in place the nominal width of the driveways would be 28½' and 32', a total of 60½', as compared to the allowable limit under the code of 40% of the frontage, or 44' since the frontage is 110'.

Mr. Ray recommended that temporary asphalt driveways be permitted on the condition that the property owner would replace them with the regular type of driveway at the time curbs and gutters are installed. He stated he could not recommend a total ultimate driveway width of 60 feet since this would be a matter for Council decision.

4- It was proposed that the area between the planting areas and the existing surfacing be surfaced with blacktop.

Mr. Ray stated that he considered that as a matter of principle that he could not recommend to the Council that permission be granted for this type of surfacing in the sidewalk area for reasons previously stated.

Mr. Ray pointed out that any decision permitting black top surfacing in a sidewalk area would place the staff in a peculiar position in trying to explain the reasons for standard street development to other people in the general area.

After a general Council discussion it was agreed that permit be granted to Mr. Lowenthal to do the following:

1- To grant permission to install temporary blacktop driveways of a width shown on the drawing out to the existing street surfacing on the condition that when curbs and gutters are installed permanent driveways would be installed to the maximum width of the Code not to exceed 40% of the frontage of the property;

2- That the planting area may be extended out into the public right of way four feet on the condition that the one inch redwood curbing be street level and it will be replaced upon the installation of curbs and gutters.

The City Manager reminded the Council that there were many requests to blacktop the area from the property line to the existing paved area which had been denied by the staff. If permission to do this generally was granted, more problems will be created than solved and the program for installation of curbs and gutters at grade level will be deferred indefinitely. If permission is to be granted for this type of improvement, the ordinance should be amended.

It was generally agreed by the Council that permit to blacktop the area from the property line to the existing street surfacing not be permitted.

RESOLUTION NO. 57-8

A RESOLUTION GRANTING REQUEST OF MILTON LOWENTHAL TO INSTALL TEMPORARY BLACKTOP DRIVEWAYS OF AN EXCESS WIDTH AND TO EXTEND THE PLANTING AREA INTO THE PUBLIC RIGHT OF WAY ON HIS PROPERTY AT 325 MENSINGER AVENUE UNDER CERTAIN CONDITIONS

Introduced by Merrill Seconded by Arata

Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Anderson and Robinson

AUTHORIZE NEGOTIATIONS FOR PURCHASE OF MODESTO IRRIGATION DISTRICT BUILDING 14-30

Councilman Arata reported on his meetings with the Board of the Modesto Irrigation District to discuss the possible purchase by the city of the District's property on 11th Street adjoining the city's parking lot, between H and I Streets, to be used for a future parking facility. Until the city hall building is constructed some of the city departments can use the building to relieve the crowded conditions at the present city hall, and rent could be paid by the city to the parking fund so that the fund will not be depleted. He reported that he had made an informal offer, subject to the approval of the Council of $40,000 for the property,

which had been accepted informally by the Board. He asked that Council official approval be given to his offer.

Mr. Miller reported that the appraiser had been asked to check the property and it had also been checked from the parking standpoint. It will provide about 24 parking spaces.

MOTION

That the negotiation for the purchase of the Modesto Irrigation District's property on 11th Street between H and I Streets be authorized on the basis outlined.

Moved by Arata Seconded by Merrill Unanimously carried

RESOLUTION ACKNOWLEDGING RECEIPT OF NOTICE OF TERMINATION OF AIRPORT SITE LEASE FROM SHELL OIL COMPANY 14-55

RESOLUTION NO. 57-9

A RESOLUTION ACKNOWLEDGING RECEIPT OF NOTICE OF TERMINATION OF AIRPORT LEASE (SHELL OIL COMPANY)

Introduced by Arata Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

RESOLUTION APPROVING AGREEMENT WITH COUNTY OF STANISLAUS FOR ADVANCE PLANNING SERVICES PENDING RECEIPT OF FEDERAL FUNDS 14-60

RESOLUTION NO. 57-10

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR ADVANCE PLANNING SERVICES PENDING RECEIPT OF FEDERAL FUNDS

Introduced by Adams Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

Councilman Arata left the Council meeting at this time.

ACCEPT RIGHT OF WAY GRANT FROM MODESTO IRRIGATION DISTRICT ON COLLEGE AVENUE 14-66

RESOLUTION NO. 57-11

A RESOLUTION ACCEPTING RIGHT OF WAY GRANT FROM THE MODESTO IRRIGATION DISTRICT

Introduced by Mayor Marks Seconded by Merrill

Ayes: Adams, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Anderson, Arata and Robinson

The City Attorney reported that this would grant the city the right to use the District's right of way on College Avenue adjoining the Bel Air Tract for road purposes.

ACCEPT INSTALLATION OF STREET LIGHTS IN FREMONT-GRANGER AREA (IMPROVEMENT DISTRICT NO. 3) FROM CONTRACTOR COLLINS ELECTRICAL COMPANY 14-70

RESOLUTION NO. 57-12

A RESOLUTION ACCEPTING THE INSTALLATION OF STREET LIGHT MATERIALS IN IMPROVEMENT DISTRICT NO. 3 (FREMONT-GRANGER) FROM CONTRACTOR COLLINS ELECTRICAL COMPANY

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson, Arata and Anderson

Mr. Miller reminded the Council that this project had been authorized on a cost plus basis, with a ceiling of $22,222.22. The contractor indicated that the total cost was approximately between $31/32,000 but the city would be required to pay only the ceiling amount. He recommended the acceptance of the work, authorization of payments as due and recordation of the Notice of Completion with the County Recorder.

RESOLUTION APPROVING AGREEMENT WITH THE CALIFORNIA ALCOHOLISM FOUNDATION FOR RENTAL OF SPACE IN THE MODESTO COMMUNITY SERVICE CENTER 14-85

RESOLUTION NO. 57-13

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA ALCOHOLISM FOUNDATION FOR RENTAL OF SPACE IN THE MODESTO COMMUNITY SERVICE CENTER

Introduced by Adams Seconded by Merrill

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Arata, Anderson and Robinson

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN DOCUMENTS RELATING TO CIVIL DEFENSE SURPLUS PROPERTY 14-88

RESOLUTION NO. 57-14

A RESOLUTION AUTHORIZING ROSS MILLER, CITY MANAGER, AS REPRESENTATIVE OF THE CITY OF MODESTO TO SIGN FOR AND ACCEPT SURPLUS FEDERAL PROPERTY

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata and Robinson

RESOLUTION ESTABLISHING TWO HOUR PARKING ZONE ON BOTH SIDES OF N STREET BETWEEN NINTH AND TENTH STREETS 14-90

RESOLUTION NO. 57-15

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON BOTH SIDES OF N STREET BETWEEN NINTH AND TENTH STREETS IN THE CITY OF MODESTO

Introduced by Mayor Marks Seconded by Hammond

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata, Robinson

RESOLUTION APPROVING APPROPRIATION TRANSFER FOR IMPROVEMENT OF NINTH STREET PARKING LOT 14-91

RESOLUTION NO. 57-16

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $465 FROM THE PARKING FUND RESERVE FOR IMPROVEMENTS TO THE NINTH STREET PARKING LOT

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata, and Robinson

ESTABLISH STOP SIGNS ON E STREET AT ELEVENTH STREET AND ON F STREET AT ELEVENTH STREET IN THE CITY OF MODESTO 14-96

RESOLUTION NO. 57-17

A RESOLUTION ESTABLISHING STOP SIGNS ON E STREET AT ELEVENTH STREET AND ON F STREET AT ELEVENTH STREET IN THE CITY OF MODESTO

Introduced by Adams Seconded by Hammond

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata and Robinson

ADVOCATE ESTABLISHMENT OF A REGIONAL PLANNING ASSOCIATION 14-97

RESOLUTION NO. 57-18

A RESOLUTION ADVOCATING THE ESTABLISHMENT OF A REGIONAL PLANNING ASSOCIATION

Introduced by Adams Seconded by Merrill

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata, Robinson

Mr. Miller stated that it is proposed to present this resolution to the regional meeting being held in Stockton on January 24.

NAMING THE STREET EXTENDING EASTWARD FROM THE EASTERN INTERSECTION OF EDGEBROOK DRIVE AND HIGHLAND DRIVE AS EDGEBROOK DRIVE 14-112

RESOLUTION NO. 57-19

A RESOLUTION NAMING THE STREET EXTENDING EASTWARD FROM THE EASTERN INTERSECTION OF EDGEBROOK DRIVE AND HIGHLAND DRIVE AS EDGEBROOK DRIVE

Introduced by Adams Seconded by Hammond

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata, Robinson

Resolution No. 366, adopted by the Planning Commission on January 3, 1957, recommending to the Council the naming of this street Edgebrook Drive was noted by the Council.

RESOLUTION SETTING DATE FOR PROPOSED ANNEXATION OF SYCAMORE ADDITION 14-117

Resolution No. 367, adopted by the Planning Commission, recommending to the Council the commencement of proceedings for the annexation of the Sycamore Addition to the City, was noted by the Council. The City Clerk recommended that the date of February 20, 1957, at 4:30 P.M. be set as the date for the public hearing before the Council on the proposed annexation.

RESOLUTION NO. 57-20

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

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata, Robinson

APPROVE APPROPRIATION SIGNALS FOR WALK-WAIT SIGNALS 14-124

RESOLUTION NO. 57-21

A RESOLUTION APPROVING APPROPRIATION TRANSFER TO TRAFFIC ENGINEERING FOR WALK-WAIT SIGNALS

Introduced by Hammond Seconded by Merrill

Ayes: Adams Hammond Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata, Robinson

RESCIND RESOLUTION NO. 56-408 ESTABLISHING LOADING ZONE ON SOUTH SIDE OF C STREET BETWEEN NINTH AND TENTH STREETS 14-125

RESOLUTION NO. 57-22

A RESOLUTION RESCINDING RESOLUTION NO. 56-408 ENTITLED 'A RESOLUTION ESTABLISHING A LOADING ZONE ON THE SOUTH SIDE OF C STREET BETWEEN NINTH STREET AND TENTH STREET IN THE CITY OF MODESTO'

Introduced by Hammond Seconded by Merrill

Ayes: Adams, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Arata, Robinson

FURTHER REPORT ON POSSIBLE METHOD OF PAYING COST OF UNITED NATIONS DAY EXPENSES 15-3

Mr. Miller reminded the Council that one of the pending matters was for the staff to report on a possible method of repaying Carlos Badger for expenses incurred during United Nations Week. He pointed out that several of the Council members had made personal donations and it has been informally agreed that the city should not participate in the costs. It was generally agreed that this matter be cleared from the pending list.

REPORT ON GARRISON SCHOOL ANNEXATION ELECTION AND SERVICES 15-6

Mr. Miller reminded the Council that the election for the annexation of the Garrison School Addition to the city was being held on Monday,

January 14; that there were 76 acres in the addition; 282 property owners; and that the staff would recommend for Council consideration that if the vote for annexation was favorable, that the following service be granted:

1- That the police, fire, trash pick-up and health services be extended immediately and the installation of street name signs be authorized;

2- That the Public Works Department be instructed to prepare plans and specifications for sewer laterals and necessary trunk extension and for street lighting only if the majority of the property owners desire them;

3- That a street-tree planting program be carried out as soon as feasible.

MOTION

That the recommendations outlined above, be approved.

Moved by Mayor Marks Seconded by Hammond Unanimously carried

LETTER FROM GEORGE HANSEN RE: SET BACK LINES ON TULLY AVENUE 15-15

A letter received from George Hansen was noted by the Council. Mr. Miller pointed out that Mr. Hansen's offer to the city to deed free of charge the 20' x 115' frontage on Tully Avenue, providing the city pay the costs for cutting off his building at 429 Tully Road, was a step forward for the Tully Avenue widening project. Mr. Miller recommended that the city proceed on this basis but stated further investigations would be made.

ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Merrill Seconded by Hammond Unanimously carried

The meeting was adjourned at 11:20 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 4:00 P.M., 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, Anderson, Hammond, Merrill, Robinson and Mayor Marks
Absent: None

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

A few moments of silent prayer were observed.

GRANT PERMIT TO JUNIOR CHAMBER OF COMMERCE TO USE BUS LOADING ZONE AND TWO ADJOINING PARKING SPACES ON I STREET AT 12th STREET 1-1

A request was filed by the Modesto Junior Chamber of Commerce to use the bus loading zone located on the southwest corner of 12th and I Street and two adjoining parking spaces on I Street, on Saturday, January 26, between the hours of 9:30 a.m. and 5:30 p.m. to sell 7-Up in its campaign for funds for the March of Dimes, on the same basis as was approved last year.

RESOLUTION NO. 57-24

A RESOLUTION GRANTING PERMIT TO THE MODESTO JUNIOR CHAMBER OF COMMERCE TO USE THE BUS LOADING ZONE AND TWO ADJOINING PARKING SPACES ON I STREET AT 12TH STREET, FOR ITS CAMPAIGN FOR FUNDS FOR THE MARCH OF DIMES

Introduced by Anderson Seconded by Robinson

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

LETTER FROM MAYOR GORDON G. DUNN, CITY OF FRESNO 1-5

A letter was read from Gordon G. Dunn, Mayor of Fresno, advising that the Fresno area was advocating that the hours of both on-sale and off-sale liquor establishments be changed so that no establishment opens prior to 10:00 A.M. and closed by 12:00 midnight, except New Year's eve, and has asked Assemblyman Weinberger, Chairman of the Committee on Governmental organization to present a bill to the State Assembly to this effect. Mr. Dunn asked if the City of Modesto concurred, that a resolution be adopted and sent to Mr. Weinberger. The matter was referred to the staff for investigation and report.

LETTER FROM LEWIS E. FRANKLIN COMMENDING CITY PERSONNEL 1-27

A copy of a letter sent to the Parks and Recreation Department by Lewis E. Franklin of the Franklin & Down Funeral Home, was read.

Mr. Franklin commended the tree trimming crew for checking with them before using power equipment to top the trees at the Funeral Home located at 12th and G Streets so that funeral services would not be disturbed.

REPRESENTATIVES FROM THE WESTERN CITY MAGAZINE INTRODUCED TO COUNCIL 1-36

City Manager Ross Miller introduced three members of the Western

City Magazine staff to the Council: Winston Updegraff, Editor and Manager, Murray Brown, Managing Editor, and T. W. McKee, Advertising Manager.

ACCEPT BID OF SEASIDE OIL COMPANY FOR GASOLINE 1-56

The tabulation of the bids received for the furnishing of gasoline for the year ending January 15, 1958, which had been opened at 2:00 P.M., January 7, 1957, were considered by the Council.

Mr. Miller noted that the bid submitted by Sunland Refining Corporation did not comply with the specifications and the Shell Oil Company was requesting permission to withdraw its bid because of a legal question. He recommended that the bid of the Seaside Oil Company be accepted.

MOTION

That the Shell Oil Company be allowed to withdraw its bid on gasoline

Moved by Merrill Seconded by Robinson Unanimously carried

RESOLUTION NO. 57-25

A RESOLUTION ACCEPTING THE BID OF SEASIDE OIL COMPANY FOR GASOLINE FOR YEAR ENDING JANUARY 15, 1958

Introduced by Anderson Seconded by Arata

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

LETTER FROM HOWARD CHENAULT REQUESTING PERMISSION TO CONTINUE ON THE CITY'S PARKING LOT FOR ONE ADDITIONAL MONTH 1-77

A letter received from Howard Chenault was read, requesting permission to remain on the parking lot leased by the city from Mrs. Jessie Trueblood on the west side of 10th Street between K and L Streets, for an additional month until he could take possession of a new used car lot on the corner of 10th and N Streets, on his present monthly rental basis of $195.00.

Traffic Engineer Carmody pointed out that in accordance with the agreement between the city and Mrs. Trueblood, monthly rent of $356 would begin February 1, 1957. Mr. Chenault would move off of the Allibert property which he is presently occupying and on which the city's monthly rental of $304 would also start as of February 1.

Mr. Chenault, who was present, pointed out that during this season, parking use made of the lot was minor and the city would benefit financially if his proposal was approved.

The Council considered that this might delay the over-all improvement proposed for the lot which would increase the use of the lot. A discussion was held on the time element involved in calling for bids for the improvements for the lot and award of bid, which would permit the use of the lot by Mr. Chenault, without any difficulties involved.

The Council proposed that Mr. Chenault make arrangements himself with Mrs. Trueblood, since the city's agreement provided that the city should legally have possession of the lot as of February 1, 1957.

The City Manager suggested that there might be a period between the time the bids were called for and award made which could be used by Mr. Chenault, at the city's rental rate.

Councilman Hammond suggested that if Mr. Chenault could make arrangements with Mrs. Trueblood to extend the city's lease arrangement, that it would be the only basis which could be considered by the Council

The City Manager suggested that since this meeting would be adjourned until Monday, January 21, to canvass the ballots of the Garrison School Addition annexation election, that final decision be withheld until that time to give the staff time to make additional investigation. The Council concurred in this suggestion.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF STREET LIGHT MATERIALS IN THE LALOMA AREA 2-40

Plans and specifications for the installation of street light materials in the LaLoma Area were presented for Council consideration.

RESOLUTION NO. 57-26

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE INSTALLATION OF STREET LIGHT MATERIALS IN THE LALOMA AREA

Introduced by Adams Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

FURTHER CONSIDERATION OF THE REQUEST OF CHAS. D. WARNER FOR THE REZONING OF HIS PROPERTY ON YOSEMITE AND N. SANTA ANA 2-45

City Attorney Allen Grimes, at the request of the Mayor, reviewed the action taken by the Council at its last meeting on the request of Chas. D. Warner for the rezoning of his property located on Yosemite and N. Santa Ana, from C-1 to C-2, which would permit the construction and relocation of a garage to be used in the sand and gravel operations. Since the resolution rejecting the request and referring it back to the Commission for further study and report failed to receive four affirmative votes, the matter was still before the Council at this time for further consideration. He listed action available to the Council, 1) grant the request which would require the introduction of an ordinance rezoning the property, and 2) deny the request and refer it back to the Commission for further report as required by the zoning regulations.

Mayor Marks reviewed the previous discussion for the information of the Council members who were absent at the last meeting and reopened the discussion. The maps of the area were again displayed by Director of Planning George Smeath, which showed the present zoning approved by the Council and Commission in 1955, and the present uses of the properties along Yosemite Boulevard. He pointed out that the uses of the area were primarily C-1 and residential.

To a question from the Council, Mr. Grimes replied that Mr. Warner would be permitted to improve his building to comply with the code as long as no structural change, enlargement, extension or alteration was made.

Mayor Marks restated his position in the matter--that "if this request for rezoning was in the interest of this community it ought to be

done, if it is not in the interest of the community it should not be".

Councilman Merrill reiterated his position---that granting this permit would be for the betterment of this community and a financial asset to the city from a tax structure.

Mayor Marks pointed out that the collection from real and personal property would only represent approximately 20% of the annual city budget. He considered that the Council would be doing Mr. Warner a favor by denying his request because of traffic problems. He stated that if a zoning ordinance was going to have integrity that it should be adhered to---if variances are constantly granted and spot zoning--there was no need for an ordinance. He stated that in the best interest of all of the members of the Planning Commission and Council, the zoning map was adopted--this is a non-conforming use and Mr. Warner can operate at this location as long as he desires. He considered that this would be spot zoning. He pointed out the advantages of area zoning as compared to spot zoning. If the Warner property is zoned C-2, the adjoining property owners should be also granted this privilege. The overall value of property is not increased by changing the zoning because if you increase the value of one parcel you decrease the value of another by the change. Mayor Marks pointed out to Mr. Warner that the Council was trying to do what it considered right for the protection of the people in the neighborhood who had bought their property in good faith.

Mr. Albert J. McKeekin, 110 N. Wilson Way, stated that he opposed the proposed rezoning on his own behalf and also that of Mrs. Etta Ray, 1011 Yosemite Boulevard. They were both anxious that the present C-1 zoning be maintained in this area.

Attorney Frank Collier, representing Mr. Warner, stated that he considered that the matter before the Council was the question of whether or not it was going to sustain the recommendation of the City Planning Commission. The Commission was created for the purpose of advising the Council, he contended, and has recommended after a thorough study that this request be approved by the Council, that it was a urgent hardship case which should be rezoned from C-1 to C-2 before any consideration is given to the rezoning of the entire Yosemite Boulevard area. He considered that it was just going to be a matter of months and years before the entire Yosemite Boulevard area would be C-2 zoning.

Mayor Marks pointed out that if spot zoning was started that the entire area would be in C-2 because---what is good for one is good for all. He pointed out that Mr. Collier was also correct on his statement regarding the Planning Commission but they had also recommended that this area be C-1 at the time of the adoption of the zoning ordinance and map in 1955.

Mr. Smeath pointed out the resolution adopted by the Commission recommending to the Council the rezoning of this property did not include "urgency" or "hardship".

Councilman Merrill recommended favorable consideration by the Council on this special case due to the fact that it had been established at this location for 29 years, and was a hardship case. There would be no worry about other requests in this location, he stated, since the Council had the final "say".

Councilman Anderson pointed out that the theory of area zoning had been put to the test many times and had stood up rather well. However, he continued, the definite pattern laid down by non-conforming uses could be examined a little more thoroughly. The basis for Mr. Warner's request is not in itself a change of zoning, but in an enlargement of the requirements of the non-conforming use part of the ordinance. He consi-

dered that the definition of non-conforming use was a "rather harsh, unyielding formula", and asked if there was some way to amend that portion of the regulations, so that there would be more flexibility.

A discussion was held on whether the regulations would permit the alteration of an existing residence in a C-1 zone. Mr. Smeath reported that the regulations had recently been amended to permit the construction of a conforming use on a parcel of property while there is still a non-conforming use on the property, but it is not permissible to enlarge an existing non-conforming use.

Mr. Miller stated that the Council might wish to change the existing non-conforming regulations, but that they were less stringent than was orginally proposed at the time the public hearings were held on the zoning ordinance. A lot of people have been living under and complying with these regulations, he pointed out, and many cases were being handled by the staff and not being presented to the Council. In some cases, buildings had actually been built but had been put to some conforming use. If this property is entitled to a rezoning, he stated, there might be many others entitled to rezoning, and if the Council wished to discuss the "non-conforming problem", that he would like to discuss some of these cases which had been resolved by agreement and compliance on the part of the property owners. He pointed out that the staff had not suggested to these people the rezoning of their property as a means to solving their problem.

Councilman Anderson suggested that these non-conforming use cases be presented to the Commission for study so that they could make a recommendation to the Council on an area basis.

Mr. Ed Taylor spoke briefly on the problem of zoning, and contended that the Council and Commission were taking upon themselves the power to determine legal questions which did not concern them. The primary concern of the Council and Commission should be whether or not a certain action would benefit or not benefit the city.

Mayor Marks asked the Council members if they wished the City Attorney at this time to read his opinion on spot zoning which had previously been requested by the Council. The Council agreed that time would not be taken to consider the opinion but copies should be made available to them for study.

Councilman Hammond stated that he considered the zoning problems discussed could not be resolved by spot zoning since it would create opportunities for objectionable types of business. He considered that this area, at the present time, did not warrant a change to C-2 zoning, and on this basis he wished to deny the application and refer it back to the Commission for further study and report. The City should examine the present non-conforming uses under the zoning regulations. On situations such as Mr. Warner's, he stated, where he had been located for a long period of time, they should be examined individually and more carefully. He stated he would like to have a little more conversation on the non-conforming use and the flexibility which might exist under that phase of zoning regulations.

RESOLUTION NO. 57-27

A RESOLUTION DENYING THE APPLICATION OF CHARLES D. WARNER TO REZONE CERTAIN PROPERTY AS SET FORTH IN THE PLANNING COMMISSION RESOLUTION NO. 359 ADOPTED OCTOBER 16, 1956, AND REQUESTING A FURTHER REPORT FROM THE COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MUNICIPAL CODE.

Moved by Hammond Seconded by Adams

Ayes: Adams, Anderson, Hammond, Robinson and Mayor Marks

Noes: Arata and Merrill Absent: None

MOTION

That the Planning Commission be asked to make a study of the non-conforming provisions of the zoning regulations and offer any suggestion it might have to the Council for consideration.

Moved by Anderson Seconded by Merrill Unanimously carried

REPORT BY CITY MANAGER ON STUDY TO BE MADE ON WEST SIDE OF CITY 6-90

Mayor Marks pointed out that all the member of the Council were much concerned on the broad area studies of the west side of the city and certain sections of the business area downtown and what could be done to develop these areas.

The City Manager reported that after the informal discussion by the Council on this matter, the staff had done some checking and an additional report would be available shortly. He considered that this was a complex and most urgent problem to be determined by the Council. He reported that the staff had met with the Civic Affairs Committee of the Chamber of Commerce on Monday and asked the Committee for assistance on this matter and to enlist some of the property owners in the area. The staff, Chamber Committee and property owners should make a thorough study on these areas and make some specific recommendations to the Commission and Council. The Committee is making a further check since some of its members were absent. The loss of area involved in the construction of the freeway will particularly be taken into consideration in this study, he stated. The Council concurred in this procedure.

CITY ATTORNEY FILES OPINION ON SPOT ZONING WITH COUNCIL MEMBERS 6-122

At this time, the City Attorney filed with each member of the Council, a copy of Opinion No. 57-1 (January 16, 1957) Subject: Zoning Regulations; Spot Zoning, which had previously been requested by the Council.

HEARING ON PROPOSED VACATION OF SIX FOOT ALLEY IN BLOCK 6068 6-124

Mayor Marks declared that the hour of 4:30 P.M. had arrived, the time set for the hearing on the proposal to vacate a six foot alley in Block 6068, as recommended by the Planning Commission in its Resolution No. 363, adopted on December 4, 1956.

The City Clerk certified that the notice of the hearing had been published in the city's official newspaper, as required by law, and that no oral protests had been filed.

Mayor Marks asked if there were any oral protests. No protests were filed.

Mayor Marks closed the hearing at this time.

RESOLUTION NO. 892-S.P.

A RESOLUTION CLOSING AND ABANDONING A SIX FOOT ALLEY IN BLOCK 6068 OF THE ROOSEVELT PARK TRACT IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 134-C.S. RELATING TO RENT FOR LAND 7-16

ORDINANCE NO. 134-C.S., entitled:

"AN ORDINANCE REPEALING SECTION 7-3.408 OF THE MODESTO MUNICIPAL CODE, RELATING TO RENT FOR LAND"

introduced on January 2, 1957, 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 Adams

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

FINAL ADOPTION OF ORDINANCE NO. 135-C.S. AUTHORIZE PURCHASE OF KALLAS PROPERTY 7-20

ORDINANCE NO. 135-C.S. entitled:

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM MIKE KALLAS AND LELA KALLAS"

introduced on January 2, 1957, 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, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

APPROVE FINAL MAP FOR BEL AIR NO. 2 SUBDIVISION 7-20

RESOLUTION NO. 57-28

A RESOLUTION APPROVING THE FINAL MAP OF THE BEL AIR SUBDIVISION NO. 2

Introduced by Adams Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

AUTHORIZE THE REMOVAL OF COIN CHANGERS IN THE CITY'S PARKING LOT 7-37

The Traffic Engineer reported that the coin changers which were installed on the 9th Street parking lot on a temporary trial basis were not being used sufficiently by the general public to warrant their purchase. He recommended that the city not purchase the machines but return them to the company.

MOTION

That the coin changers be removed from the 9th Street parking lot and returned to the company as recommended by the Traffic Engineer.

Moved by Robinson Seconded by Anderson Unanimously carried

CITY MANAGER SUBMITS INVENTORY OF CITY PROPERTY 7-57

The City Manager filed, as required by the Charter, an annual inventory of city property. He reported that the total inventory value was indicated at $3,881,149.33, which includes appraised values in some cases and acquisition values in others.

Mayor Marks noted that the inventory value in the fiscal year 1942-43 was $1,754,000.

AUTHORIZE CITY MANAGER ACCEPT PERMIT FROM T.I.D. TO CROSS LATERAL NO. 1 NEAR SPOKANE STREET 7-69

Roy Fredricksen, Assistant Director of Public Works, reported that the Turlock Irrigation District had granted permission to the city to cross its lateral No. 1 near Spokane Avenue with a 30" trunk sewer to serve the south industrial area. It will be necessary for the Council, he stated, to authorize the City Manager to sign the offer on behalf of the city.

MOTION

That the City Manager be authorized to sign, on behalf of the city, the authorization to cross Spokane Avenue

Moved by Anderson Seconded by Merrill Unanimously carried

ACCEPT DEEDS OF EASEMENT FOR A 10 FOOT STRIP OF LAND TO BE USED IN WIDENING COLLEGE AVENUE BETWEEN PEARL AVENUE AND BRIGGSMORE AVENUE 7-80

The City Attorney presented for Council consideration deeds of easement from Mack R. Messenger, et ux; Warren E. Lovejoy, et ux; Emil Bassi; Christian L. Wolfley, et ux; and Charlotte L. Morris. He stated that these deeds covered a 10 foot strip on College Avenue, between Pearl and Briggsmore Avenue, to be used in the widening of this street.

RESOLUTION NO. 57-29

A RESOLUTION ACCEPTING DEEDS OF EASEMENT FOR THE WIDENING OF COLLEGE AVENUE BETWEEN PEARL STREET AND BRIGGSMORE AVENUE

Introduced by Anderson Seconded by Robinson

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

AUTHORIZE PURCHASE OF ADDITIONAL CAR TO REPLACE AUTOMOBILE WRECKED IN TRAFFIC COLLISION 7-87

Mr. Miller reported that one of the city's cars had recently been wrecked in an automobile accident. He stated that he had checked with the company which had recently been awarded the bid for automotive equipment and this company has agreed to sell the city an additional sedan at the same price. He asked for Council approval to purchase this car with funds available in the service replacement fund. He reported that the driver of the car, one of the school nurses, was in the hospital but was recovering satisfactorily. The City Manager was directed to notify her of the Council's concern for her rapid recovery.

MOTION

That the City Manager be authorized to purchase the additional car as outlined.

Moved by Robinson Seconded by Anderson Unanimously carried

RESOLUTION RELATING TO SUSPENSION OF DISPOSAL PAYMENTS AND CHARGES FOR THE USE OF THE MUNICIPAL DISPOSAL AREA BY THE MODESTO GARBAGE COMPANY 7-104

Mr. Ray reported that the Modesto Garbage Company had incurred extra expense of $1,810.50, due to the 1955 flood. This was discussed with the Council Garbage Committee and it was agreed that the committee would propose that one-half of this amount be compensated to the company by the city since the present site is being operated jointly by the city and company.

Mr. Grimes presented a resolution for Council consideration which would waive the dumping fees of the Modesto Garbage Company for a period of three months, which would be approximately equal to one-half of the extra expense incurred by this company.

RESOLUTION NO. 57-30A

A RESOLUTION RELATING TO THE SUSPENSION OF DISPOSAL PAYMENTS AND CHARGES FOR THE USE OF THE MUNICIPAL DISPOSAL AREA BY THE MODESTO GARBAGE COMPANY

Introduced by Merrill Seconded by Robinson

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

REPORT ON MEETING OF STATE WATER PROGRAM 8-2

Mr. Miller reported on the meeting held at the Modesto Irrigation District's office recently on the state water problem. One of the basic recommendations which came out of the meeting was that the people in this central section of California should organize to be in a position to protect their water rights and be sure of fairness on anything which is proposed in this water program. He pointed out that many people have indicated their interest to work on the program and fight for what this district has and the needs in the future. He stated that a similar meeting will be held in Merced, Tuesday, January 22, and he invited all of the Council members to attend. Councilman Robinson agreed to represent the Council at this meeting.

Councilman Robinson reported on the meeting held last Tuesday with representatives from the Merced Chamber of Commerce. He stated that from this meeting he was convinced that the water problem was a much greater problem than was considered. Mayor Marks asked Mr. Robinson if he considered it of sufficient importance that the city should hire a water expert to represent the city. Mayor Marks stated that he considered the most important matter before the city was the water problem and that just because the city was in good shape now does not mean that it shouldn't be preparing for the future needs.

It was agreed that no action be taken until after the committee had been formed so that its recommendations could be considered.

The City Manager reported that the staff had been interviewing representatives from firms which could make the city's water survey which the Council has already indicated desirable, and it was possible that the same person could assist in the other water program.

Mayor Marks suggested that the Council members who planned to attend the meeting in Merced make a further report and recommendation on the water problems.

FURTHER REPORT ON THE PROPOSED PURCHASE OF OLD MODESTO IRRIGATION DISTRICT PROPERTY 8-45

Mr. Miller reported receipt of a letter from the Modesto Irrigation District officially accepting the city's offer of $40,000, for its old building on 11th Street, between H and I Streets.

MOTION

That the City Attorney be directed to prepare the necessary papers for the purchase of this property.

Moved by Arata Seconded by Adams Unanimously carried

PRESENTATION OF THE FINANCIAL REPORT FOR THE MONTH OF DECEMBER, 1956 8-55

Mr. Miller filed copies of the financial report of the city for the month of December, 1956, with the Council members.

ADJOURN MEETING UNTIL 4:00 P.M., MONDAY, JANUARY 21, TO CANVASS RETURNS OF THE ANNEXATION ELECTION OF THE GARRISON SCHOOL ADDITION 8-57

Mr. Miller reported that informal returns from the annexation election held Monday, January 14, in the Garrison School Addition indicated that the area approved the annexation. He recommended that this meeting be adjourned until 4:00 P.M., Monday, January 21 to officially canvass the ballots.

MOTION

That this meeting be adjourned until 4:00 P.M., Monday, January 21

Moved by Arata Seconded by Hammond Unanimously carried

ATTEST: REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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, Robinson and Mayor Marks

Absent: Councilmen: Anderson, Arata and Merrill

Councilmen Arata and Anderson arrived at the meeting at 4:12 P.M.

CANVASS BALLOTS ON GARRISON SCHOOL ADDITION ANNEXATION ELECTION 1-6

Mayor Marks stated that the regular Council meeting of January 16, had been adjourned until this hour to canvass the ballots cast at the polls and the absentee ballots in the Garrison School Addition annexation election, held on January 14, 1957, and other matters.

The City Clerk reported that a total of 211 ballots had been cast at the polls; 135 in favor of the annexation and 76 opposed to the annexation; no ballots had been voided; and that three absentee ballots were cast.

The Council canvassed the returns of the election made out and signed by the election officers and tallied the three absentee ballots, which were opposed to the annexation.

RESOLUTION NO. 57-30

A RESOLUTION DETERMINING THE RESULT OF AN ELECTION HELD IN THE GARRISON SCHOOL ADDITION FOR ANNEXATION OF SAID ADDITION TO THE CITY OF MODESTO

Introduced by Robinson Seconded by Hammond

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson, Arata, and Merrill

ORDINANCE NO. 138-C.S., entitled

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE "GARRISON SCHOOL ADDITION" TO THE CITY OF MODESTO

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

Moved by Hammond Seconded by Robinson

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson, Arata, and Merrill

RESOLUTION NO. 57-31

A RESOLUTION AUTHORIZING PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES IN THE GARRISON SCHOOL ADDITION

Introduced by Hammond Seconded by Adams

Ayes: Adams, Robinson, Hammond and Mayor Marks

Noes: None Absent: Arata, Anderson and Merrill

The City Clerk recommended payment of $10.00 to each election official and $7.50 for the rental of polling places, to which the Council concurred.

MAYOR MARKS REPORTS ON POSSIBLE ANNEXATION OF THE FAIRMONT AREA TO CITY 1-95

Mayor Marks reported that there was a possibility that annexation petitions would be filed by residents of the Fairmont Addition, which previously had voted down a proposal for annexation. He stated that some of the leading opponents at the previous election had notified him personally that they were now strongly in favor of annexation and were inquiring about the procedure to be followed.

City Manager Ross Miller asked that the staff be given an opportunity to discuss the proposed boundaries of the area to be annexed with the proponents.

Councilmen Arata and Anderson arrived at this time, 4:12 P.M.

FURTHER CONSIDERATION OF REQUEST OF HOWARD CHENAULT TO EXTEND LEASE ON USED CAR LOT 1-105

Mayor Marks reopened the discussion on the request of Howard Chenault that he be permitted to continue on the city parking lot located on 10th Street between K and L Streets until March 1, 1957, leased by the city from Gus Allibert and Jessie Trueblood, which had been held over to see if the staff could work out some satisfactory arrangement.

Traffic Engineer Carmody reported that Mr. Chenault, as suggested by the Council had contacted Mrs. Trueblood with regard to extending his lease at a monthly rental of $195 beyond February 1, the date the city is to take possession of the property as per agreement, but she would not agree to do so. He described the area presently being leased by Mr. Chenault, which included all of the Trueblood property and approximately one-half of the Allibert property on a sub-lease from Mr. Mott, (balance being leased by Griswold & Wight who have already moved their used cars from the premises). He stated that Mr. Chenault proposed to remove his cars from the Allibert property and use only the Trueblood property until he could move to his new location approximately between the period of February 13 and March 1. The rents to be paid by the city beginning February 1 on the Trueblood property would be $356 and the Allibert property $304.

Councilman Hammond reported that the Council Parking Committee had considered that it would be in order to recommend to the Council that until February 13, Mr. Chenault could pay rent to the city on the basis of $420 per month and after that date retroactive back to February 1 on the basis of the total rent paid by the city, $660. He pointed out that the city would not be able to get onto any of the property to complete the improvements until Mr. Chenault had moved from the premises. He pointed out that the tax payers had lost considerablemoney by not being able to obtain the property for the Christmas shopping season.

MOTION

That the City Attorney be instructed to prepare a lease agreement to lease the Trueblood and Allibert premises to Howard Chenault for a period of one month, beginning February 1, at a monthly rental basis of $660, but in the event he vacates no later than February 13 that he would pay a pro rata rent on the basis of $420 per month, and that the right of entry to the city and contractors bidding on the installation of improvements be assured by Mr. Chenault.

Moved by Hammond Seconded by Anderson Unanimously carried

REPORT OF PARKING COMMITTEE ON OFFER OF ROBERT BOMBERGER TO SELL PROPERTY LOCATED ON EAST SIDE OF 12TH STREET BETWEEN J AND K STREETS FOR OFF-STREET PARKING FACILITY 2-105

Mr. Miller reported on the staff investigation, as requested by the Council, on the possibility of purchasing the property owned by Robert Bomberger on the east side of 12th Street, between J and K Streets for off-street parking. The Telephone Company has offered to purchase this property from Mr. Bomberger to meet the off-street parking requirements for their proposed new building. The staff has been checking regarding the possibility of working out some alternative arrangement, later on.

Councilman Hammond presented the recommendation of the majority of the Council Parking Committee; that it would be advisable at this time to permit the Telephone Company to purchase the property and the city to take some other step in the future to solve the parking problems in this area.

Councilman Adams expressed the minority opinion of the committee on the proposal; that the Traffic Engineer's study of this area indicates there is a need for a parking facility now and there will be a definite need in approximately 6 months or a year and the lot should be purchased on that basis because the same parking facility for the same price will not be available later.

Mayor Marks pointed out that 1) this would be parking even if it was private parking; 2) there is a lot of private parking in this area at the present time; and 3) the city is embarked on a lease program which permits the city to amass annually approximately $70,000 for the purchase of property which the city later on buys. The argument against that is that the property value of the immediate adjacent property is increased. The question is, do you increase or depreciate the value more than the interest costs if you float a bond issue. At this point the city has the most dynamic parking program in the whole state. Comparing this location with some of the other off-street parking facilities, Mayor Marks considered that it would be approximately a 35% location at tops, in conformance to traffic needs for dynamic parking.

Mr. Bomberger considered the percentage to be approximately 40%. He stated that he believed that there was better than a 50% chance that arrangements could be worked out with the Telephone Company to swap this property with the city later for property which will meet the company's needs as well. The lot will not be developed until after the construction of the addition to their building since it will be used for storage of materials.

Mayor Marks pointed out that in the meantime this property would remain on the tax roll. He pointed out this was one of the arguments against public parking lots.

Councilman Arata asked if the company did buy and develop the property whether the city would still have the right to condemn it. He considered that this location, at the present time, was not too good a location for parking. He considered that vacant property adjoining the Title Company building on 12th between I and J would be a better location since there are buildings on both sides.

Councilman Adams considered that the Bomberger property was first choice in location and value.

Councilman Hammond considered that the location was suitable for parking but that the urgency was 2-3 years away.

Mayor Marks pointed out that if the Council could build up the "nest egg" to $250/300,000 and if any of the owners of properties which the city has leased for parking lots, want to sell, there will be funds available.

Mr. Carmody pointed out the possibility of the Modesto Bank & Trust Company building on its property at 12th and J Streets which would remove a 69 space private parking lot. He estimated the cost per space of $3;000 to purchase and develop the parking lot adjoining the Title Company on 12th Street.

Councilman Hammond reported that the Council Parking Committee had asked the staff to prepare a study of this whole area as rapidly as possible so that the future parking requirements could be studied by the committee.

Mayor Marks stated that as long as the city was going along as strongly and as fast as it possibly can within the reasonable bounds of economic feasibility and with the result it has to show, the Council should "make haste wisely". He considered that private enterprise should have a chance to develop the property and put it into parking and if after this is done and it looks like a large development is being developed in this area, this location should be reconsidered by the city.

Councilman Robinson considered that the Mayor's statement regarding the preservation of the capital parking fund "made a lot of sense."

MOTION

That the recommendation of Council Parking Committee be approved.

Moved by Anderson Seconded by Hammond

Mayor Marks declared that the motion carried.

Councilman Arata stated that until the effectiveness of the large parking lot being leased and improved on 10th Street could be determined, the city should not embark on the development of additional off street facilities.

Councilman Hammond pointed out the company planned static parking at the location and a different location would be just as satisfactory.

Mr. Miller pointed out that the company had indicated willingness to consider an alternate site but their problem right now is that they want to proceed at once and to work out an alternate site would take considerable time.

Councilman Hammond pointed out that the area study would be made by the committee before the company started development.

Mr. Miller asked if it was the Council's decision that consideration should be given, in making the area study, the possibility that some alternate site might be worked out with the company.

It was agreed by the Council that if the study determines that it is necessary, this should be done.

The Mayor summed up the feeling of the Council on the off-street parking program for the Traffic Engineer's direction 1) that the Council has indicated by its discussion that it considers it important to build up the fund, 2) that it recognizes that urban redevelopment can be tied in with this, 3) that the city do everything it can for its dynamic parking to find places in future; that this can be done by finding places where the parking is actually essential and necessary.

Councilman Anderson pointed out the possibility of the city selling some of its present off-street parking lots in order to acquire parking lots in those areas where parking is more dynamic and the city should not be "tied up too tight" for funds.

Mr. Miller commented that 1) the Council should not tie toomuch hopes to urban redevelopment as far as parking is concerned, 2) in this study should the staff pursue further the possibility that some exchange between the city and telephone company might be helpful to the community.

Mr. Carmody pointed out that the department was working both on leasing and buying but if the Council's accent of decision is on saving money the city should not look towards buying. He reported that the lot leased from the Bombergers on 11th Street in back of the Sears store would come up for renewal.

Councilman Hammond recommended that before any decisions were made that the area study be made for the best location for the parking lots and then when this is known, then discuss the means of acquiring them, by leasing or buying.

ADJOURNMENT

MOTION

That this Council meeting now in session be adjourned.

Moved by Anderson Seconded by Mayor Marks Unanimously carried

The meeting was adjourned at 5:20 P.M.

ATTEST: Rex E. Gailfus asst.
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: Adams, Anderson, Hammond, Robinson and Mayor Marks

Absent: Councilmen: Arata and Merrill

Councilmen Arata and Merrill arrived at the meeting at 7:34 P.M.

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

Rev. Leland Nelson, pastor of the Brethren Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of January 2, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM UNITED LUMBER YARDS REGARDING PARKING ON E STREET 1-19

A letter from the United Lumber Yards was read, requesting diagonal parking on the south side of E Street, between 10th and 11th Streets. The staff's recommendation was that the request be denied because 1) the width of the street (50'); and 2) lack of visibility when leaving a parking stall.

MOTION

That the request for diagonal parking be denied.

Moved by Mayor Marks Seconded by Robinson Unanimously carried

LETTER FROM STANISLAUS CITIES-COUNTY ADVISORY PLANNING COMMITTEE RE: MEETING IN STOCKTON 1-41

A letter received from Robert Adams, Chairman, Stanislaus Cities-County Advisory Planning Committee was read, advising that a movie on urban renewal would be shown in Stockton January 30, at 7:30 P.M. at the Stockton Junior High School Auditorium, Harding Way and San Joaquin Streets.

City Manager Ross Miller pointed out that this meeting was a part of an extensive national program to generate interest in the development and improvement of neighborhood and business areas. He reported that Tuesday night, January 22, the staff met with a group of West side property owners, the first of a series of meetings which will be held in the central sections of the city to get their ideas and assistance in proposing to the Planning Commission and Council, action which may be helpful to solve special problems in their area. Approximately 50 persons attended and the zoning plan, freeway location, one way street proposal, parks and other matters were discussed. A plan for a continuing discussion program was discussed and those there set up a small committee to arrange this and to work with the City. Removal of buildings, due to the freeway, was discussed and the staff offered to check and work with this group to help in relocation.

Mayor Marks asked Planning Director Smeath to send each of the members of the Commission and Council, and any other interested parties, a copy of the report prepared by Stanley Ott on the freeway and its effect on the west side.

LETTER FROM FRANK ANDREWS 1-87

A letter from Frank Andrews regarding the plan for the freeway was noted by the Council, and ordered filed.

LETTER FROM MRS. DOROTHY THORNSBERY RE: ZONING 1-105

A letter from Mrs. Dorothy Thornsbery was read protesting to the proposed shopping center requested by John Quaresma from the Planning Commission to be located at Roseburg and Tully Avenue.

Mayor Marks stated that he would answer this letter to clear certain points. Mr. Smeath also cleared a misstatement in the letter regarding the zoning of Mr. Quaresma's property.

LETTER FROM MRS. ROSETTA L. GORMAN REQUESTING THAT A PROPOSITION PROVIDING FOR FLUORIDATION OF THE PUBLIC WATER SUPPLY BE PLACED ON THE BALLOT 2-10

A letter was read from Mrs. Rosetta L. Gorman, 838 Notre Dame, requesting the Council to place the proposition of fluoridation of public water supply of the City of Modesto on the ballot of the General Municipal Election being held on April 9, 1957.

Dr. Wm. Halloway, 1125 Sycamore Avenue acted as spokesman for the various women organizations which were advocating this proposition.

MOTION

That the City Attorney be required to prepare the necessary papers to submit to the Council for its consideration providing for the placing of the proposal for fluoridation of public water supply on the ballot of the General Municipal Election to be held on April 9, 1957.

Moved by Merrill Seconded by Robinson Unanimously carried

Mr. Frank Andrews contended that it would be difficult to carry out the fluoridation of water in this city due to the number of wells and that the cost would be excessive.

Dr. Halloway assured Councilman Anderson that it has been proved many times that fluoridation of water would have no effect on the flavor of foods being canned or processed, and would not interfere with any industrial utilization of water, and that it would not be necessary to label the food that it has been prepared with fluoridated water.

City Attorney Grimes pointed out that the protection from the health point of view was guaranteed because if it were approved by the electorate and the Council were to authorize its installation, it would be necessary to obtain a revised water permit from the State Department of Public Health.

Councilman Arata suggested, to which the Council concurred, that a preliminary report of the estimated cost of the fluoridation program be prepared for Council consideration at the next meeting and for general public information.

REPORT ON INFORMAL MEETING HELD BY THE COUNCIL, PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT TO DISCUSS PRINCIPLES ON PLANNING AND ZONING RECOMMENDED BY MAYOR MARKS 2-90

Mayor Marks reported on the informal dinner held, this date, which had been attended by members of the Council, Planning Commission and Board of Zoning Adjustment to discuss the suggested principles and procedures on planning and zoning previously presented by him to guide the different bodies in their decisions. He read the eight points which had been discussed, a copy of which is hereby made a part of these minutes.

MOTION

That the principles and procedures as presented by Mayor Marks be duplicated and distributed to the Commission for study and appropriate action

Moved by Mayor Marks Seconded by Robinson Unanimously carried

Mayor Marks asked if any of the members of the Planning Commission, who were present, wished to make any comments. No comments were made.

HEARING ON REQUEST OF ED TAYLOR FOR CHANGE IN ZONE MAP NO. 32 3-7

Mayor Marks declared that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the request of Edward T. Taylor that the zone classification of lots 13 and 14 in Block 340, as shown on Section 32 of the zoning map be changed from the Two-Family Zone (R-2) to the Multiple-Family Zone (R-3).

Mr. Miller pointed out that this matter had previously been considered by the Council and referred back to the Commission for further study and recommendation and the Commission had reaffirmed its recommendation that the rezoning be approved as requested, as set forth in its Resolution No. 361.

Mayor Marks pointed out that the matter had been referred back to the Commission for an area study, instead of the individual request.

Mr. Smeath reviewed the investigations and recommendations of the Planning staff on the area study and displayed maps which showed the land use of the triangle Washington School area, located west of Fifth Street (which would not include the Freeway area), west to Franklin, and south to Tuolumne Boulevard. It was the conclusion of the staff that this area was primarily single family residential, and that there is an excessive amount of commercial zoning in the area west of the proposed freeway location. How much of this commercial zoning will be used by commercial concerns which will be moved from the freeway area, is something which will have to be decided by individual property owners if they wish to relocate in that area.

In the area of the proposed freeway, between Fifth and Sixth Streets, and not extending beyond the two ends of these streets, he stated, there will be removed or demolished 142 single houses; 13 duplexes; 3 apartment houses (14 dwelling units); 25 C-1 Neighborhood Commercial buildings; 1 C-2 General Commercial building; and 1 C-M, Commercial Industrial buildings, 4 churches and 10 vacant parcels of property, with various zonings.

He displayed a map showing an area outside the city along Paradise Road and Sutter Street, which was zoned C-1 by the County, containing 61 acres of which only 6.8% is now being used for commercial purposes, the balance being vacant or used as residential. This fact along with other detailed information was presented to the Commission when Mr. Taylor's request was considered, he stated.

Mayor Marks read the additional petitions which had been filed by property owners adjacent to the Taylor property, protesting to the rezoning.

At the request of the Council, Mr. Smeath explained the rights of Mr. Taylor under his present zoning and under the proposed zoning. He pointed out that two, two-family homes could be placed on this property, under the present zoning. Under the proposed zoning the property could be used for multiple family structures and extra permitted uses as set forth in the zoning ordinance. The size of this lot which is approximately 15,000 sq. feet, would permit, if rezoned to R-3, the construction of approximately 11 dwelling units, built in any form up to 60 feet in height, providing the set backs were adequate. He stated that the parking requirements had not been checked in detail and if it was rezoned there would have to be a careful analysis made so that spaces would be provided for one car to each apartment.

He commented that two of the staff's conclusions from the study of the Washington School areas were 1) that the neighborhood is now mainly low density residential use and that there has not been a great demand for further increase in density of the area; there being some 30 vacant lots in the R-2 and R-3 available now for duplexes and multiple family units, 2) that the commercial zoning in the area appears to be excessive and that consideration of rezoning the C-1 area south of H Street and across Westside Park to residential may be desirable for "necessary, convenience and general welfare".

The Council discussed the various type of houses and buildings to be removed when the freeway was constructed. Some of the members considered that an additional study should be made on this problem to enable the Council to be fully informed to make certain necessary decisions since it could not "tell the people where to move".

Mr. Smeath pointed out that the normal problem of rezoning to greater density was a very difficult one. Simply by rezoning, one cannot provide new spaces for people to build, he pointed out. The study of the area and how it is used indicates very plainly that this is primarily a single family area. The staff would want to study as early as possible areas for expansion of the residential uses in that districts. So far as commercial zoning is concerned in this area, there is far and away more land zoned commercially than can possibly be occupied by all of the businesses taken out of the freeway.

Councilman Arata contended that some of the C-1 area was undesirable and the Council should be flexible on this matter to determine the best location.

Mayor Marks stated his position on the request---that to pick out an individual spot, against the wishes of the majority of the people within 300 feet, and rezone to R-3 was not advisable but if the people in this neighborhood wanted an R-3 area and it could be demonstrated that there is a need for this type of zoning---it could be considered.

To a question from Councilman Robinson, Mr. Smeath replied, that the staff knew of no demand for apartment house uses in this area; that the area was almost solidly used single and two-family residential; that the staff feels that this area, as does other areas of the city, needs the over-all kind of information that will come with the completion of the general plan and with the action of committees and with the result of more data that is being gathered every day. The zoning should be conducted as an area kind of problem and that if each individual lot is to be considered for a rezoning, then the studies become almost impossible. The staff approach to the Council and Commission, he stated, is that this information that it has been able to gather in a short time, along with

the other planning work, indicates that this area is primarily a single family area.

He pointed out that there were R-3 and R-2 zoned vacant properties and that there would be adequate space on the west side not far from this area for all of these uses--commercial and residential, which will be removed from the freeway area.

Councilman Anderson pointed out that most of the requests in the older part of town would be based on a single lot basis instead of an area basis.

The areas zoned R-1, R-2 and R-3 on the west side and proposed location of the freeway were indicated on the zoning map by Mr. Smeath for Council information.

Councilman Anderson asked Mr. Smeath if the staff had taken into consideration the possibility that after the construction of the freeway that the area between Sixth and Eighth Streets would become predominantly commercial and industrial, thus replacing certain single residential and multi-family residential uses. He replied that the staff could not anticipate how the various changes would affect different areas and that rezoning could not be recommended on this premise.

Mayor Marks pointed out that the matter raised by Councilman Anderson was the most important that the planning staff had under study at the present time and that the west side property owners were forming committees and deciding what they want by area instead of a haphazard manner. He pointed out that the matter before the Council was--approve or deny the request filed by Mr. Taylor.

Various members contended that additional study should be made on the area basis before consideration could be given to the request before the Council.

Mr. Smeath pointed out that it would be beyond the capacity of the staff to make a housing or economic study of this area at this time.

At the request of Mayor Marks, Mr. Taylor outlined his reasons for his request for the rezoning. He objected to the area basis zoning proposed and discussed by the Council for the west side district and contended that there was adequate evidence from the studies on the west side area that there should be a provision made for an increased use over the single family dwelling.

Albert Pederson, owner of duplexes near the Taylor property, spoke in behalf of the proposed rezoning.

John Feltes, 216 Ruberto, spoke in opposition of the proposed zoning.

Mrs. Edward D. Moitoza, 314 Ash Street, spoke in opposition to the rezoning.

Actions open to the Council for its consideration on the request were stated by Mr. Grimes.

Mayor Marks declared the hearing closed.

Councilman Anderson moved the introduction and passage to print of

ORDINANCE NO. 139-C.S. entitled

AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON

seconded by Councilman Merrill, which failed to carry on roll call by the following vote:

Ayes: Anderson, Arata, Merrill

Noes: Adams, Hammond, Robinson and Mayor Marks

Absent: None

RESOLUTION NO. 57-33

A RESOLUTION DENYING THE APPLICATION OF EDWARD T. TAYLOR TO REZONE LOTS 13 AND 14, IN BLOCK 340 OF THE CITY OF MODESTO FROM R-2 TO R-3

Introduced by Mayor Marks Seconded by Robinson

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: Anderson, Arata, Merrill Absent: None

LETTER FROM J. A. DORIAN RE: USE OF TRAILER 8-110

A letter from J. A. Dorion, 1242 Chadwick Court, requesting permission to install a house trailer in his backyard for leasing to school teachers, was read. Mayor Marks ordered the letter referred to the staff for answering.

LETTER FROM MRS. RITA RENSTROM, SECRETARY OF THOMAS DOWNEY P.T.A. 9-15

A letter was read from Mrs. Rita Renstrom, Secretary of the Executive Board of Thomas Downey P.T.A. notifying the Council that the Board had gone on record as approving a measure which would make it illegal to possess switch blade knives.

City Attorney Grimes stated the City of Modesto already had an ordinance which made the possession of these knives illegal. The City Manager was directed to so notify Mrs. Renstrom.

LETTER FROM DORR-OLIVER, INC. RE: TEST PROGRAM AT TREATMENT PLANT 9-30

Mr. Miller reported that the Dorr-Oliver, Inc. had requested permission to make tests at the city's pilot plant during the next few months which would be financed by the company and the information from which would be available to the city.

Mr. Miller suggested that this be approved in principle but that the Public Works Department be authorized to work with the company to set up certain limits so that it would not interfere with any testing the city would be doing.

MOTION

That the Department of Public Works be authorized to work with Dorr-Oliver, Inc. in making tests at the city's pilot plant on the conditions outlined by the City Manager.

Moved by Adams Seconded by Anderson Unanimously carried

INFORMAL HEARING ON BUSINESS LICENSE TAX REVISION 9-45

Verbatim copy of discussion is hereby included in the official record of the minutes.

VERBATIM TRANSCRIPTION ON THE DISCUSSION ON BUSINESS LICENSE TAX REVISION

Mayor Marks: This next item is an informal hearing on the Business License Tax Revision. It is not contemplated that the Council will take any action tonight; this is just what it is--an informal hearing. I will read the communication from Mr. Paul Hudelson, head of the Citizens' Committee and the members of the committee were Mr. Paul Hudelson, Chairman, Tom Reneau, Vice-Chairman, Bob Kauffman, Bill Falger, Al Hamaway, Lee Damir, Louie Hammer, Norman West, Mary Johnson, Ed Griswold, Add Saathoff, Hans Hartman and Ed Walter.

I think that the best way to handle this would be to see if there are any written protests on file or any written comments on file and then, rather than go through the audience to ask those people in the audience that have any matters they would like to raise pertinent to it to step forward, using the microphone, stating their objections or, if necessary, their approval or their viewpoint. Because there are 21 sections in it and it may be there are only objections on two or three.

City Manager: Mr. Mayor, we have some telegrams, I believe---are they the only communications you received? We have telegrams as follows: four, all to the Mayor and Council---one from the Pennzoil Company, O. E. Swanson, Treasurer; Blake, Moffitt & Towne, L. L. Liston, Secretary.

The Council may remember that this matter was previously before the Council a year and a half or so ago, and you prepared at that time, I believe, --we prepared for you, an ordinance which incorporated some suggested changes which you had considered. You did not finally act on it, pending this final study and the committee simply let it rest as it was.

There is another one from Oakland, the Rawson Drug and Sundry Co., Inc. Another one from San Jose, E. O. Smith, Plant Manager, Langendorf United Bakeries, Inc. Those are, I believe, all of the formal communications we have on this matter. There are, I'm sure, some people here---

Mayor Marks: Is there anybody in the audience who would like to speak on this matter, either way. Would you please state your name and address and who you represent.

I am Mrs. William Raider, and I live on Dale Road. I am representing the Stanislaus County Branch of the Music Teachers Association of California. I am not a very good speaker, Mr. Mayor, may I have permission to read my statement.

We wish to make the following statement with regard to the proposed city licensing ordinance: Music teaching is an educational and cultural profession. We have nothing to sell, save the product of our own minds and that only on a part time basis, since we must necessarily confine all of our teaching to after school hours. Two, if any other professions are called upon to give so much to their community without renumeration, we are apt to furnish or participate in programs for the service clubs, churches and social organizations. We not only award an annual scholarship to a deserving graduating high school student for the purpose of further music study but most of us give private scholarships to deserving pupils who can not pay for their lessons. We have given many hundreds of hours of our time and much material to the music theraphy program at the Modesto State Hospital. The study of music is a recognized and well established part of California State Educational Program. The teacher in the public school is not taxed for the privilege of teaching music, neither should the studio teacher be taxed. Their objectives are the same---the teaching of our young people so they may be literate and proficient musically.

While public school teachers need not and should not procure a city license, they would be subject to licensing should they do part time teaching outside of school hours. Yet how else can our students learn certain band and orchestra instruments if other qualified teachers are not available to meet the demand. The results of studio teaching are reflected constantly in the group performances in the school auditoriums. The work

of the private music instructor and that of the public school music teacher compliment each other. One is not an educational activity and the other a business. They are one in the same, in purpose, and in our objectives. If there is a question as to the need for our services in conjunction with the school music program, we invite you to consult with the public school authorities. We are informed by our state music teachers association that more and more cities in California are recognizing the educational and cultural values supplied by their private teachers and are seeking to class them as business people. San Francisco does not require a license of their private music teachers. Santa Cruz does not, nor does Long Beach, Hollywood, Riverside or San Diego. Sacramento only requires a license from teachers grossing over $4,000 per annum, and few there are. More cities will be gathered to this list when we have had time to complete a survey which we have begun to learn where else in California the private music teacher is acknowledged as a cultural asset. Not only are the products of our labors to be seen in Modesto school bands, orchestras, small ensembles, choral groups and as accompanists but our pupils are also an important part of the Modesto Symphony Orchestra, The Stanislaus County Band, and the Oratory Society. They also perform a valuable service in Modesto churches. Can not our efforts be considered a real cultural value in our community? We of the Stanislaus County Branch of the Music Teachers Association of California asks that the City Council exempt the private music teachers from all of Modesto's business license requirements and that we not be subject to taxation of any kind. This statement is accompanied by the signatures of the president and the board of directors of the Stanislaus County Branch. And we request that you place it on file.

Mayor Marks: Thank you. Will you place that statement on file with the Clerk, then, and you will certainly receive earnest consideration on that.

City Attorney: Mr. Mayor, I might state in connection with that so the Council will know, that it is only those music teachers that are engaging in a business for a profit that come within the terms of this proposed ordinance.

Mayor Marks: Well, aren't they all, I mean, ---after all. In other words, those that charge for lessons----

City Attorney: Not necessarily. I mean I just wanted to make that clear. It is only those that would engage in business for a profit.

Mayor Marks: What do you mean? What's the difference?

Mrs. Raider: What's a profit, sir?

City Attorney: For compensation.

Mayor Marks: Well, that's what she's talking about.

Mrs. Raider: Well, did you want to see our income tax returns, you mean?

Mayor Marks: No, I...

City Attorney: Referring to the Council, that there is no business that is covered in this in case the teaching were done for a purely educational purpose or done as an employee of the schools similar to teaching. It is only when the music would be taught for a fee or a compensation from the students that the license----

Mayor Marks: Well, I think this is the group she is speaking about. She said (Everyone started talking at once)

Mrs. Raider: I would like to point out, also, again, that the teachers who teach in the public schools, I know are paid a salary therefore are not subject to a tax, but they would certainly be subject to licensing on a part time basis just as much as those of us who have two or three students, should they teach outside of school hours. Is that not right?

Mayor Marks: That sounds like its right. Would you give us the opportunity to take your request under consideration and [illegible]

Mr. Mayor, and members of the City Council, I am Henry Myer, representing the Sunbeam Baking Company, located outside the City of Modesto. I feel that the tax is fair but the proposed tax, I feel, is exorbitant. Mr. Arnold Anderson is here this evening and he is fully cognizant of all of the particulars of this tax reform and he is here to plead our case.

Mayor and City Councilmen, I am Rex Knoles of the San Joaquin Baking Company, located within Modesto, the All America City. It seems that the problems have been long and varied tonight, so I'll have to dispense with my customary commercial and again ask Mr. Anderson to represent us in this matter of another tax which seems to be getting more and more complicated as the years go on.

Mayor Marks: You do recognize, Rex, that the purpose of this business license tax revision was not to get more income. I mean, that it is not a tax just to get more income--this tax will not raise more income for Modesto. The purpose of appointing this citizens' committee was to see that it had a more equitable distribution in the judgment of the committee and if in the judgment of the Council it would have, then ultimately undoubtedly, they would approve it together with such changes they might feel are necessary, which changes would be balanced up against something else.

And when we speak of taxes, we always think well---here's another tax that is going to cost more money. Well, it is going to cost somebody more money and will cost some others that have been, perhaps, discriminated against in the past, less money.

Mr. Knoles: We are very well aware of the fact that as Modesto grows and prospers, additional tax income is necessary. I want to apologize as I haven't acquainted myself with all of the provisions of the new proposed tax and that is the reason I have asked Mr. Anderson to represent us in the matter. He has studied various city license taxes throughout California and has been generally acquainted with the problems (?).

Mayor Marks: The point I was just raising, Rex, is that this isn't going to raise more money for the City of Modesto. It is going to be the same amount we raised on the other basis. Is Mr. Anderson ready to speak now?

Mr. Anderson: Well, gentlemen, as long as my hame has been mentioned---

Mayor Marks: Yes, Mr. Anderson, just tell us who you represent.

Mr. Anderson: My name is P. Arnold Anderson, representing the Municipal License Tax Association, a non-profit association of California Manufacturers, wholesalers and retailers. We represent about 50 firms doing business here in Modesto. So we are not just speaking for outsiders. We are speaking for firms located here, as well as coming into the city------

Mayor Marks: Do you have a list of those firms, Mr. Anderson? If you can submit them to the Clerk when we are finished, if you have the list of them, it will be fine.

Mr. Anderson: We represent such firms as Langendorf United Bakeries, Air Reduction Pacific Company, Kraft Foods Company, Blake Moffit & Towne (he listed a number of other firms until the Mayor interrupted and again asked him to submit the list to the City Clerk). Now, gentlemen, our thought in this matter is to be helpful to you gentlemen, in studying this business license ordinance of your city. We have been cognizant of your problem here, for a great many years. In fact the matter is we were here when you passed the original ordinance, you remember? At that time you remember the original ordinance was thrown out and a new ordinance was put in, the one that you now have. And when that was put in, it was put in for a purpose, to raise certain revenues for the city to carry out certain plans and the question of taxing manufacturers and wholesalers at that time was very carefully considered. As a matter of fact, wholesalers were left out of that ordinance as far as gross receipts were concerned,

for special reasons as you know. So it wasn't the thought that the manufacturers and wholesalers wouldn't bear their share of taxation. The thought was that this was the ordinance that you wanted. We also are cognizant of the fact, as mentioned in your report, that this city is unique from the standpoint of being the only city in the State of California which has had the machine set-up to grant a credit against the property tax or visa-versa, credit against a license tax when the personal property tax is paid and that has further complicated your administrative procedure in the last couple of years, as you are familiar with it. But you are also familiar with the fact that during all these years our wholesalers, coming into this city, have not tried to shirk their share of taxation and you put in the tax of $5.00 per quarter for the first truck and $2.50 per quarter for each additional truck coming into the city to deliver to your merchants, and that is only part of the problem. Now when this proposal was presented, as you will remember, about a year ago, there was a group of local wholesalers here, including Mr. Jones of the Central Valley Grocers, who protested against the increase in this tax at that time because of the factors which would be involved.

Now this city, as you can see by the list of firms and the number of firms, is quite a wholesale distributing center, as well as a manufacturing center and so the precedent which you establish here is going to be watched very carefully in other cities. Now we know from our study of ordinances in neighboring cities that $50 for a wholesale truck is out of line. The average for the cities around here is $22. Therefore when you put a $50 tax here, you are setting a precedent which will be followed in other cities. As a matter of fact only last year when the City of Tracy was considering a brand new ordinance, our organization met with the citizens' committee of that city at that time and the city council and helped them develop an ordinance and one of the first taxes they were proposing was a tax of $50 a truck on wholesalers coming into Tracy from Modesto but when they found out that you had a $20 tax they said all right we will make ours the same. This is what they have in Tracy. I am merely giving you that as a specific example as how this thing works. So it isn't a major problem in your ordinance, Mr. Mayor, as you can see by the report, the total amount of revenue is very small compared with over $200,000 in special rates, but it will have a direct bearing on the distribution cost in this city to other cities. Now if this was the only city in the State of California putting in this type of taxes, it wouldn't be so serious, but this is all up and down the State of California and so it merely (?) on top of the wholesale cost of distribution, which is very important to your merchants here to make sure that you have the right kind of service to them. That was why men like Mr. Knoles, here, who have services here, who live here, have their businesses here are asking you to give careful consideration, as a matter of policy. Now they are not saying that you shouldn't increase this tax slightly. If you increase it to $30, that would be equal with Stockton, but if you go to $50 that would be serious because it is a tough job to pass that on.

Also you have this factor involved that you are now proposing for the first time, a tax on gross receipt, on the local manufacturers and wholesalers, and that should be given a little thought too. In some of these cities where they have this tax like Fresno, Bakersfield, San Bernadino, recognize the fact that wholesalers are an asset to the community, making payrolls and they should not be penalized for locating in the city limits so you look at the ordinances of the City of Fresno and you will see. While they have a gross receipts tax on these people, the tax only applies to the goods sold in the city limits. Now if you were to change your rates slightly and all these wholesalers, to offset that you still would not be adopting the principle of taxing them on the outside deliveries because these other cities can tax us so we are going to have a double tax by delivering. Because these other cities can tax us, we are going to have a double taxation and that is what we are very much afraid of ---double tax. It is a very important matter from your standpoint and the city as a matter of policy that something be done for the

committee. I sat in on a couple of meetings and listened, and listened to their discussion. These men were very serious in their attempt to secure an ordinance under, what I consider, the most difficult situation in the State of California. When you have to eliminate this property tax credit and try to replace that revenue and spread it out in an equitable manner, its a very difficult thing. We know that there was a very good attempt to do that and you have certain principles in this ordinance which are sound and we think there are certain things in there which should be considered a little bit further.

You have for instance a proposal to tax people on a gross income. Now, Mr. City Attorney, I am not criticizing anybody, from taxing anybody on gross income, but it is the first time in the State of California, because all of these other cities have definite proposals taxing business on gross receipts, we are familiar with gross receipts and these definitions of gross receipts are so (?) that when they are applied they will accomplish the result which you want without going into --- what is gross income. We would like to have you give a little further thought on that and we may have some suggestions for you if you would care to go into them.

We also believe this that the definition of the term "wholesale" could be broadened to take into consideration the fact that manufacturers and processors also purchase goods at wholesale for use in their manufacturing processes. Your definition does not include any kind of transactions as being wholesale. We think that should be added to your definition. In the matter of definition of wholesale there is an attempt made there to prevent double taxation. In other words you might want to consider the receipts of a retailer on collecting the city sales or state sales tax as gross receipts. Undoubtedly that was put in there to prevent, as you say, double taxation. That is particularly needed when you have a high license, a high tax of one mill. We think there is a little question there that should be gone into as to interpretation of -when it refers to gasoline tax. Now this language in there might be construed as clarifying that point but it is not certain and we think some language should be put in there to clarify that as have other cities, showing that in other words, the 9¢ tax collected on gasoline by the service station, will not be included in this gross income clause. We could give your committee some suggestions on that.

Mayor Marks: Wouldn't the term net income take care of that.

Mr. Anderson: Beg your pardon did you say net income?

Mayor Marks: Well go ahead, I think the attempt has been made in the ordinance to take care of that. We would have to discuss it more thoroughly.

Mr. Anderson: Now in section 6-1.202 I think this section needs some clarification, regarding the statement of gross income to be filed. It does not make it clear as to when the statement should be filed or what 12 month period is to be covered in the return. We think that should be taken care of before the consideration of this ordinance.

Mayor Marks: I do want to point out Mr. Anderson that this is just a rough draft made for just this very purpose so that we can study it together and arrive at the proper solution after due deliberation and full consideration of all of these things and the only way we can find them out is by making them public and having people like you and the people who have spoken before, bring them up.

Mr. Anderson: That is the purpose we are here, Mr. Mayor, We have liked the way you have handled this thing, to have a committee appointed of business men to give these citizens an opportunity to study it and don't rush into it too fast because then you will be more certain to get an equitable tax and don't forget this, Mr. Mayor, also gentlemen of the

City Council, that you still have in this city the highest license in the State of California. not only from the amount of tax but also from the amount of the tax per capita received. The average tax per capita in the State of California is about $2.31 but you have here a tax of over $6.00. So when you revise that we hope you don't feel that you have to maintain each exact figure.

Mayor Marks: You know why that is Mr. Anderson. You recognize that all of the business --that Modesto is unique---by her annexation program all of the business in the area is located in the city limit--- practically all of it. There is no outside shopping areas. Most of the people----lot of people outside patronize businesses inside so that kinda louses up the average figure.

Mr. Anderson: Well it does and it doesn't. The rates, in spite of the fact that you have (?) You have a danger signal here for years with this 2 mill tax.

Mayor Marks: We grant you that. That's why we are revising it.

Mr. Anderson: You have in section 6-1.217 Peddling or selling without a fixed place of business, included in this classification(1) peddling or selling of foodstuffs, farm produce, bakery products, dairy products, confections, candy, popcorn , etc at retail (a) if by means of a vehicle, a fee of $15.00 per vehicle per quarter. Now what we are thinking primarily is this. There are certain types of people who are peddlers who go about from here to there and they are recognized as such but there are also people who, like dairy people, who sell their goods or products to customers over regular routes and they don't like to be classified as peddlers just because, generally speaking, you are thinking about peddlers as someone that needs regulation, not just taxing for revenue and if you were to tax, like a milk company coming in here, as a peddler, it immediately sets the standard for other cities and most cities have a classification set up. My point is to classify these people who deliver certain products, dairy products or bread or food products over regular routes to regular customers and we would like to have some thought given to the possiblity of revising that language, removing that to some other place so that you would not classify these people as peddlers.

Coming now to the use of vehicles. You have already heard us talk about wholesalers and I would like to add a few words to that for this reasons. Page 18, You have a tax, first of all for transportation service you still retain the same rate as previously, $5.00 per quarter for the first vehicle and the sum of $2.50 for each additional vehicle. Now there is no limitation on the size of those vehicles. Any vehicle can come in here with 19 tons load for a tax of $5.00 and ? a few cakes of yeast, a vehicle may be a little pick-up and you tax $12.50. I just want to give you that thought. We don't want to raise the transportation taxes, they pay plenty of taxes too, but it is merely a matter of comparison.

Now you have in paragraph "C" a provision there which says "All others shall pay a tax of $20 per quarter for the first vechicle and $10 for each additional vehicle". Now that "all others" is a very poor classification. It could include people who might be invited into the city to render repair service, or other forms of service to your merchants who are not in competition with anybody but who would be penalized for coming in here and they wouldn't come in if they had to pay $20 per quarter. Now as I remember that meeting you had here a year ago one of the primary purposes of the original suggestion was that there were certain laundries coming in here competing with local laundries and the local laundries thought they were getting by too cheap--$5.00 per quarter for a truck and so they were recommending an increase in that and somebody got the idea that this should extend to all trucks. You said "no" ? all classifications--let's consider those that you

I don't want to take any more time at this time,gentlemen, but if you have any questions I would like to answer them for you, if I can.

Mayor Marks: I would like to ask you a couple of things. It seems to me that the crux of your objection---of course a few things have to be straightened out in here---but actually getting right down to the welfare, you have heard us talk quite a bit about planning and future of this community--getting right down to bed rock on this thing. You have 2 things which you feel will hurt this city rather than help it; 1) is this business of a reciprocal charge being made against trucks from this community into other communities, and if this is your point is it not altogether clear, and 2) probably more important, is the fact that this ordinance is to tax the wholesalers that do business outside of the city which may conceivably prevent us from getting large industries in here that will do a lot of business out of the state or throughout California. Is that-actually those are two , the two main points, I would put the second one first.

Mr. Anderson: That second point which you made would be something like this---here is Mr. Knoles representing the San Joaquin Bakery--90% of his business is done outside the city. You tax him upon his entire gross receipts and that business is now taxable in these other cities, there represents quite a burden on him because almost his entire business is taxable outside the city. So that was one of the things we were thinking about not only for the future results of some of your present plants located here but another thing that should be clarified in the ordinance is I think, your local manufacturers---you have no specific exemption in this definition of gross income for goods which are shipped under interstate commerce---that's important--particularly if you are going to have manufacturers----

Mayor Marks: What would be fundamentally the difference between interstate commerce and if it is shipped to Los Angeles and San Francisco for the purposesof locating industry here. I mean there wouldn't be any real difference would there.

Mr. Anderson: No there wouldn't in some respects there would and in some respects there wouldn't. I would say this that certainly if it was shipped in interstate commerce (couldn't get the next words)

Most cities get around that in this way. They don't tax the manufacturer on his gross receipts--- 70% do not. They use a different yardstick which eliminates all this bookkeeping and it works out much simpler and much easier to enforce and is equitable----mainly the average number of employees.

Mayor Marks: I would say that those two were the most important ones and while some of the others are quite important also those are the two that could conceivably have an effect on the life of this community and the wholesalers, processors and food processors located here now--it would discourage from coming in---that is your viewpoint.

Mr. Anderson: Yes and it would make an extra burden on these people in here now.

Mayor Marks: I understand and when I say those coming in, I want to assure you that we are just ----let me put it this way---we are even more interested in those who are in here now.

Mr. Anderson: Any other question gentlemen, I would like to---

Mr. Miller: I would just like to point out for the-----

Councilman Robinson: I would like to ask, can we have a copy of this transcription.

Mr. Miller: We will get it for you.

Mr. Horace Button: My name is Horace Button, owner of Floden & Button Co., turkey processors here in the City of Modesto. Last time I was here, Harry, we were ironing out some inequities of the sewer tax and I see you are still interested in ironing out inequities and I am happy that you are. However in looking over this proposal it looks as though when you are trying to correct some inequities you are creating more. In order for me to illustrate my point, I may have to give you some figures. These figures that I have here are taken off my books, they are correct and if you want to send an official representative of the city down, we will prove them to you.

Mayor Marks: We will accept your word for it, Horace.

Mr. Button: I want to show you a picture of a manufacturing plant, we are not wholesalers. Our wholesale business in Modesto is one-twentieth of one percent. In dollars and doughnuts it means this, that if we do ten million dollars worth of business we do $5,000 worth of wholesale business in Modesto. All of our turkeys are sold practically outside of California; 65% are sold outside of California and to foreign countries. Now to give you a picture of the processing---the good we do for the City of Modesto. We haul turkeys from the high Sierras to the Pacific Ocean. We haul them from Visalia to Corning. We carry and cover 28 counties. In a period of a year our trucks go over 400,000 miles bringing these turkeys into Modesto. Most of those turkeys are hauled from territories from Chowchilla, Madera and Fresno, which have their own processing plants. We are robbing those processors bringing those turkeys to Modesto and increasing our payrolls here in town. I hate to bring you figures but I have to. In this last year 1956, the reason I have these figures so handy is because in 1955 the Chamber of Commerce asked us to self appraise our business. Well I did--I wrote them a letter, after I wrote the letter I thought I would hurt a lot of my friends' feelings that were on the Board of Directors so I didn't send it. Nevertheless we have been keeping the figures up to date for 1956, so these are current. Our payrolls for last year amounted to over one-half a million dollars; Let me tell you, in the turkey processing business we are small operators--we are not big. There are four in this turkey area who are bigger than we are, we are small so don't think that I am elaborating on the bigness of our company with these figures, I am not. Now I am going to give you a figure of the purchases that we will make from wholesalers, retailers all within the city limits of your All America city, not on the fringe area but in this figure I have eliminated the $250,000 which we have paid the railroads, because a very small portion of that is held in Modesto, that figure is eliminated from the figure that I am going to give you; it also eliminates the $10,000 we paid the telephone and telegraph companies ---a very small percentage of that stays in Modesto, that figure is not included in this figure that I am going to give you; nor is the compensation and insurance premiums that we paid of over $30,000 --that's not in it because a very small portion of that stays in Modesto; also the M.I.D. and P.G & E, over $20,000 we have eliminated that, there is some question as to how much of that stays in Modesto. Altogether, in addition to our payroll of $500,000 we buy $4,000,000 of merchandise from dealers in your City of Modesto, wholesalers and retailers. Now with this tax you have in mind we ourselves come under the $500 tax. This $4,000,000 that we are giving to others-it puts them in a category where they have to pay, each $500 so from our business alone, you would get the $500 from me, and $500 from the other three concerns that we are giving business to. You are pyramiding the tax three times. I believe that the manufacturers are doing so much for the City of Modesto that we shouldn't pay any---a very minimum tax like we are paying now--to do business in your city.

This gross revenue or the tax on your gross sales, I am going to show you how unfair it is. Of course we handle big volume, our turn over is big, our inventory will turn over 70 times from August 1st to the end of the year. When you turn over your inventory so many times your percentage on your gross profit is very low.

Now, let's compare that with a retailer. I am using a comparison here of a retailer. We used to be in the retail business and we used to mark up on our articles to sell 50% on our cost or one-third on our sales. Now, let's take a firm that is doing business--$2,000,000 worth of business, retail business here in Modesto. They pay 1 mill, which is $2,000, but in that $2,000 they have made their third profit on $2,000,000, which is $666,000. They pay $2,000 on $666,000 gross profit. I am paying $500 for $60,000 gross profit. I am paying a quarter as much as they are, but they are making a gross profit of 11 times more than I am. I want to show you how unfair it is that this pyramiding and we, ourselves, the manufacturers are paying more tax in comparison to our gross profits than the retailers. Now, this came to me so late, in fact I started on this on Monday, and I guess you've seen me make a number of ? that you thought was under my head, so I have been jotting them down, but I do believe that the manufacturer should be exempt from this program. Because we do more good for your city , if you didn't have the manufacturers you wouldn't have a city. There is no question about that. It is not the wholesalers, it is not the retailers, that is making the city grow, it is the manufacturers such as ourselves. The canneries, and like Al Johnson out there, he doesn't sell one thing in town, but all he does is put the payroll in the City of Modesto. So before you pass on this, before you draw something that won't fall apart, I would like to be heard again. Can I have that promise?

Mayor Marks: Well, you will, Horace. I again want to point out what I told Mr. Anderson, that this is the---the Council is having a hearing on this, now, just for the purpose and listening to people like you and Mr. Anderson and anybody else that chooses to talk. I want to assure all of you that have talked and will talk, that this will get the fullest kind of consideration before it is adopted. I do want to ask you a question, Horace. What is the difference between a wholesaler ----what's the difference between a manufacturer that sells his products and a wholesaler that distributes merchandise? Fundamentally.

Mr. Button: We sell to wholesalers in New York. We sell to wholesalers in practically every state in the Union. We sell a great deal of our turkeys on competitive basis with the Government. Under this last school lunch program which the Government was supporting the turkey market we sold the Government over 1,800,000 lbs. which represents about--roughly speaking, about $800,000 in sales and on the Government quartermaster market ? who buys turkeys for all of the Armed Services, camps and all the different branches, I would say that our sales to them would represent about $3¼,000,000. All of the others are sold outside the State. 65% of all the turkeys we process are sold outside the State of California. Most of them are sold in New York and chain stores.

Mayor Marks: One of the suggestions of Malcolm Davisson, the consultant on this, was that the business be taxed on a basis of markup. That is the reason I asked you and he raised a point--for instance, I know a wholesale grocery business, I think their net profit isn't anymore than yours before taxes--their gross profits before taxes is anymore than yours.

Mr. Button: That is right, Harry. This example I used is $2,000,000. I was using a furniture store, although I think their markup is more.

Mayor Marks: I'm speaking about wholesale. You see, the problem the Council ultimately is going to be faced with is the same thing that you have raised. We do not, by any action, desire to jeopardize the future of this community either as a distributing center or as a manufacturing center. As a matter of fact, we want to foster it all that we can. At the same time we want to be in line with other communities. We don't think we should give anything away either, but we should be fair and sound in what ever conclusions we come to. We don't want to invite not only new industries to stay away, but invite our own present industries to move out. That is no good.

Mr. Button: While you are on the subject. I'm glad you brought it up. We are the only turkey processing plant in your city. We had two.

We are not going to call/ Roos a turkey processing plant, because he is not. He is a poultry plant and he buys turkey from us that are already eviscerated, already ready for his customers. The other turkey processing plant that we had here has moved out, just on the fringe area, out by the Modesto Refrigeration Company. Now, we are the only ones left. We can't move. If you made this tax $5,000, we have to pay it. But we are not going to like it.

Mayor Marks: We want to treat all of the people---we don't want to adopt any attitude toward industry. You are here, you are stuck with us.

Mr. Button: I don't believe that all manufacturers have this same percentage but we happen to be in a unique position where we do give the City of Modesto over $450,000,000 that is spent inside the City.

Mayor Marks: Let me ask you one question. Would you consider the full hearing that we gave the processors in regard to the sewage tax--sewage charges, rather--would you say that the Council approached--the staff approached that matter in the right way and the final results were quite different from the ones we came out with at first? And would you say---now, I'm not asking you your opinions---would you say that we gave it the fullest equitable consideration from a standpoint of both equity and knowledge of your problems?

Mr. Button: Well, Harry, as you remember it was so out of balance, we were terribly----the rates we were charged was way, way out of balance. I'm happy the way it came out. Although, I still have a little headache. But I'm not using that headache here, Harry.

Mayor Marks: My point was this---we did consider the matter thoroughly, publicly, privately, every other way to come up with the best possible solution.

Mr. Button: It couldn't have been handled any better.

Mayor Marks: We will do this precisely the same way. And you will have an opportunity to speak again. Will the Clerk see that Mr. Button is contacted for the next hearing.

Mayor Marks: Mr. Collier, did you have something to say?

Mr. Collier: Mr. Mayor----

City Manager: I think, Mr. Mayor, could I make one point clear to the Council. I'm not sure that this draft makes it clear that--on Page 11--I think it may be clear but I want to be sure. That the schedule which is at the bottom of the page is also--on page 11 of the ordinance, this is just a rough draft--that this schedule which is at the bottom of the page is also the schedule which applies to wholesalers and manufacturers under the proposed (?) Committee. Are you all clear on that? I just wanted to be sure that all of the Council were clear on that.

Mayor Marks: That is why I asked him the question about the differentiation between---why there was a differentiation in his mind between wholesalers and manufacturers--two of the same.

Mayor Marks: Mr. Collier.

Mr. Collier: Mr. Mayor, my name is Frank B. Collier. Mr. A. Frad, Mr. Nathan McVay and myself, who are members of the local Bar Association, have been requested by the President of the Bar Association to appear here tonight on behalf of the members of our Association in reference to the revision of this tax. Now, at the present time, the lawyers have to pay $10.00 business license tax, 2 mills tax on the gross income or gross receipts and get credit for any personal property tax ? in the City of Modesto. Now, then, I understand that the proposed revision of the ordi-

understand) as far as that won't amount to a great deal on each individual lawyer, does amount to quite a bit when you (can't understand) and in principle we feel that the old ordinance is more correct and we would like to see the old provision of the old ordinance insofar as it relates to attorneys to remain as it is.

Mayor Marks: Anybody else desire to speak on this matter? Yes, Mr. Lyng.

Mr. Lyng: My name is Dick Lyng from the Ed J. Lyng Company. I am one of those that you mentioned who is perhaps being fairly treated now, or who will be absorbing some of this burden which is now perhaps, unfairly placed on others. Our business is, I'm sure now, is important to the community as it is to me and for that reason I am very interested. It is a little different, perhaps too, then some, inasmuch as we area public utility---under the Public Utilities Commission of California as a public warehouse. We are a processor of beans and seeds. We have a retail store in which we sell feeds and fertilizers and insecticides, farm supplies to the farmers, and under the provisions of this ordinance, it would appear to me that we will be taxed as several businesses, paying a minimum tax, in some cases, and the maximum of $500 in others. We also market seeds and beans throughout--we buy them throughout the State of California, Arizona and Idaho to a certain extent, doing all of the business through our Modesto office and selling them all over the United States. Now, it occurs to me, particularly in this matter of farm products which we don't process, they don't come near our plant, and which we don't convert in any way, that we shouldn't in Modesto tax that type of a transaction. Again, I wonder whether we should tax a transaction where the crop is brought to Modesto for processing. In Stanislaus County we have an agricultural income of something over $100,000,000 we have had for several years. Modesto should be the center for the marketing of those products, whether they are actually moved into the city or not. Under the terms of this ordinance, the fact of doing business in the City of Modesto would make them, I think, eligible for the tax, if I interpreted it right. So I think we should give some consideration, the Council should, to whether that is a good thing. The matter of being classed as a wholesaler as opposed to a manufacturer our margins as what would be termed a wholesaler or a marketing agency for agricultural commodities, our gross margins on fully 70% of our business is about 1%. That is our gross profit. Therefore a 1/4 mill tax would represent 2½% of our gross margin and is exorbitant and would be impossible with except for the fact that it has a $500 maximum. And yet you wonder whether there is any logic in having a $500 maximum figure. A firm doing $2,000,000 would be paying the same tax as the one doing $4,000,000 and would have, therefore, twice the effective rate. So some of those thoughts I would like to present as problems in regard to taxing wholesalers. I would also like to have a clarification or suggest that it be made, is a sale of seeds or feeds or fertilizers or insecticides to a farmer, a retail sale. I don't think it is in the same sense that a television set or a washing machine or furniture. A consumer item, it is sold to a farmer who is certainly a business man as a raw material. It is usually handled on a much lower gross margin, although it is a retail sale or gross margin on insecticides and fertilizers is generally about 7½%. So there again I question whether that is a retail sale in the same sense as others are. I think one point, too, on wholesalers who are operating in Modesto is that we compete with people at great distances. Our products in our Modesto plant come from as far away as Bakersfield and Marysville and Woodland. Our competitors are not largely local and therefore, we can't afford to have a different tax than the people we are competing with. It isn't something that should be controlled, I believe, on a city basis. We pay State taxes, State license fees and so on to operate and I think our type of business and generally all other wholesalers and manufacturers should be pretty well licensed and taxed on a state-wide basis. Those are just a few thoughts that I had.

Mayor Marks: In other words, Dick, you are practically saying the same things that Horace did, that in seeking to do away with certain inequities we are only raising others.

Mr. Carter: Mr. Mayor, gentlemen of the Council, my name is Leslie Carter and I represent the Pacific Gas and Electric Company, from San Francisco. Now, I want to emphasize that PG & E certainly has no objection to the kind of program you have developed or that your citizens' committee has been developing for your action. On the contrary, we are quite convinced that the committee has taken an excellent stand on the question provided in the present business tax program toward producing greater equity in the total structure. Now, I want to emphasize then that we have no basic objection to the overall program. My purpose in appearing then is primarily to make our position very clear, as clear as I possibly can, and if you have any questions I would be pleased to answer them if I can, in an attempt to aid you in your future deliberations. As you gentlemen know, the Pacific Gas and Electric Company and other public utilities have not, in the past, paid a business license taxes in the City of Modesto. The PG & E has, however, made payments of a franchise tax in 1955 amounting to approximately $12,000. In this respect, the PG & E has been somewhat unique, with reference to other public utilities operating within the City of Modesto. Of course, we are unique in the sense that we pay the franchise while our most immediate competitor, Modesto Irrigation District, does not pay a franchise tax. In addition, we are unique in respect to the telephone company who, for constitutional reasons, do not pay franchise tax, who are not, of course, our competitors, but I want to emphasize that in the public utilities field I think the PG & E is in a somewhat unique position. Now, the attitude we take to the business license tax suggestions which are contained in the report of the citizens' committee are, once again, not unfavorable. We do not oppose the new levy which would be placed upon the PG & E and which, by the schedule suggested, would amount to some $500 per year. We do have objections, however, which are of the nature of disagreeing with the basic principles adopted by the citizens' committee with reference to justifying this particular levy. It was stated, and I was privileged to attend one or two meetings of the committee and was very impressed with their deliberations, favorably impressed, it was their position, if I understand it correctly, and that of Mr. Davisson, that two privileges are involved in the kind of operation indulged in by the Pacific Gas & Electric Company and other utilities in the City of Modesto. One of these privileges is the so called privilege of doing business within the City. That is the privilege supposedly covered by the Business License levy. The other privilege, the other alleged privilege is the privilege of making use of the city streets which is presumably is covered by the franchise tax (?). It is our position, of course, in fact only one privilege involved, because it makes very little sense to go tearing up the public streets unless you had opportunity to do business in that city. Similarly, it is not my point in doing business within the City of Modesto unless you have the opportunity to make use of the city streets in carrying out that business. In other words, these are indistinguishable privileges and in fact, only one privilege is involved. That is our philosophical position on this issue, but in spite of this minor objection, for the time being, we are not objecting to the levying of an additional privilege tax upon the business license tax levy. In view of the fact, however, the basic purposes of the citizens' committee and of the City Council, are the purposes of equity, we wish to emphasize once again, the need for broadening the field of application of the business license tax to all enterprises that indulge in public utility activities. We have, of course, been pleased to see the assertions and recommendations of the citizens' committee, their recommendation that the proposed ordinance or that the ordinance include a levy on publicly owned utility enterprises. It is quite clear to you gentlemen, I am sure, that this is a competitive situation and one which is clearly involved in the problem of equity in the field of taxation. We have, therefore, been pleased to see this recommendation in the report of the citizens' committee. But I do want to emphasize that even if this provision is adopted by the City Council that taxation involves much more than the passage of an ordinance. It clearly involves the actually levying of the tax and if objections are raised to the levying of such tax it presumably involves some form of the application of the police power of this body. This then is the point we wish to make with reference to the provision that I'm referring to. Now, we are not only interested, in other words, in having the ordinance

we are interested in seeing the law carried out to its full extent. I would then state that our objections would be severe if the ordinance that we are now discussing were not administered in a way suggested by the language of the ordinance. There is one /respect gentlemen, in which I think--to which I think--one matters--to which I think some attention must be given, particularly by the City Attorney, with reference to this portion of the city ordinance, proposed ordinance, on Page 1, Item 8, definitional section, appears the definition of public utilities that will be subjected to the tax which is levied in later portion of the proposed ordinance. I'm questioning the use of one phrase in this definition and suggesting that you might give some attention to it in your deliberations. The section reads "Public Utilities shall be construed to mean and include any business organization, whether publicly or privately owned, performing a public service and hence subject to special governmental regulations". The phrase I am questioning, I'm certainly not raising any objections, but merely asking a question is as to the appropriateness of the term "and hence subject to special governmental regulations". I'm not quite sure, in law, what this phrase covers. If it would cover only those kinds of regulations that are involved in Public Utilities Commission regulations then our objections would be renewed because clearly this defeats the purpose of this particular part of the ordinance. It may not, it may refer to regulations, for example, by the State Legislature because the State Legislature does have certain powers over public utility enterprises. I think, gentlemen, this is basis of our present position and I want to emphasize once again that we are most interested in seeing an equitable situation develop in this ordinance and we want to continue to reserve our attitudes until, not only the passage of the ordinance, but the subsequent administration of the ordinance. Be pleased to try to answer any questions you might have.

Mayor Marks: Well, thank you very much. The Council desire to ask any questions?

City Attorney: Are you an attorney, sir?

Mr. Carter: No, I'm not. I'm at somewhat of a disadvantage.

City Attorney: Have you had an opportunity in rubbing shoulders with the attorneys to ascertain what their opinion would be as to the legality of applying the business license tax to utilities such as Irrigation Districts?

Mr. Carter: I would certainly say that in rubbing shoulders with the legal profession, I have heard this question discussed. And as is so often true in the legal fraternity no opinion, no conclusions .....

It may be important for me, at this point, to mention another possibility in this area for your consideration. If/as we have been instructed, the purposes of the revision are in the field of equity and in view of the fact that some public utility enterprises do not now pay a franchise tax in the City of Modesto, I think I'm prepared to say the Pacific Gas and Electric Company would be quite receptive to a proposal which granted a credit against the business license tax levy for franchise taxes paid in the City of Modesto.

Mayor Marks: Well, thank you very much.

City Attorney: I might say [illegible] say to the Council in the matter of the legality of the application of the tax to the M.I.D. I considered it very carefully, and researched it on pases I could find and there apparently is no California authority which answers this question, and so I agree this is one of those speculative fields where the attorneys do not have a proper answer.

Mayor Marks: Well, they have a lobby of their own. The irrigation districts have pretty good control over that ..... Is their anybody else that desires to say anything?

City Manager: Mr. Mayor, may I say that we are clear, however, on the other point the gentlemen from the P. G. & E made, and that is the City Attorneys advised us that you can logically separate the two privileges. One is for the privilege of doing business in the City; the other is, if I may put it in non-legal terms, rent for use of some public property which they using. And we are clear legally on that.

City Attorney: Well, I wouldn't quite say that. This problem (?) is what is appropriately termed philosophical approach to the problem. The cities of the State of California consistently maintain that there are two separate privileges.

City Manager: We just wanted to make it clear that we had a separate philosophy, a different one.

City Attorney: You will recall that Mr. Sloan, who is now retired and used to be in their legal department and other utilities have insisted they are not two separate privileges.

Mr. Perkins: My name is LeRoy Perkins. I am in the wholesale grain business. I think that there is one basic thing that hasn't been brought up here and that is the accuracy of these figures. I realize that this is a preliminary report, but I think it is rather ridiculous to say that there are only three wholesalers in the City of Modesto doing over a million dollars worth of business. In our business, in wholesale sale business, businesses that begin to do that much would n't make the grade. I don't know where the figures came from or how it could be checked but I think it might be well to have a re-evaluation of this thing because this is what the tax is based on. Possibly the wholesaler would bring in ten times as much as the estimate.

City Manager: I would like to advise the Council how they were obtained. We sent questionnaires to all of the firms that we could find that should be able to give us some information and from most of them we didn't get any replies. Now we used the replies we had and related them as best we could to the numbers. We would appreciate any assistance if you or any others might give us in helping firm them down. They are based on replies received and, of course, are not necessarily accurate.

Mayor Marks: The Council will recall that at the particular time I related one of my experiences on one of these questionnaires where I found three of them. I mean it is a very difficult thing. I think the only way you can ---.

City Manager: We would appreciate any help we can get.

Mayor Marks: I really believe the only way that you can actually get your tax on those things, Mr. Perkins, is to go around and contact everyone of these people and explain the purposes of this thing, and you will get the right answers from them. But when it comes to sending things through the mail, regardless of the fact they are not addressed to---no name affixed business, as such, does not like to do that.

City Manager: Well, in this case, the name was affixed. An official request from the city and in many cases, we actually made calls and tried. We did the best we could.

Mayor Marks: There were no names affixed on these that I saw. They were just cards. Unsigned.

City Manager: We did the best we could, and if you can help us we would appreciate it.

Mayor Marks: I do go along with Mr. Perkins' statement that we need more facts.

City Manager: We agree.

Mayor Marks: Is there anybody else who desires to speak on this matter? If there is nobody else, the Council will close the hearing and will consider this more thoroughly and give ample notification so that anybody that desires to be present at the next hearing will be here. I will say this,---

City Attorney: Does it wish to reschedule the next consideration?

Mayor Marks: It can? I think we need a lot of work on this. At least I do.

City Manager: Could I ask the Council if it would be helpful to them if we make this transcript either in full or in a brief fashion. Might be better if we could brief it down with a full copy we could refer to you. So if you wish we will summarize this the best we can and check with those that are concerned, if need be, and send you a further report on it.

Mayor Marks: You mean like Councilman Robinson asked for, a transcript?

City Manager: A full transcript of the whole discussion or a summary of it, whichever you rather.

Robinson: Pertinent points, yes. There are a lot of points made here that are significant and have them under review.

City Manager: Send you a full transcript if you wish.

Mayor Marks: No, no, why don't you take a transcript with just the pertinent facts.

Mayor Marks: The hearing is closed and I want to assure all of you, again, that have spoken that is going to take a lot of wringing out and the longer we spend on it the more I recognize the wringing out it will take.

City Attorney: I would just like to add one word. If Mr. Anderson has any particular language he would like to suggest, on some of these provisions I would be very happy to receive them.

Mr. Anderson: Alright, I'll see that you get them. I would like also to suggest, Mayor, if I can, in view of the fact we have helped the City Council, the City Attorney, in gathering this information, give us a chance to meet with you again before you plan to come up with your conclusions, we would be very glad to help you.

Mayor Marks: We want to assure you that there will be at least one more public hearing before discussing--before we really get down to cases on this. Does the Council agree to that premise? (The Council members agreed to this recommendation.)

Those of you who desire to have any copies of anything that has developed, ask the Clerk for them.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR IMPROVEMENT OF THE NEW TENTH STREET PARKING LOT 14-75

Plans and specifications for the improvement of the new leased off-street parking lot located on the west side of 10th Street, between K and L Streets, were presented by Traffic Engineer Carmody for Council consideration. He recommended that the bids be opened on February 5, at 2:00 P.M. He estimated the cost to be approximately $16,000. A brief discussion was held on whether the two benches proposed on the lot should be erected by the bus bench company or included in the plans as proposed. It was generally agreed that the plans should remain as prepared and the benches be included in the bid call.

As directed by the Council, the City Attorney presented for Council consideration a lease agreement with Howard Chenault for the rental of this lot for a term of one month beginning February 1, 1957.

RESOLUTION NO. 57-34

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HOWARD J. CHENAULT FOR THE LEASING OF PROPERTY

Introduced by Arata Seconded by Anderson

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

RESOLUTION NO. 57-35

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING LABOR AND MATERIALS FOR THE CONSTRUCTION OF OFF-STREET PARKING VEHICULAR LOT LOCATED ON WEST SIDE OF TENTH STREET BETWEEN K AND L STREETS, CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

AWARD BID FOR PRINTING OF REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE 15-65

RESOLUTION NO. 57-32

A RESOLUTION ACCEPTING THE BID OF BELT PRINTING & LITHOGRAPHING COMPANY FOR THE PRINTING OF REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE

Introduced by Anderson Seconded by Merrill

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

FINAL ADOPTION OF ORDINANCE NO. 136-C.S. AUTHORIZE PURCHASE OF AIRPORT PROPERTY FROM J. P. DIEU 15-70

ORDINANCE NO. 136-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM J. P. DIEU AND VINITA F. DIEU

introduced on January 9, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted

Moved by Anderson Seconded by Merrill

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

AUTHORIZE PURCHASE OF MODESTO IRRIGATION BUILDING ON 11TH STREET 15-75

ORDINANCE NO. 140-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO IRRIGATION DISTRICT FOR A SITE FOR OFF-STREET PUBLIC PARKING FACILITIES IN THE CITY OF MODESTO

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

Moved by Robinson Seconded by Anderson

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

RESOLUTION NO. 57-36

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR THE PURCHASE OF THE OLD MODESTO IRRIGATION DISTRICT BUILDING

Introduced by Merrill Seconded by Adams

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

Mr. Miller pointed out that any revenue derived from this building in the interim would go into the Parking Fund, which was generally agreeable to the Council.

RESOLUTION ACCEPTING DEEDS FOR COLLEGE AVENUE WIDENING 15-88

RESOLUTION NO. 57-37

A RESOLUTION ACCEPTING DEEDS OF EASEMENT FROM JACK AND MARY PATRICIA MATHENY AND ANDY AND GENEVIEVE PURSER FOR THE WIDENING OF COLLEGE AVENUE

Introduced by Anderson Seconded by Robinson

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

WITHDRAW LALOMA SCHOOL ADDITION FROM EMPIRE FIRE PROTECTION DISTRICT 15-90

RESOLUTION NO. 57-38

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE EMPIRE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (LA LOMA SCHOOL ADDITION)

Introduced by Arata Seconded by Anderson

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

ESTABLISH LOADING ZONE ON SOUTH SIDE OF C STREET BETWEEN NINTH AND TENTH STREETS 15-95

RESOLUTION NO. 57-39

A RESOLUTION ESTABLISHING A LOADING ZONE ON THE SOUTH SIDE OF C STREET BETWEEN NINTH STREET AND TENTH STREET IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

AUTHORIZE REMOVAL OF STOP SIGNS AT SEVENTH AND B STREETS 15-100

RESOLUTION NO. 57-40

A RESOLUTION AUTHORIZING THE REMOVAL OF STOP SIGNS LOCATED ON SEVENTH STREET AT B STREET AND TUOLUMNE BOULEVARD IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Merrill

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

AUTHORIZE INSTALLATION OF PARKING METERS ON H STREET, PORTION 13TH STREET 15-106

RESOLUTION NO. 57-41

A RESOLUTION ESTABLISHING A PARKING METER ZONE ON BOTH SIDES OF H STREET BETWEEN TWELFTH STREET AND THIRTEENTH STREET AND ON BOTH SIDES OF A PORTION OF THIRTEENTH STREET BETWEEN G STREET AND H STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

SET DATE HEARING REQUEST FOR REZONING OF SECTION MAP NO. 18 OF ZONING ORDINANCE - LANCE ELLIS 15-110

RESOLUTION NO. 57-42

A RESOLUTION SETTING THE TIME OF 4:45 P.M. FEBRUARY 20, 1957, IN THE COUNCIL CHAMBER OF THE CITY OF MODESTO, AS THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE REQUEST OF LANCE ELLIS TO AMEND SECTION 18 OF THE ZONING MAP TO RECLASSIFY THE SIX ACRE AREA LOCATED ON THE SOUTHWEST CORNER OF BOWEN AVENUE AND TULLY AVENUE FROM R-1 TO C-1

Introduced by Anderson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

CONSIDERATION OF ACTION ON SALES TAX 15-116

Mayor Marks reported that the County had adopted a County Uniform Sales and Use Tax and recommended that the City take the necessary official action as originally suggested on a 7½% basis.

MOTION

That the City Attorney be instructed to prepare the necessary ordinance for Council consideration

Moved by Merrill Seconded by Anderson Unanimously carried

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS 16-16

RESOLUTION NO. 57-43

A RESOLUTION APPOINTING ARIEL MERRILL AND REAPPOINTING RAYMOND S. SHEARN AND JAMES E. O'KEEFE MEMBERS OF THE MODESTO CITY PLANNING COMMISSION

Introduced by Mayor Marks Seconded by Councilman Adams

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

RESOLUTION NO. 57-44

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO BOARD OF ZONING ADJUSTMENT (JAMES E. O'KEEFE FOR A TERM OF FOUR YEARS ENDING JANUARY 1, 1961)

Introduced by Robinson Seconded by Arata

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

RESOLUTION NO. 57-45

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (RICHARD LYNG FOR A TERM OF FOUR YEARS ENDING JANUARY 1, 1961)

Introduced by Anderson Seconded by Merrill

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

RESOLUTION NO. 57-46

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO BOARD OF PLUMBER EXAMINERS (GEORGE HANSEN FOR A TERM OF FOUR YEARS ENDING JANUARY 1, 1961)

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

It was agreed that a further check be made on the appointment of a new member to the Library Board of Trustees since Mr. Zimmerman, whose term was expiring, had served almost the full four year term.

RESOLUTION NO. 57-47

A RESOLUTION COMMENDING IAN MENSINGER FOR HIS MANY YEARS OF SERVICE AS A MEMBER OF THE MODESTO CITY PLANNING COMMISSION

Introduced by Adams Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

It was agreed that Mayor Marks write a letter and send a certificate of commendation.

APPROVE TERMINATION OF LEASE WITH W. G. DUNLOP AND APPROVE AGREEMENT FOR RENTAL OF HAWKE HANGAR TO GARY SMITH AND WALTER FOUNTAIN 16-75

RESOLUTION NO. 57-48

A RESOLUTION APPROVING TERMINATION OF AGREEMENT BETWEEN THE CITY OF MODESTO AND W. G. DUNLOP

Introduced by Arata Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ORDINANCE NO. 141-C.S. entitled

AN ORDINANCE PROVIDING FOR THE LEASE OF HAWKE HANGAR AT THE MODESTO CITY-COUNTY AIRPORT TO GARY SMITH AND WALTER FOUNTAIN, A PARTNERSHIP, AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH, AND REPEALING ORDINANCE NO. 83-C.S.

was introduced and ordered printed and published as provided by the city charter.

Moved by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ORAL REPORT BY ASSISTANT DIRECTOR OF PUBLIC WORKS ON PLAN FOR FURNISHING SERVICES TO THE SOUTH MODESTO TIDEWATER SOUTHERN TRACT 16-85

Assistant Director of Public Works Roy Fredricksen reported that plans and specifications would be completed shortly for the construction of the industrial sewer line to the South Modesto Tidewater Industrial area but that the city had encountered some difficulty in obtaining the necessary easements from two property owners, Elmo Wade and Caruso Brothers. They have agreed to dedicate the necessary easements if the

project is explained to the property owners in this area but if they change their mind, the city will be losing valuable time due to this delay. He recommended that the City Attorney be directed to proceed with the necessary arrangements to condemn the property to avoid unnecessary delay.

Mr. Miller stated that the staff would like to take the time to work with these owners but the city must not delay the matter. He recommended that pending these discussions, the City Attorney be authorized to proceed with condemnation so that no time will be lost.

MOTION

That the City Attorney be directed to prepare the necessary papers to start condemnation proceedings on these properties.

Moved by Merrill Seconded by Hammond Unanimously carried

ACCEPT DEEDS OF EASEMENT ON SECOND SECTION OF SOUTH MODESTO TRUNK SEWER 16-125

The City Attorney presented for Council consideration deeds of easement for the second section of the South Modesto Trunk Sewer from G. W. Taylor, et ux, Frank C. Shaw, et al, and Modesto Meat Company.

RESOLUTION NO. 57-49

A RESOLUTION ACCEPTING DEEDS OF EASEMENT FOR THE SECOND SECTION OF THE SOUTH MODESTO TRUNK SEWER

Introduced by Arata Seconded by Robinson

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

MAYOR REMINDS COUNCIL OF MEETING OF CENTRAL VALLEY DIVISION LEAGUE OF CALIFORNIA CITIES 17-5

Mayor Marks reminded the Council members and staff of the meeting of the Central Valley Division League of California Cities being held in Stockton, Thursday night, at 7:00 P.M., January 24.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Adams Seconded by Hammond Unanimously carried

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

STATEMENT REGARDING PLANNING AND ZONING PRINCIPLES AND PROCEDURES APPROVED AT COUNCIL MEETING JANUARY 23, 1957, AND ORDERED REFERRED TO THE MODESTO CITY PLANNING COMMISSION FOR STUDY

1. Zoning regulations, both text and map, shall be revised only every three months (applications received during January, February, and March of each year to be processed in April, except that in exceptional cases which meet standards established by the Planning Commission by majority vote of the Planning Commission). The Planning Commission would consider applications made and initiate changes it believes desirable for hearing at these appropriate three-month intervals. The Council would refer any changes it feels are needed to the Commission for study. The Commission and the Council would recommend and effectuate changes that are justified.

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 a 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, as an example, will not be added in areas where excessive commercial zoning already exists.

4. No application which has been denied will be permitted to come up for reconsideration for a period of at least six months.

5. Changes in the zoning regulations will be in the direction of simplicity, exactness, and specified standards. Fewer matters would then have to go to hearings, and more applications could be granted or denied on the basis of the direct provisions of the regulations.

6. Fees charged for hearings and permits shall be raised to more nearly equal the cost to the city. It is suggested that they be made in conformance with those of the County. At present, for ten dollars, anybody can require the city to spend several hundred dollars worth of

time--of the staff, of city officials, and of other interested parties--trying to resolve individual zoning desires. It is recognized that it takes considerable time to amend zoning regulations, to process applications which require hearings, to gather data and make the reports necessary for Council or Commission action, and that shortcuts and special "hurry-up" processing are undesirable. But we must not be so busy solving the promotional problems of a few that we fail to take the time necessary to make real progress on the important planning problems which affect us all--both now and in the future.

7. The staff shall work toward completion of the detailed land use and other necessary studies to provide a sound basis for a major zoning review during 1958, by which time the master plan is expected to be completed.

8. At that time a citizens committee shall be appointed, composed of housewives, businessmen, educators, members of labor, civic, and other organizations, and public officials, to work with the Planning Commission in recommending policy determinations based on the master plan. Thus an effective, streamlined zoning program could go into effect during 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, as amended, 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 and Mayor Marks

Absent: Councilmen: Anderson, Hammond, Robinson

Councilman Hammond arrived at 4:22 P.M.

GRANT PERMIT TO STANISLAUS FOOD PRODUCTS CO. TO CONSTRUCT AN OVERHEAD BOX CONVEYOR ACROSS 12TH STREET BETWEEN B AND C STREETS 1-5

Director of Public Works Ray reported on the request of the Stanislaus Food Products Company to construct an overhead box conveyor across 12th Street, between B and C Streets, for the purpose of conveying empty boxes between their two buildings located on both sides of 12th Street. Plans showing the proposed improvement were displayed for Council information. Mr. Ray reported that the department had recommended to City Manager Ross Miller that the permit be granted subject to certain conditions.

Details of the construction plans were further discussed by Mr. Miller, Mr. Ralph Quartaroli of the Company, and Councilman Adams from the public liability angle.

City Attorney Allen Grimes presented for Council consideration a resolution which listed the conditions under which the revokable permit would be granted by the city. This resolution was read in full by Mr. Grimes for Council information.

Councilman Adams brought up the point of setting a Council precedence for other requests from industrial concerns on goods which would present a problem by granting this permit.

Mr. Ray agreed that it would set a precedent for overhead conveyors in industrial areas but if there was a request for overhead conveyors on any type of goods which would present a public hazard, it should be prohibited and if the permit was granted for one purpose and used for another, it would be in violation of the permit.

Mr. Arata considered that this precedent would be an advantage in an industrial area and would assist in obtaining industry in the city.

Mr. Ray pointed out the advantage of removing the foot traffic from 12th Street and cars going back and forth across the street.

Mr. Miller recommended the granting of the permit on the basis outlined by the Resolution.

RESOLUTION NO. 57-50

A RESOLUTION GRANTING TO THE STANISLAUS FOOD PRODUCTS COMPANY A REVOCABLE PERMIT TO CONSTRUCT, OPERATE, AND MAINTAIN AN OVERHEAD BOX CONVEYOR ACROSS TWELFTH STREET BETWEEN B STREET AND C STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

Ayes: Adams, Arata, Merrill and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

LETTER FROM MR. & MRS. ELMO H. WADE 1-90

A letter was read from Mr. and Mrs. Elmo H. Wade, 1111 Crows Landing Road, relating to the granting of an easement across their property to the city for the construction of the south section of the South Modesto trunk sewer, which advised that they had no personal objection to the city's plan for extension of the trunk sewer in this area providing the plan was not looked upon with disfavor by the other people in this area. They asked for assurance by the city that adequate steps would be taken to alleviate the existing unfavorable conditions at the feeding lots owned by the various packing plants located on Crows Landing Road and within the city limits.

REPORT BY CITY MANAGER ON THE MEETING HELD IN THE SOUTH MODESTO AREA TO DISCUSS THE TRUNK SEWER LINE TO SERVE THE TIDEWATER SOUTHERN RAILROAD INDUSTRIAL AREA 1-106

Mr. Miller reported on the meeting which had been held in the South Modesto area, January 30, which had been attended by members of the city staff and residents of the area. The industrial park area proposed by the Tidewater Southern Railroad was discussed, as well as the extension of the city's industrial trunk sewer and the securing of easements by the city from the property owners.

The urgency in the sewer project, since the California Vegetable Concentrates plant would be ready for a trial run late in June and ready for full operation in July, was explained.

Since the water will be turned into the Turlock Irrigation District canals by March 1, he reported to the Council, it will be necessary for that portion of the trunk sewer which will be constructed under the canal, to be completed before this date. He stated that the staff recommended that informal bids be called for in order to save time in the construction of this portion.

Mr. Miller reported on the problems in this general area as follows:

1. The objectionable odors formerly caused by the ponding and deck area of the city's disposal plant which has now been corrected by the new plant;

2. The delay in the construction of the trunk sewer line to serve the slaughter house area which was held up to determine the design to fit in with the new freeway. The county has now signed the agreement with the state and the plans are redesigned and bids will be called for today;

3. The odor and other effects from the feeding lots themselves.

He pointed out that these plants had been established at this location for many years. He stated that the city had made numerous inspections of the feeding lots since the area had been annexed in 1952, and the plants had done a number of things to improve the situation, including the following:

(a) Corrals used during the rainy season had been concreted, at an approximate cost of $40,000;

(b) Two men had been hired full time to keep these corrals in as good a shape as they could reasonably be kept with cattle in them;

(c) The institution and carrying out of a spray program for flys, etc.

He pointed out that since the recent appointment of the new Health Officer, who would have jurisdiction over any health problems, there has been no opportunity to discuss these matters. He stated that the basic points were 1) the firms have made substantial efforts to improve their operation and as far as the area is concerned; and 2) they are required to comply with all of the health and other laws of both the state and city as they relate to that operation. He recommended that, as suggested by Mr. and Mrs. Wade in their letter, that this be referred to the proper department--Health Department, for a study and report.

To a question from Councilman Arata, Mr. Miller stated that the situation would improve when the plants would be able to dump wastes into the sewer instead of the river.

Mrs. Wade, who was present, contended that the completion of the trunk sewer would not correct the situation since the condition of the corrals was the main problem. The program of concreting the corrals and spraying for insects, had not been enough since the conditions still exist as before, she stated. She reported on her endeavors over the past three years to have the situation corrected by working with the Health Department and the City Attorney.

Mayor Marks pointed out that the rights of the minority as well as the rights of the majority were respected under the city's type of government and that as long as the packing plants were living up to the code and the public welfare and health were not menanced they had the right to continue operation. He asked Mrs. Wade if she didn't believe that as the area developed industrially and otherwise after the trunk sewer was installed, that the property would become too valuable to be used for feed lots.

Mrs. Wade stated that the companies could have sold their property a number of years ago and made money on the deal but had refused to do so and were constantly improving their plants. Even if they did move their feed yards, it would be difficult to use the property adjoining the plants for other business operations, she contended. She stated that the problem should not be approached as a health problem but as a public nuisance.

Mayor Marks stated that the yards did create a problem which was recognized by the Council but all the city could do was to require the plants to live up to the letter of the law in all respects. He pointed out that the residents in this area could start a civil suit to abate the feed yards.

Mrs. Wade stated that she was present at this meeting to state the problem, not to create any fuss, and considered that the Council should be aware of the problem because it was interested in the whole community. She contended that the law was very plain on public nuisances and that the city would not get any place by going at the problems from a health angle. She reported that prior to the time of annexation that the Board of Supervisors had ordered an abatement proceeding. Improvement was noted for a short time after this, she reported, and then things quieted down until the conditions were now as bad as ever. She asked for a statement in writing from the Council as to what it will do, what it expects to do and what the property owners may expect.

Mr. Miller suggested that the matter be referred to the Health Department to check any other phases which might be indicated and to check further with the owners of the plants and with Mrs. Wade and make a further report.

Mayor Marks stated that the Council should know all of the facts both from a health and a public nuisance standpoint and the report sug-

gested by Mr. Miller would furnish the necessary information so that the matter could be again discussed. The Clerk was instructed to notify Mrs. Wade when the matter would be on the Council agenda for further discussion. The Council will take whatever action is deemed appropriate at this time, Mayor Marks continued.

Mrs. Wade stated that all of the people in the area were in agreement that the problems caused by the corrals would not be settled until the live stock was out of the area. During the summer mohths the grinding of the hay and feeding of the hay in the troughs causes hay particles to drive over the entire neighborhood. She considered that the live stock should be placed in feeding yards located out in the country where it would not bother anyone, and the extra costs for hauling to the slaughter houses, approximately 1¢ a pound, could be passed onto the consumer.

Mayor Marks contended that "you can't tell anybody how to run their own business". He assured Mrs. Wade that if anybody was violating the law that they would not continue since the laws of the city and state would be enforced by the staff and the Council.

The City Attorney stated that in his prior study of the problems that it had been his thinking that a course of action which should be explored was the possibility of looking at some further regulations to regulate sanitary conditions at the plants.

Councilman Arata stated that the plants were trying to improve the condition and that with different chemicals which would be available in the future it would be solved. They have put in concrete floors and when the sewer line is installed a lot of the drainage will go down the sewer line which is now standing around and "puddling up". They should have a chance to see what develops after the sewer line is installed.

Mrs. Wade stated that the large number of animals being placed in the yards during the past years had presented a severe dust problem as well as noise problem because when the animals were first placed in the yards they were frightened and tramped around and "mooed" day and night. These problems, along with the dust created by the feeding of ground hay and odor, would not be solved by the sewer line. Whatever has already been done, she contended, has not been enough; the residents have been patient and now consider that it would not be unreasonable to ask they be given some kind of hope as to when the conditions will be corrected.

Councilman Arata pointed out that the city could get so strict in its regulations that it would discourage all industries in the community. Many of the industries do have minor nuisances and if "we try to clamp down on everybody, we will not get any industries and property will not be worth very much".

Mrs. Wade stated that there was a general feeling in the area that if this was a fair example of how an industry was regulated that they did not care for any more industries in the area. She stated that she was not trying to "bargain" with the city on the sewer easement but they wanted a statement from the Council that it will, with a reasonable degree of expediency, enforce the laws of the state and city as related to the feed yards at the slaughter houses on Crows Landing Road.

MOTION

That this matter be referred for study to the Health Department and staff and report back to the Council and the City Manager be asked to prepare a letter to be presented to the Council for approval before it is sent to Mr. and Mrs. Wade, along the lines discussed.

Moved by Arata Seconded by Adams Unanimously carried

ACCEPT RIGHT OF WAY AGREEMENTS FOR SOUTH SECTION OF SOUTH MODESTO TRUNK SEWER 4-52

Mr. Grimes presented for Council consideration right of way agreements from the Modesto Tallow Company and A. Arnopole, et al, granting the city the right to construct and maintain a trunk sewer line across their properties located in the South Modesto area.

RESOLUTION NO. 57-51

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE RIGHT OF WAY AGREEMENT FOR SEWER PURPOSES BETWEEN THE CITY OF MODESTO AND MODESTO TALLOW COMPANY AND AUTHORIZING THE RECORDATION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Arata Seconded by Adams

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

RESOLUTION NO. 57-52

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE RIGHT OF WAY AGREEMENT FOR SEWER PURPOSES BETWEEN THE CITY OF MODESTO AND A. ARNOPOLE, MORRIS ARNOPOLE AND LEWIS JACK ARNOPOLE AND AUTHORIZING ITS RECORDATION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Adams Seconded by Merrill

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

Mrs. Leslie Baker, from the audience, inquired if the South Modesto Acres would be able to secure sewer service when the city constructed its trunk sewer across Tuolumne River.

The City Manager stated that no specific arrangements had been made but that this trunk line would make it possible for a substantial area to be served, but this would be dependent upon the needs of people in the area, their willingness to annex to the city, the Council, and the cost, etc.

She was asked to check for further details with Director of Public Works Ray.

DISCUSS REQUEST FOR AUTHORIZATION TO OBTAIN INFORMAL BIDS FOR CONSTRUCTION OF CROSSING OF TURLOCK IRRIGATION DISTRICT LATERAL AT HATCH ROAD 4-90

Mr. Ray reported that since it would be necessary to construct that portion of the trunk sewer under the right of way of the Turlock Irrigation District at Hatch Road prior to March 1, when the water will be run into the canal, that it would be impossible to do this work under the regular contractural arrangements. He recommended that the staff be authorized to purchase the sewer pipe for the canal crossing and to obtain informal bids, on an emergency basis, which could be presented to the Council at its meeting of February 6 for consideration.

MOTION

That the staff be authorized to purchase sewer pipe and obtain informal bids for that portion of the trunk sewer under the

T.I.D. right of way and report to the Council at its meeting of February 6 on bids received, as outlined by the Director of Public Works

Moved by Merrill Seconded by Arata Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF SEWER TRUNK LINE TO SERVE THE TIDEWATER SOUTHERN RAILROAD INDUSTRIAL AREA 4-110

Plans and specifications for the construction of the sewer trunk line to serve the Tidewater Southern Railroad industrial area, which also includes a section from the river crossing to the north to serve the meat packing industries, Zeff Company, Arnopole and Modesto Tallow Company were presented for Council consideration. He outlined the special conditions which had been written into the specifications relating to the time element and penalty clause for completion of the south section which must be completed, ready for use by June 14 and the entire contract to be completed by July 12. He recommended the date of February 18 at 2:00 P.M. for the opening of the bids.

RESOLUTION NO. 57-53

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE SOUTH MODESTO TRUNK SEWER AND AUTHORIZE CALLING FOR BIDS

Introduced by Adams Seconded by Merrill

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

Mr. Ray reported that the County had approved the city's request for permission to work on a portion of the county road on this project.

DISCUSSION ON RECOMMENDATION OF MODESTO CITY PLANNING COMMISSION ON THE CLOSING OF THE SOUTH 108.5 FEET OF SYDNEY STREET 4-20

Council consideration was given to the recommendation from the Planning Commission that the south 108.5 feet of Sydney Street be closed, as requested by the Tri Valley Packing Association.

Councilman Arata asked that the Council be informed prior to the public hearing whether the city would lose any credit points in its No. 2 fire rate by closing streets and alleys. He pointed out that the city only had 43 points to lose before it would lose this rate, which would result in increased insurance costs to its citizens. He expressed concern at the numerous requests being made to the Council for the closing of streets and alleys, especially in the industrial area.

Mr. Miller reported that this request was proposed on the basis that an agreement would be executed between the city and the company providing that the street be kept open so that there would be access at all times. He stated that prior to the public hearing that the matter of the fire rate would be rechecked. He pointed out that many times points would not be lost if alternate access or different hydrant locations could be provided.

Mayor Marks believed that Councilman Arata's suggestion went beyond this one street and was that in any basic change in street pattern in the city, the Council should know in advance whether or not it would be losing points on its fire rate.

The legal requirements for the publishing of notices, posting of property, and sending of notices to property owners as required by law for the vacation and abandonment of streets was explained by the City Attorney, who pointed out that it would be possible for the Council to vote against the vacation after the public hearing or if it considered that it was not feasible to go through with the legal proceedings for setting the date for the public hearing the request could be denied at this time.

The company's plans for the extension of the loading arrangements was presented by Mr. Miller. He stated that the request was that the dead end street be closed as a public street with the understanding that 40 feet of the street be kept open as a private street for access in and out for fire protection.

Councilman Arata believed that if the street was made a private street that the Police Department would have no jurisdiction to cite trucks which might be parked there during the time of a fire.

Resolution No. 365, adopted by the Planning Commission, was read, recommending the closing of the street to the Council. It was noted by Mayor Marks that at the public hearing before the Commission that the Fire Department had opposed the closing of the street. Mr. Miller stated this objection had been taken care of by the agreement that it be kept open for access of the Fire Department.

MOTION

That the recommendation of the Planning Commission for the closing of a portion of Sydney Street be tabled until next week.

Moved by Hammond Seconded by Merrill Unanimously carried

Councilman Merrill considered that the Planning Commission should be notified of the possibility of the city losing some of its points by closing streets.

Mr. Miller stated that it would not be possible to determine the precise amount of points which might be lost if any certain street was closed but a report would be submitted on the general matter if points were lost by closing of streets and alleys.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was adjourned at 5:20 P.M.

ATTEST: Rex E. Gailfus, am
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: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Absent: None

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

Rev. L. H. Bone, pastor of the Church of the Nazarene, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of January 21, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM THE CALIFORNIA FRYER FESTIVAL 1-30

A letter was read from the California Fryer Festival asking that the city furnish additional parking area, more benches and garbage cans, additional electrical equipment and install the city's band stand for its festival being held this year on June 15 in Legion Park.

Bill Cutting, Chairman of the Fryer Festival Committee, spoke briefly on the plans for this year's festival.

Mayor Marks asked Mr. Cutting to work with the administrative staff in clearing the needs of the organization, bearing in mind that it might be impossible to grant all the requests without setting a precedent; and after the staff had made its investigation and estimate of the costs involved, the Council would then take action.

LETTER FROM NORTHERN CALIFORNIA COUNCIL OF OUTDOOR ADVERTISING 1-80

A letter received from the Northern California Council of Outdoor Advertising, with attached copy of Senate Bill 666 relating to outdoor advertising, was noted.

Mr. Miller was asked to summarize the communication and report back to the Council.

LETTER FROM TERMINAL AIR BRAKE SUPPLY 1-85

A letter from the Terminal Air Brake Supply, 2475 So. Cherry Ave., Fresno, was read, asking for information from the Council as to the availability of a building to rent in or near Modesto.

Mr. Miller reported that representatives from the Company had been in Modesto conferring with the Chamber of Commerce and city staff and at this time the company was considering a location in the commercial area between 6th and 8th Streets. He suggested that a letter from the Mayor on behalf of the Council offering full cooperation might be helpful.

MOTION

That Mayor Marks be authorized to write a letter on behalf of the Council pledging full cooperation.

Moved by Robinson Seconded by Anderson Unanimously carried
75-27

LETTER FROM STANISLAUS COUNTY SCHOOL RE: CONSOLIDATION OF SCHOOL DISTRICT TAX INCREASE ELECTIONS WITH GENERAL MUNICIPAL ELECTION 1-114

A letter from Fred C. Beyer, County Superintendent of Schools, was noted, regarding the request for consolidation of school district tax increase elections with the city's General Municipal Election being held on April 9, 1957, together with copy of "Notice of Election for increase of maximum rate of district tax in Modesto High School District of Stanislaus County, California."

Dr. James Corson, Superintendent of Schools, appeared before the Council and spoke briefly on the proposed bond issues and special tax levies which the schools were combining with the city's General Municipal Election in April, and distributed copies of preliminary reports to each Council member.

REPORT ON DOWNEY SWIMMING POOL 2-60

A letter from Dr. Corson was read relating to the construction of the Downey High School swimming pool, which was to be financed jointly by the city and the school, with the city agreeing to pay one-half of the cost, not to exceed $25,000. The letter advised that the two low bids received of $71,000 and $76,000 had been rejected and the architect instructed to determine if there were any deductions which could be made to bring the cost more in line with the expectations and desire of the Board which had been $50,000 to $55,000. It has been determined now that after certain deductions and changes in the plans are made that a cost of $65,000 to $70,000 would result. The letter stated that if the city could find it possible to allocate some additional sum toward this project, not to exceed 50% of the cost, the Board would give further and probably favorable consideration to proceeding with the construction of a pool at a total cost of $65/70,000.

Dr. Corson displayed a sketch of the proposed plans for the swimming pool which called for an L shaped pool, and pointed out the desirable features of this type of pool. He stated that the reason this matter was being presented to the Council was on the basis of the city's desire to reconsider its decision after all the facts had been assembled on the cost of the pool.

After a general discussion by the Council 1) on the joint use now being made of the pool at the Modesto High School, 2) the advantages gained by the general public in the joint operation of swimming pools by the schools and city throughout the entire year, 3) advantages of the L shaped pool type of construction, 4) status of the city's capital improvement fund, it was agreed that the City Manager should prepare a summary on the capital improvement funds available, during the next week for Council consideration.

Dr. Corson stated that he would give a detailed report on the schedule of construction to the City Manager later for Council information as a guide for further consideration of the matter.

RESOLUTION PROVIDING FOR GENERAL MUNICIPAL ELECTION ON APRIL 9, 1957 3-55

City Attorney Allen Grimes presented for Council consideration, a resolution relating to the calling of the General Municipal Election to be held on April 9 and consolidation of a special school district bond election and tax increase election with this election.

RESOLUTION NO. 57-54

A RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON

TUESDAY, APRIL 9, 1957, AND DESIGNATING PRECINCTS AND POLLING PLACES AND APPOINTING MEMBERS OF PRECINCT BOARDS FOR SAID GENERAL MUNICIPAL ELECTION

Introduced by Robinson Seconded by Arata

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

RESOLUTION NO. 57-55

A RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR CONSOLIDATIONS OF A SPECIAL SCHOOL DISTRICT BOND ELECTION, A SPECIAL SCHOOL DISTRICT TAX INCREASE ELECTION, A SPECIAL HIGH SCHOOL DISTRICT BOND ELECTION, A SPECIAL HIGH SCHOOL DISTRICT TAX INCREASE ELECTION AND A SPECIAL JUNIOR COLLEGE DISTRICT BOND ELECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 9, 1957

Introduced by Adams Seconded by Hammond

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

REPORT ON CONSOLIDATION OF THE CITY AND COUNTY HEALTH DEPARTMENTS 3-115

A brief discussion was held on the report on consolidation of the City and County Health Departments, prepared by Assistant City Manager Masonheimer, copies of which had been previously distributed to the Council members. The City Manager stated that there were certain matters in the report which he wished to clear with both the schools and county before final consideration was given by the Council.

It was agreed by the Council that further consideration would be given to the report at the next meeting.

LETTER FROM H. GORDON WHITE OF THE MODESTO JUNIOR COLLEGE STAFF RE: APPRECIATION FOR ASSISTANCE GIVEN BY TRAFFIC ENGINEER CARMODY 4-12

A letter was read and ordered filed from H. Gordon White, Business Assistant to the President, expressing the appreciation of the Modesto Junior College for the assistance given by Traffic Engineer Carmody in regard to traffic and parking problems on the campus.

APPROVE TRANSFER OF $138 FOR PAYMENT OF SPECIAL ASSESSMENT IN IMPROVEMENT DISTRICT NO. 5

RESOLUTION NO. 57-56

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $138 FROM THE GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED FOR PAYMENT OF SPECIAL ASSESSMENT IN IMPROVEMENT DISTRICT NO. 5

Introduced by Merrill Seconded by Anderson

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

MAYOR WELCOMES VISITORS FROM THE DOWNEY HIGH SCHOOL 4-20

Mayor Marks welcomed the students from the Government in Action

Class of the Downey High School, and their instructor, K. Baldridge, visitors of the Council.

REJECT BIDS FOR INSTALLATION OF STREET LIGHTING MATERIALS IN LA LOMA AREA AND AUTHORIZE WORK DONE UNDER FORCE ACCOUNT 4-32

A tabulation of the three bids received for the installation of street lighting materials in the LaLoma area, which had been opened at 2:00 P.M., February 4, was considered by the Council. Director of Public Works Ray reported that the lowest bid submitted by the Collins Electrical Company of $24,838, was 29.5% higher than the City Engineer's estimate of $19,175 for doing the work with city forces. He pointed out that the policy established by the Council on June 20, 1956---to award the bid to contractors on installation of water mains and street lighting materials if the amount of bid was 10% or less above the estimate for installation by using city forces, would preclude the acceptance of the lowest bid on the project, and that if the work was to be done by contract that an appropriation transfer of $18,500 would be needed.

RESOLUTION NO. 57-57

A RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF STREET LIGHTING MATERIALS IN THE LALOMA AREA AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Robinson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ACCEPT BID OF M.J. RUDDY AND SON FOR CONSTRUCTION OF TENTH STREET PARKING LOT 4-50

Traffic Engineer Carmody presented for Council consideration a tabulation of the four bids received for the construction of the Tenth Street parking lot (between K and L Streets) which had been opened at 2:00 P.M. February 5, and recommended the acceptance of the lowest bid of $13,522, submitted by M.J. Ruddy and Son.

RESOLUTION NO. 57-58

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY AND SON FOR THE CONSTRUCTION OF THE TENTH STREET PARKING LOT LOCATED ON THE WEST SIDE OF TENTH STREET BETWEEN K AND L STREETS IN THE CITY OF MODESTO AND AUTHORIZING THE EXECUTION OF AN AGREEMENT

Introduced by Robinson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

RESOLUTION NO. 57-59

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $14,000 FROM THE PARKING FUND RESERVE TO THE PARKING FUND FOR THE CONSTRUCTION OF THE TENTH STREET PARKING LOT (West Side of Tenth Street between K and L Streets)

Introduced by Adams Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ACCEPT INFORMAL BID OF STOCKTON CONSTRUCTION COMPANY ON INSTALLATION OF TURLOCK IRRIGATION DISTRICT LATERAL NO. 1 CROSSING 4-65

Mr. Ray reported on the informal bids received for the installation of Turlock Irrigation District Lateral No. 1 crossing at Hatch Road as a part of the construction of the South Modesto trunk sewer. Four bids were received with the low bid of $2,694 being submitted by Stockton Construction Company. He listed the bids also received from the same bidder for the work on the cost plus basis, which indicated that the same company was low bidder, being cost plus 6% overhead and 10% profit. He recommended that the lump sum offer of $2,694 submitted by Stockton Construction Company be accepted.

City Attorney Grimes pointed out that the acceptance of the bid must be predicated upon the finding by the City Council that this work is deemed to be of urgent necessity for the preservation of the life, health and property of the citizens of the community and must be passed by five affirmative votes.

RESOLUTION NO. 57-60

A RESOLUTION PURSUANT TO SECTION 1307 OF THE CITY CHARTER ACCEPTING THE INFORMAL BID OF STOCKTON CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF TRUNK SEWER UNDER THE TURLOCK IRRIGATION DISTRICT LATERAL NO. 1 AT HATCH ROAD AND AUTHORIZING EXECUTION OF AGREEMENT WITHOUT CALLING FOR BIDS

Introduced by Anderson Seconded by Robinson

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

FINAL ADOPTION OF ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY FROM THE MODESTO IRRIGATION DISTRICT 4-105

ORDINANCE NO. 140-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO IRRIGATION DISTRICT FOR A SITE FOR OFF-STREET PUBLIC PARKING FACILITIES IN THE CITY OF MODESTO"

introduced on January 23, 1957, 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, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 141-C.S. PROVIDING FOR LEASE OF HANGAR BY GARY SMITH AND WALTER FOUNTAIN 4-106

ORDINANCE NO. 141-C.S. entitled

"AN ORDINANCE PROVIDING FOR THE LEASE OF HAWKE HANGAR AT THE MODESTO CITY-COUNTY AIRPORT TO GARY SMITH AND WALTER FOUNTAIN, A PARTNERSHIP, AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH, AND REPEALING ORDINANCE NO. 83-C.S."

introduced on January 23, 1957, 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 Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ACCEPT GRANT DEED FROM E. C. ALSPAUGH FOR SIX FOOT WALKWAY IN ROOSEVELT PARK TRACT 4-110

RESOLUTION NO. 57-61

A RESOLUTION ACCEPTING GRANT DEED FROM ELMER C. ALSPAUGH AND VANDELLA W. ALSPAUGH FOR A SIX FOOT WALKWAY IN ROOSEVELT PARK TRACT

Introduced by Anderson Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

SET DATE FOR FURTHER CONSIDERATION OF REVISION OF BUSINESS LICENSE REGULATIONS 5-4

Mr. Miller suggested that the Council at this time set a date for the consideration of the business license revision regulations only, as a special order of business and that it be some other time than at a regular meeting of the Council.

MOTION

That a special meeting of the Council be tentatively set for Tuesday, March 5 at 7:00 P.M. to further discuss the business license revision regulations.

Moved by Adams Seconded by Robinson

Councilman Robinson suggested, to which the Council agreed, that a further effort be made to obtain information from manufacturers and processors as to their amount of revenue since the result from the first canvass had been unsatisfactory.

The Council agreed that Mr. Malcolm Davisson, who assisted the committee in revising the ordinance, be present at the special Council meeting to be held on March 5.

APPROVE AGREEMENT WITH STATE ON MODERNIZING THE NINTH STREET TRAFFIC SIGNALS 5-87

Mr. Miller reported receipt of agreement from the State to be executed by the City providing for the renovation of the existing traffic signals on Ninth Street. He stated that the estimate on the city's share would be $7,433, based on the estimated contract of $17,000. He recommended that the city proceed on this basis.

RESOLUTION

A RESOLUTION APPROVING AGREEMENT BETWEEN THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS

AND THE CITY OF MODESTO FOR THE RENOVATING OF THE EXISTING TRAFFIC SIGNAL SYSTEM ALONG NINTH STREET (X-Sta-4-Mod), THE INTERSECTIONS WITH B, D, (X-Sta-110-Mod), G, H, I, K AND L (X-Sta-110-Mod) STREETS ALL WITHIN THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

REPORT ON COSTS INCURRED FOR CONSTRUCTION OF STORM AND INDUSTRIAL SEWER BY-PASSES AND OUTFALLS 5-100

Mr. Miller reported that the city forces had completed construction on the by-passes and outfalls along Tuolumne River, as authorized by the Council, at a cost of $4,591.90. The one bid received on October 15 for this work was $9,960, he reported, and the engineer's estimate was $5,600. Mayor Marks congratulated the city personnel on behalf of the Council.

REPORT ON MCHENRY AVENUE IMPROVEMENTS 5-105

Mr. Miller reported that the Highway Commission has authorized the Division of Highways to negotiate with the city for a cooperative agreement on the basis set forth in the city's resolution to the State and also has authorized the installation of the signals at Orangeburg and McHenry Avenues.

The staff has conferred to clear certain matters and has also conferred with representatives of the McHenry Avenue group.

Mr. Hector Switzer, newly appointed land agent for the City of Modesto, was introduced.

Mr. Ray reported that a representative from the Division of Highways was already working on the preliminary surveys of the widening of McHenry Avenue.

FURTHER REPORT ON TRAFFIC ISLAND AT DOWNEY AVENUE 6-5

Mr. Miller reported that further discussion had been held with some of the people in the area of the temporary traffic island at Downey, H and Scenic Drive. Objections and constructive suggestions raised at these meetings were briefed by Mr. Miller. (Report prepared by Traffic Engineer Carmody on these suggestions is on file with the records of this meeting.)

Some of the objections raised by the people on the traffic island design, he stated, will be eliminated when the one-way street pattern is in effect.

He pointed out that the original staff recommendation was that traffic not be permitted to proceed southward from across the intersection, and that this movement was a contributing factor in the recent accident there.

Mr. Carmody stated that it is planned to call for bids for the traffic signals to establish one-way streets shortly and that the system will be in effect during the month of May.

Gilbert Wiess, operating the Downey Market at this intersection, contended that the island should be narrower to avoid accidents.

The Council agreed with the staff's recommendation that the present

traffic design remain until the one-way street pattern was effected, and that the highest priority be given to this intersection on the program.

APPROVE LEASE AGREEMENTS AT THE AIRPORT 6-120

Lease agreement between the city and Gary Smith and Walter Fountain for the leasing of the former Shell Oil Company service station at the Airport was presented and terms outlined by Mr. Grimes.

ORDINANCE NO. 142-C.S. entitled

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO GARY SMITH AND WALTER FOUNTAIN AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

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

Moved by Hammond Seconded by Arata

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

A lease between the City and E. & J. Gallo Winery for the rental of airport property for the construction of a hangar was presented by Mr. Grimes for Council consideration.

ORDINANCE NO. 143-C.S.

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO E. & J. GALLO WINERY AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

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

Moved by Merrill Seconded by Arata

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

POINTS TO BE CLEARED ON CONSOLIDATING CITY AND COUNTY HEALTH DEPARTMENTS 7-25

The City Attorney reported that the resolution relating to the consolidation of city-county health functions should be acted upon by the Council on or before March 1.

Mayor Marks asked if anyone wished to raise any questions to be answered by Health Officer Westphal, who was present, or Assistant City Manager Masonheimer, who had prepared the report.

Mr. Miller briefly reported on the various alternatives and recommendations listed in the report.

Mayor Marks commended Mr. Masonheimer on the clear report he had prepared and stated that the Council would be in a position to take action before February 27.

SALES TAX MATTERS 7-85

As directed by the Council, Mr. Grimes presented for Council con-

sideration the necessary documents which would carry out the uniform sales tax, and outlined the provisions in the ordinances which would provide for collection of the tax by the State and the disposition of city sales and use tax funds and a resolution approving the agreement with the State for administration of local sales and use taxes.

ORDINANCE NO. 144-C.S., entitled

"AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE IMPOSING A CITY SALES AND USE TAX; PROVIDING FOR THE PERFORMANCE BY THE STATE BOARD OF EQUALIZATION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION AND COLLECTION OF THE SALES AND USE TAX HEREBY IMPOSED; AND SUSPENDING THE PROVISIONS OF ARTICLE I, CHAPTER 2, TITLE VIII OF THE MODESTO MUNICIPAL CODE DURING SUCH TIMES AS SAID ARTICLE 4 IS OPERATIVE"

was adopted and ordered printed and published by the following vote:

Introduced by Hammond Seconded by Robinson

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

ORDINANCE NO. 145-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE DISPOSITION OF CITY SALES AND USE TAX FUNDS"

was introduced and ordered printed and published by the following vote:

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

RESOLUTION NO. 57-63

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE BOARD OF EQUALIZATION FOR THE STATE ADMINISTRATION OF LOCAL SALES AND USE TAXES

Introduced by Arata Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ACCEPT RIGHT OF WAY AGREEMENTS FOR THE SOUTH MODESTO TRUNK SEWER 7-120

RESOLUTION NO. 57-64

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENTS BETWEEN THE CITY OF MODESTO AND WILLIAM B. CARUSO, JOHN S. CARUSO, AND ELMO H. WADE AND MABEL WADE FOR THE SOUTH MODESTO TRUNK SEWER AND AUTHORIZE RECORDATION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Anderson Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

The City Manager commended the cooperation of all of the people in this area and the County in making the necessary rights of way available for the construction of the South Modesto Trunk Sewer.

ACCEPT DEEDS OF EASEMENT FOR WIDENING OF COLLEGE AVENUE BETWEEN PEARL AND BRIGGSMORE AVENUE 8-1

RESOLUTION NO. 57-65

A RESOLUTION ACCEPTING DEEDS OF EASEMENT FROM JOSEPH H. SCHAFFER AND DOROTHY M. SCHAFFER, DEPARTMENT OF VETERAN AFFAIRS OF THE STATE OF CALIFORNIA, AND FRANK NISSON AND ULA NISSON FOR THE WIDENING OF COLLEGE AVENUE BETWEEN PEARL AND BRIGGSMORE AVENUES

Introduced by Merrill Seconded by Adams

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

Mr. Grimes reported that the deed of easement from Joseph H. Schaffer, et ux, would have to be accepted subject to the lien on the property since the company financing the property would not agree to cooperate with the City.

SET DATE FOR HEARING ON PROPOSED CLOSING OF SYDNEY STREET REQUESTED BY TRI VALLEY PACKING ASSOCIATION 8-26

As directed by the Council, Mr. Miller reported that he had contacted the Chief Engineer of the Board of Fire Underwriters of the Pacific to determine if the closing of streets would affect the city's fire rating. Street closing, where it was a minor portion of a street as is the case in the request of the Tri Valley Packing Association for the closing of 108.5' of Sydney Street, would have no measurable effect on the fire rating of the city but if there was an accumulation of street closings in a high value industrial or commercial area, it might have some effect. The difficulty involved in getting fire fighting equipment to a location is the principle factor in determining deficiency points. Unless the company agrees to enter into an agreement to keep this street accessible to fire fighting equipment, he stated, the staff will not recommend its closing.

RESOLUTION OF INTENTION NO. 256
(RESOLUTION NO. 893-S.P.)

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE SOUTHERLY 108.5 FEET OF SYDNEY STREET (ALSO KNOWN AS GRANGER STREET) IN THE CITY OF MODESTO

Introduced by Adams Seconded by Merrill

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

The time for the hearing was set for Wednesday, February 27, at 8:00 P.M.

SET DATE FOR HEARING ON APPEAL ON DECISION OF BOARD OF ZONING ADJUSTMENT FOR EXPANSION OF THE EMANUEL LUTHERAN CHURCH FACILITIES AT MYRTLE AND STODDARD AVENUE 8-86

RESOLUTION NO. 57-66

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL OF DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO EMANUEL LUTHERAN CHURCH FOR EXPANSION OF CHURCH FACILITIES, STODDARD AND MYRTLE AVENUES

Introduced by Anderson Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

The time set for the hearing was February 27, at 8:00 P.M.

SET DATE FOR HEARING ON APPEAL ON DECISION OF BOARD OF ZONING ADJUSTMENT FOR CONSTRUCTION OF CHURCH ON WEST ROSEBURG 8-120

RESOLUTION NO. 57-67

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL OF DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO ROBERT BENSON FOR THE ESTABLISHMENT OF A CHURCH (TRINITY NAZARENE) ON THE NORTH SIDE OF WEST ROSEBURG BETWEEN TULLY ROAD AND COMO PARK WAY

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

The time set for the hearing was March 6, at 4:45 P.M.

REPORT ON POSSIBLE OPENING OF NORTHERN BOULEVARD WEST OF MCHENRY AVENUE 9-20

MOTION

That the City Manager be authorized to negotiate with the property owner who plans to build on a projected extension of Northern Boulevard, west of McHenry Avenue, south of the M.I.D. Lateral No. 3 and bring back a full and specific proposal to the Council for action.

Moved by Merrill Seconded by Anderson Unanimously carried

ESTABLISH STOP SIGNS AT CARVER ROAD AND ORANGEBURG AVENUE 9-40

RESOLUTION NO. 57-68

A RESOLUTION ESTABLISHING STOP SIGNS ON CARVER ROAD AT ITS INTERSECTION WITH ORANGEBURG AVENUE AND ON ORANGEBURG AVENUE AT ITS INTERSECTION WITH CARVER ROAD IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

REPORT ON THE COST OF FLUORIDATION OF MUNICIPAL WATER 9-53

As requested by the Council, Mr. Ray filed a report on the cost estimates covering original installation and annual operating costs for fluoridation of the City of Modesto water supply, copies of which were distributed to the members. The report indicated that the estimated original installation would be approximately $64,220 and the annual operating costs approximately $14,620.

He stated that this report did not include private water companies serving properties in the city limits.

Mr. Grimes pointed out that it was not possible for the city to legally require by its own action, private water companies to fluoridate since they are under the jurisdiction of the Public Utilities Commission. He cited a recent order from the Commission to the water company in Oroville to fluoridate the private water supply serving the city, after a public hearing had been held. So it would follow, logically, he stated, that if this measure was instituted in Modesto and a hearing was held on it, from all indications it would result accordingly. He reported that in talking to some of the private water companies in this city, they indicated that they would undoubtedly follow along.

The interconnected system for water supply would not permit the fluoridation of only certain wells, Mr. Ray stated. One unit must be placed in each well which is connected to the system, he stated.

The necessity for fluoridation was approved generally by the Council.

Mr. Miller reported on financing the fluoridation program. He stated that the water rates were presently high enough to finance the water operations and the fluoridation also, if the Council desired to use this method of financing.

In the Council discussion on financing, the following suggestions were made:

1- That an initial charge of $1.00 be made for each water customer to cover the original installation;

2- That the city should not infer that an additional expenditure of $65,000 could be made without "any pain attached to it";

3- That the funds budgeted this year for new water lines into subdivisions could be used to partially finance the initial installation since the $140,000 budgeted was not being used as new subdivisions were not being developed;

4- That during the past few years the procedure of transferring revenue from water sales to the general fund for operating the city had been discontinued and that the water rates would be high enough to assimilate the annual expense of fluoridation as well as the initial installation;

5- That there was a possibility that the water rates on the industrial level should be reduced;

6- That the funds for development of new subdivisions should not be expended for this project but held until such a time as new areas develop;

7- That the method which the Council has in mind for financing the program would be extremely important whether it is approved at the election;

8- General knowledge of the costs for initial installation and annual cost should be available to the electors and the method proposed for absorbing the expenses;

9- That it is incumbent upon governments to tell people when they want certain increased services that they will have to pay for them;

10- That the city could afford this additional service but the financing would mean that other projects would have to be financed by some other method of taxation;

11- This service was out of the ordinary type of service served by a city and should be handled in such a manner that would preclude additional requests for other free types of service. The costs could be handled without extra charge out of water revenue but this service was the type which should have some direct program for manner of payment.

12- That since there were only 9500 individual water users in the city the suggestion of financing the initial installation by charging each user an extra $1.00 would not prove adequate.

The Council directed the City Manager to prepare for its consideration at the next Council meeting, a report covering three or four alternatives for the financing of the fluoridation costs.

Mr. Miller suggested that the city send out with each sample ballot a statement as to the costs of the program and how it would be financed.

Mr. Grimes stated that this decision would have to be finally approved by the Council by February 27. He stated that the citizen's committee advocating fluoridation would like to know the method of financing proposed by the Council as soon as possible since it would be preparing literature. He listed the legal procedure for submitting "for" and "against" arguments on fluoridation which could be mailed out to the qualified electors with the sample ballots.

RESOLUTION NO. 57-69

A RESOLUTION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF MODESTO AN INITIATIVE ORDINANCE TO BE VOTED UPON AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 9, 1957, AND DIRECTING THE CITY CLERK TO MAIL TO THE QUALIFIED ELECTORS OF THE CITY A COPY OF THE SAID PROPOSED INITIATIVE ORDINANCE AND TO INCLUDE SAID MEASURE ON THE BALLOT.

Introduced by Robinson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

Dr. William Holloway requested that the staff be authorized by the Council to work with interested agencies and groups to disseminate information on the fluoridation program.

Mayor Marks pointed out that the staff should also be available to those groups who are opposed to fluoridation as well. It was agreed by the Council that the staff should be authorized to release all facts and information on the fluoridation program to any interested group or organization.

NOTICE OF AMERICAN SOCIETY OF PLANNING OFFICIALS' CONFERENCE IN SAN FRANCISCO 11-102

A notice of the national conference being held in San Francisco March 17-21, inc. of the American Society of Planning Officials was read. Mayor Marks urged that all of the members of the Council, Planning Commission and Board of Zoning Adjustment plan to attend sometime during the conference.

Mr. Smeath reported that additional programs were being requested and they would be disbursed to the interested parties who could plan to attend certain dates.

REPORT ON THE FREEWAY-RAILROAD OVERPASS STUDY 11-110

Mr. Miller reported that the State report on the freeway-railroad overpass study would be available by March 15.

REPORT ON MEETING OF THE LEAGUE BOARD OF DIRECTORS 11-120

Mr. Miller reported on the meeting which he had recently attended in Berkeley of the League Board of Directors. The lack of financial assistance to cities by the Federal and State Governments on the City street construction program for the city was discussed.

REPORT ON ATTENDANCE RECORD FOR BOARDS AND COMMISSIONS 12-40

A report on attendance record for Boards and Commissions was considered which indicated that two members of the Board of Plumbing Examiners, one member of the Personnel Commission and one member of the Board of Zoning Adjustment had failed to comply with the provisions of Resolution No. 55-223 which required that members attend at least two-thirds of the meetings of the board or commission of which he is a member for the preceeding six months.

Mayor Marks reported that he had contacted the various members and they had indicated that they had individual problems which prevented their attendance in the past but which had now been resolved which would permit their attendance in the future.

It was agreed by the Council that the members be given another opportunity to serve the community and that they not be requested to resign, since the requirement of attendance was relatively new.

REPORT ON MEETINGS ON STATE WATER PROBLEMS 12-68

Mr. Miller reported that Councilman Robinson and he had attended the meeting in Merced on January 22 on the State water problems and that another meeting would be held on February 15. He stated that he would be unable to attend this meeting since he planned to attend the City Manager's spring conference being held in Palo Alto and suggested that Supervisor Adams be the city's general representative at the meeting.

REPORT ON MCHENRY AVENUE STUDY BY PLANNING COMMISSION SUBMITTED 12-74

Copies of a report on McHenry Avenue study, prepared by the Planning Commission, was distributed to members of the Council.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Adams Seconded by Arata Unanimously carried

ATTEST: REX E. GAILFUS, City Clerk

Special Council Meeting
February 11, 1957

The Council of the City of Modesto met in special session this date at 11:45 P.M., as provided by Section 2-1.02, as amended, 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: Anderson, Hammond, Merrill, Mayor Marks

Absent: Councilmen: Adams, Robinson and Arata

SET TIME AND PLACE FOR PUBLIC HEARING ON CLOSING OF MYRTLE AVENUE BETWEEN STODDARD AVENUE AND TERMINAL ALLEY 1-3

RESOLUTION NO. 894-S.P.
RESOLUTION OF INTENTION NO. 257

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF MYRTLE AVENUE BETWEEN STODDARD AVENUE AND TERMINAL AVENUE AND A PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 451 IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Hammond

Ayes: Anderson, Hammond, Merrill and Mayor Marks

Noes: None Absent: Adams, Arata and Robinson

The date of the hearing was set for February 27, 1957, at 8:15 P.M. A sketch showing the proposal for closing the street was displayed.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Anderson Seconded by Hammond Unanimously carried

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

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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, Mayor Marks

Absent: Councilmen: Anderson, Arata, Robinson

Councilmen Robinson and Anderson arrived at the meeting at 7:35 P.M.

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

Rev. Hertzel Cobbs, pastor of the First Christian Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of January 23, 1957, and the same being available for public inspection, and there being no objections, the minutes were approved.

ARTICLE FROM ARBORIST'S NEWS ON STREET TREE HAZARDS 1-9

Copies of an article which had appeared in the Arborist's News regarding street tree hazards were distributed to the Council members by Director of Parks and Recreation Lloyd T. Lowrey.

Councilman Merrill commented on the excellent work being done by Mr. Lowrey in the parks, and with the street trees.

CITY MANAGER REPORTS ON RECRUITMENT FOR NEW DIRECTOR OF FINANCE 1-32

City Manager Ross Miller reported on progress being made in recruiting a new Director of Finance.

Councilmen Anderson and Robinson arrived at this time.

COMMUNICATION FROM STATE DEPARTMENT OF MOTOR VEHICLES 1-42

A communication from the State Department of Motor Vehicles was read, notifying that the dealers' license issued to Charles E. Sargent to sell used cars had been temporarily suspended.

Mr. Miller stated that if it was determined any Council action was necessary, it would be cleared later.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINES 1-50

Plans and specifications for the installation of three water lines 1) on Franklin Street and Sutter Avenue between California Avenue and South Avenue; 2) on Arc Way and alley in Block 451; 3) on Brighton Avenue from Pump Station No. 18 to Locke Road, were presented for Council consideration, by Director of Public Works Ray, who suggested that the bids be opened at 2:00 P.M., March 4, 1957.

RESOLUTION NO. 57-70

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES

Introduced by Adams Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

APPROVAL OF APPROPRIATION TRANSFERS 1-65

RESOLUTION NO. 57-71

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $1,094 FROM GENERAL RESERVE TO CITY HALL BUDGET FOR WAGES FOR ADDITIONAL JANITOR SERVICE AT THE CITY HALL AND RECENTLY ACQUIRED M.I.D. BUILDING

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

RESOLUTION NO. 57-72

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $18 FROM PARKING FUND RESERVE TO PARKING TO COVER INCREASED TAXES ON THE PARKING LOT LEASED BY THE CITY FROM THE SOUTHERN PACIFIC COMPANY

Introduced by Adams Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

FURTHER REPORT ON THE CHARLES WARNER APPLICATION FOR AMENDMENT TO SECTION MAP 28 (BLOCK 2032, LOTS 9 AND 10) 1-80

Resolution No. 372, adopted by the Planning Commission on February 5, withdrawing its recommendation to the Council that the request of Charles D. Warner for an amendment to Section 28 of the Zoning Map to reclassify from C-1 to C-2, lots 9 and 10 in Block 2032, be approved, was noted by the Council.

RESOLUTION NO. 57-73

A RESOLUTION DENYING THE APPLICATION OF CHARLES D. WARNER FOR AN AMENDMENT TO SECTION 28 OF THE ZONING MAP TO RECLASSIFY FROM C-1 TO C-2, LOTS 9 AND 10 IN BLOCK 2032 IN THE CITY OF MODESTO

Introduced by Adams Seconded by Mayor Marks

Ayes: Adams, Anderson, Hammond, Robinson and Mayor Marks

Noes: Merrill Absent: Arata

Councilman Merrill stated the reason he voted "no" was "that it was not in the interest or welfare of this community to deny this application".

Mayor Marks asked that the staff keep the Warner's advised of their full rights in this matter with regard to the non-conforming use, including such structural changes that fall within the framework of the Code.

ACCEPT ALLEY IN UCCELLO TRACT 1-110

RESOLUTION NO. 57-74

A RESOLUTION ACCEPTING AN ALLEY IN THE UCCELLO TRACT ON BEHALF OF THE PUBLIC FOR PUBLIC USE IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

ACCEPT DEEDS OF EASEMENT FOR WIDENING OF COLLEGE AVENUE 1-117

RESOLUTION NO. 57-75

A RESOLUTION ACCEPTING DEEDS OF EASEMENT FROM ROBERT L. LARSEN, ROSEMOND C. SHIPLEY AND MARY I. SHIPLEY, AND ELMER H. CRISMON AND VELMA CRISMON FOR THE WIDENING OF COLLEGE AVENUE BETWEEN PEARL AND BRIGGSMORE AVENUES

Introduced by Robinson Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

REPORT ON ACQUISITION OF HOTEL MODESTO PROPERTY 2-13

A letter from W. N. Williams, attorney in fact for the Crow family, owners of the Hotel Modesto property, was read, offering to sell the property to the city for the sum of $240,000. The conditions on this offer were, 1) the offer only remain open until March 28, 1957; 2) sale be subject to the present lease to the Western Union Telegraph Company of a portion of the premises; 3) the city to assume payments for street lighting assessments and taxes and insurance to be pro-rated as of the date of delivery of the deed.

Councilman Hammond reported on the findings of the Council committee based on the further report of the structural engineer and city appraisers on the property and recommended the acceptance of the offer.

Since the Council had indicated that this was the desirable location for the city hall building, Mayor Marks stated, the matter of whether the present structure could economically be used in the construction of the city hall building, was a matter to be determined on the basis of the facts, after the decision had been made on the acceptance of the offer.

Councilman Robinson considered that this matter should be resolved prior to the decision on the purchase. He stated that he intended to vote "no" because he considered that "without a decision in front of us as to whether we are going to use the building or not use it, it appears to me in what I have seen so far, in the study of the structure, that we probably will not use it. If we do not use it, the premium that we are paying over the actual value of the land itself, plus the cost of razing the building, destroying it, bringing it down to land value alone, appears to me to be excessive. This is a seven man council and the way the group votes is the way it will go. I have studied it from every angle I can, and I cannot vote yes".

Mr. Grimes reported on the terms of the proposed agreement for the purchase of the property as it related to the condemnation suit instituted by the city and other pertinent matters. He pointed out that this agree-

ment did include costs related directly to the proceedings instituted by the city against the Western Union. The company has estimated its costs in the litigation, so far, to be approximately $1,000. This would be chargable against the city, he pointed out, if the condemnation suit was abandoned. He reported that due to the late preparation of the agreement, it had been impossible to secure all of the signatures of the Crow family.

ORDINANCE NO. 146-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ISABEL M. HEIMANN, HARRY D. CROW, LENNA B. CROW, AND DORIS E. WILLIAMS

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

Moved by Hammond Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill and Mayor Marks

Noes: Robinson Absent: Arata

REPORT ON ALTERNATE METHODS OF FINANCING FLUORIDATION 2-110

Further discussion on the proposed fluoridation of the city's water supply was opened by Mayor Marks, who pointed out that one of the recommendations of the Forward Modesto Committee was the institution of fluoridation of the city's water supply as soon as possible. This report, he stated, had been unanimously adopted by the Council in 1954 and the sales and use tax increased one-half of one percent to finance the capital improvements recommended in this report.

The initial installation costs of this program could logically fall within the scope of capital improvements, he suggested, and financed out of this fund.

Councilman Robinson, a former member of the committee, concurred with this suggestion and also suggested that the operating costs could be charged to the general city expenses the same as when a park was purchased with capital improvement funds. He considered, however, that it was advisable to determine the initial installation and operating costs in advance but that the first question to be answered by the people at the April election was, "do we want fluoridation or not". After this is decided, then the Council could decide how it would be financed.

Councilman Merrill concurred in Mayor Marks' suggestion but pointed out that it was the Council's duty to keep the taxes down and if the people wanted additional services they should know that they must pay for them. Since the income from the water department is adequate to finance the costs, he stated, this could be considered as a means of financing. All financial costs should be determined by the Council prior to the election and these facts be made available to both the proponents and opponents since the Council is not taking sides, he contended.

Mr. Miller stated that the operation costs would be a legitimate charge against the water department and if this determination was made by the Council at this time it would help to make the issue clear for both those who are for it and those who might be against it. He recommended that operating charges be made against the water department.

Mr. Ray reported on alternate methods which the Council could consider for financing the program, as requested by the Council at its last meeting, as follows:

1- The estimated costs for installation of $64,000 could be financed out of the capital improvement fund and operating costs from the water income;

2- Installation and operating costs could be financed from current water revenues;

3- A charge of $6.74 per customer could be made to cover initial installation, based on 9500 customers (flat charge for all connections). The estimated cost of $14,000 for ammortization over a 20 year period and operation would only amount to 4½% of the estimated revenue of $325,000 from the water department;

4- Revenue bond issue.

He estimated that there might be $30,000 remaining in the fiscal budget for this year in "water main extensions" and $18,000 for cost of a pumping station which could be used to partially finance the initial installation costs, with the balance budgeted in the next year's budget.

Councilman Hammond stated that his primary concern was the Council was considering the addition of another city service and he considered all of the people in the community should be made fully aware that there is a price tag attached.

MOTION

That if the people of the city indicate they wish fluoridation at the general municipal election on April 9, that the original installation costs be defrayed from the capital improvement fund.

Moved by Hammond Seconded by Merrill Unanimously carried

MOTION

That the city staff be authorized to make available to both proponents and opponents, or anyone interested, all the information and records which the city has developed and cooperation necessary to see that everyone has all the facts the city has developed or any facts that they may need on the program.

Moved by Robinson Seconded by Mayor Marks Unanimously carried

Councilman Adams pointed out that many citizens would be voting for fluoridation who had water service from private companies, and that they should know whether or not their water rates would be increased. They should also know before they vote that they might not be getting fluoridation unless they can make some arrangements with their own private water company.

Mr. Grimes stated it would appear, based on a prior decision of the Public Utilities Commission, that if the residents of the city vote to have fluoridation in the municipal water supply then either residents, or the private water companies, or any interested body or person would have the right to make application to the P.U.C. to have a hearing conducted on the fluoridation of the water supplied by private companies. In this event, the companies could be ordered by the Commission to fluoridate the water, and if they could prove that their costs would be increased to the extent that they were not recovering a fair return on their investment, they could petition the Commission for a rate increase.

It was estimated roughly that 2/3,000 users would be served by private water companies.

MOTION

That the annual operation and amortization cost for the fluoridation of the city's water supply be financed by the revenue collected in the water department.

Moved by Robinson Seconded by Adams Unanimously carried

LETTER FROM HOOKER & FAY RE: FLUORIDATION 4-80

A letter and report from Hooker & Fay relating to fluoridation program in effect in Washington, D.C., was read and ordered filed.

FURTHER DISCUSSION ON FLUORIDATION 4-110

Mayor Marks summed up the general feeling of the Council on the fluoridation program as follows:

1- That the Council does not wish anybody to be mislead that this program would be "for free", because it still equals 2¢ on the city's tax rate;

2- That the fact that this city is in a sound enough financial position to be able to assume this 2¢, is due to the administration of the city on a sound economical basis;

3- That even if it was taken from the water revenue fund, this fund ultimately might have a surplus which could be transferred to the general fund to alleviate the general property taxes.

To a question from Carlos Badger from the audience, Mayor Marks stated that "the people should have all of the facts and should decide it on its merits", and that the Council was not taking sides on the issue.

CONSIDER ALLOWING CREDIT FOR CITY SALES TAX FOR ITEMS SOLD AND USED IN COUNTIES UNDER THE BRADLEY-BURNS SALES AND USE TAX LAW 5-7

Mr. Miller reported that inquiries had been received from various merchants in the city regarding the inequities which will exist under the city's sales and use tax ordinance until April 1, at which time the city will be operating under the Bradley-Burns Act----a person purchasing tangible personal property in the city is required to actually pay 5% instead of 4% if he resides in a county operating under the uniform sales and use tax.

He suggested that pending the adoption of the uniform sales tax on April 1, that where there is proper evidence shown that this tax is due and must be paid in the other counties, that the person not be required to pay it in Modesto. He pointed out that this credit could be handled administratively if the Council would so authorize.

It was generally agreed by the Council, after a brief discussion on the procedure to be used in allowing this credit, that it was not the intent of the city to penalize people to do business in the city, and some suitable arrangements should be made to allow the credit.

MOTION

That the staff be authorized,as an interim administrative matter until April 1, to permit business concerns in the city to take credit on those cases where they can present

suitable documentary evidence that a local sales or use tax is due or has been paid to another local agency.

Moved by Anderson Seconded by Robinson Unanimously carried

CONSIDER PURCHASE OF MCBRIDE PROPERTY 5-55

Councilman Merrill, member of the Council Committee to secure a suitable site to be used in the disposal of the city's waste materials, reported on the offer of W. K. McBride to sell to the city 32 acres more or less which would be contiguous to the city sewer farm located south of Robertson Road and north of Tuolumne River.

Mr. Grimes reported that the offer submitted by Mr. McBride was $28,600 for the property. He read a letter which the seller had requested be sent him by the city relating to the purchase of property advising that "if a peaceful solution could not be reached that the city would exercise its inherent power to eminent domain and institute condemnation proceedings immediately".

Mr. Miller reported that the city's appraiser had inspected the property and that while the price was above the appraisal it was recommended rather than go through the process of condemnation.

MOTION

That the City Manager be authorized to transmit the letter to Mr. McBride which had been read by the City Attorney and directing the staff to prepare the necessary documents to acquire the property.

Moved by Merrill Seconded by Anderson Unanimously carried

Mr. Miller reported on a method for financing the purchase of the property---a portion of the Capital Outlay Fund Reserve. It was agreed that the purchase of this property should take precedence over other capital improvement projects now under consideration, since the present disposal site was filling up rapidly.

AUTHORIZE ACQUISITION FROM TIDEWATER SOUTHERN RAILWAY CO. FOR USE FOR WELL SITE PURPOSES IN THE COMPANY'S INDUSTRIAL TRACT 5-120

ORDINANCE NO. 147-C.S.

AN ORDINANCE AUTHORIZING THE ACQUISITION FROM TIDEWATER SOUTHERN RAILWAY COMPANY BY THE CITY OF MODESTO OF CERTAIN REAL PROPERTY PARTICULARLY HEREINAFTER DESCRIBED, LOCATED IN THE COUNTY OF STANISLAUS FOR USE FOR WELL SITE PURPOSES IN THE TIDEWATER SOUTHERN INDUSTRIAL TRACT, AND SETTING FORTH THE FORM OF SAID DEED IN FULL

was introduced and ordered printed and published as required by the City charter.

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

FURTHER CONSIDERATION OF REPORT AND RECOMMENDATIONS ON HEALTH DEPARTMENT 6-1

Mr. Miller briefly reviewed the previous Council discussion on

the staff's report on the consolidation of city public health department with the Stanislaus County Health Department, which recommended as follows:

1- The basic public health functions be transferred to the county by appropriate resolution which must be passed by March 1, 1957;

2- The milk inspection program be continued and provided upon the most economical basis, to be determined after further discussion with representatives of the state, county and milk industry;

3- The city continue to work and cooperate with the Modesto city schools and the county in providing for school nursing services.

Mr. Miller reported that it would become mandatory for the county to accept the responsibility for basic health services by July 1, 1957, if the necessary resolution was adopted by the Council prior to March 1. City and County Health Officer, Dr. Robert S. Westphal, Mr. Miller, stated, has assured the staff that the city ordinances relating to restaurants and other things, which are not covered under the state law, would be enforced. Mr. Miller stated that the staff made the recommendation with confidence that the people of Modesto would get the equivalent level of service and at a very substantial reduced cost, if this consolidation was made.

Representatives from both the state and county have been contacted, Mr. Miller reported, regarding the possible transfer of the milk inspection to the county and both have agreed that it could be made if the city wishes. Two representatives of the milk industry have been interviewed and both indicate they have no objections or particular preference one way or the other if the county could do the inspection on the same basis as the city is now doing. He stated that he had advised them he would not recommend that the Council take final action on this until further details are cleared. The advantage to the milk industry in having either the county or city do the inspection is that it represents a very real savings to the industry in this area.

Discussions with both the school officials and Dr. Westphal on the transfer of the school nursing, Mr. Miller reported, have not finally resolved the method to be recommended. This service could be handled in three ways, 1) the city continue to handle it on a contract basis, which would mean that the city would have to maintain some sort of operational framework, 2) the schools could contract directly with the county, 3) the schools might decide to set up their own service. He pointed out that it would not be necessary to clear the question of milk inspection service or school nursing service prior to March 1, but the question of whether the Council wishes to ask the county to take over the responsibility of providing the basic health services within the city must be done on or prior to this date.

Mr. Grimes answered a question from Mayor Marks that the Attorney General had rendered a ruling that pursuant to the language contained in Section 901 of the City Charter, the consolidation of the health departments would be possible. The county would not be required to enforce city ordinances, however, he stated, so when the term basic health services is used, it means those services required by state law.

Dr. Westphal commented on his previous experiences in Sonoma County where the city and county departments were combined. He pointed out that a provision could be included in the agreement between the city and county for the enforcement of the city's ordinance by the Health Officer. He considered that the schools could make their own arrangements for nursing services.

MOTION

That the staff be directed to prepare for Council consideration a resolution which would provide for the consolidation of the basic health services by the County of Stanislaus by July 1, 1957, which could be adopted prior to March 1, 1957, by the Council.

Moved by Anderson Seconded by Robinson Unanimously carried

REPORT ON EXTENSION OF RIVER ROAD 6-115

Mr. Miller reported that Traffic Engineer Carmody had met with the County Planning Commission and discussed the extension of the River Road to connect with the freeway frontage road along the slaughter house area, west of Crows Landing Road. The Commission has requested and recommended to the Board of Supervisors that the extension be given consideration as a project.

FINANCIAL STATEMENT FOR MONTH OF JANUARY FILED 6-123

The City Manager filed the financial statement of the city for the month of January, 1957.

LAND USE INVENTORY 1955-56 FILED BY ADVANCE PLANNING STAFF 6-125

Copies of the report "Land Use Inventory 1955-56" as prepared by the Advance Planning Staff, was filed with the Council.

Mr. Smeath spoke briefly on the method used in reporting information.

ADJOURNMENT 7-100

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Anderson Unanimously carried

The meeting was adjourned at 9:15 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

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

The City Clerk called the roll and there were

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

Absent: Councilmen: Adams, Arata and Robinson

Councilman Adams arrived at the meeting at 4:06 P.M.

Councilman Robinson arrived at the meeting at 4:37 P.M.

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

Rev. John Watson, pastor of the First Southern Baptist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of January 9, 16, and 31, 1957, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM DON PEDRO REALTY 1-15

A letter was read from Don Pedro Realty offering to sell to the city a 21 acre parcel of land located across the Tuolumne River from the Dryden Park Municipal Golf Course, for the sum of $21,000, to be used for park purposes.

City Manager Ross Miller was asked by the Council to check the matter and make a report.

LETTER FROM JOINT INTERIM COMMITTEE ON TRANSPORTATION PROBLEMS 1-22

A letter from the Joint Interim Committee on Transportation was read, alerting the city that shortly a request would be received from the Division of Highways for a comprehensive report of city street needs projected to the year 1971 for submission to the United States Bureau of Public Roads.

The staff was authorized to prepare the report when requested by the Division of Highways.

LETTER FROM SUPERINTENDENT OF SCHOOLS 1-33

A letter was read from Dr. James H. Corson, Superintendent of Schools expressing appreciation for the cooperation of city officials in the consolidated city-school district election being held on April 9.

LETTER OF RESIGNATION FROM HENRY G. ANDERSON, MEMBER OF THE MODESTO CITY PLANNING COMMISSION 1-39

A letter was read from Henry G. Anderson, tendering his resignation from the Modesto City Planning Commission, effective March 1, due to business commitments.

MOTION

That the resignation of Mr. Anderson be accepted as of March 1, 1957, and that the sending of a letter of commendation and appreciation to him for the rendition of services to the city during the past years, be authorized.

Moved by Anderson Seconded by Adams Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR DRILLING AND DEVELOPMENT OF TWO DEEP WELLS 1-54

Plans and specifications for the drilling, casing, testing and development of two deep wells in the Tidewater Southern Railway Industrial Area were presented for Council consideration by Director of Public Works Ray. He suggested that the date of Monday, March 11, 1957, at 3:00 P.M. be set as the time for the opening of bids.

RESOLUTION NO. 57-76

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

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Anderson, Hammond, Merrill, Mayor Marks

Noes: None Absent: Arata and Robinson

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR REMOVAL OF TWO STRUCTURES LOCATED ON ROSS STREET AND JAMES STREET (G STREET EXTENSION) 1-65

Plans for the removal of two houses owned by the City, one located at 121 Ross Street and the other at 349 James Street, for the extension of G Street, were filed with the Council for consideration by the Director of Public Works Marvin Ray, who suggested that March 12, at 10:00 A.M., be set as the time for receiving bids for doing the work.

RESOLUTION NO. 57-77

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE REMOVAL OF CERTAIN STRUCTURES LOCATED AT 121 ROSS STREET AND 359 JAMES STREET (EXTENSION OF G STREET)

Introduced by Adams Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill and Mayor Marks

Noes: None Absent: Arata and Robinson

ACCEPT BID OF MANUEL MARQUES, JR. FOR CONSTRUCTION OF THE SOUTH MODESTO TRUNK SEWER 1-76

Copies of the tabulation of the 12 bids received for the construction of the South Modesto Trunk Sewer, which had been opened at 2:00 P.M., February 18, were distributed for Council consideration. Mr. Ray recommended that the lowest bid submitted of $114,926.23, by Manuel Marques, Jr. of Hayward, be accepted.

RESOLUTION NO. 57-78

A RESOLUTION ACCEPTING THE BID OF MANUEL MARQUES, JR. FOR CONSTRUCTION OF THE SOUTH MODESTO TRUNK SEWER

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Hammond, Merrill and Mayor Marks

Noes: None Absent: Arata and Robinson

FINAL ADOPTION OF ORDINANCE NO. 142-C.S. LEASE AIRPORT PROPERTY TO GARY SMITH AND WALTER FOUNTAIN 1-103

ORDINANCE NO. 142-C.S. entitled

AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO GARY SMITH AND WALTER FOUNTAIN AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH

introduced on February 6, and having been printed and published as required by the Charter, and coming on for final consideration was moved and adopted.

Moved by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Hammond, Merrill and Mayor Marks

Noes: None Absent: Arata and Robinson

FINAL ADOPTION OF ORDINANCE NO. 143-C.S. LEASE PORTION AIRPORT TO E. & J. GALLO WINERY FOR HANGAR 1-105

ORDINANCE NO. 143-C.S. entitled

AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO E. & J. GALLO WINERY AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH

introduced on February 6, 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 Anderson

Ayes: Adams, Anderson, Hammond, Merrill and Mayor Marks

Noes: None Absent: Arata and Robinson

FINAL ADOPTION OF ORDINANCE NO. 145-C.S. AMEND CODE RELATING TO DISPOSITION OF CITY SALES AND USE TAX FUNDS 1-117

ORDINANCE NO. 145-C.S. entitled

AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE DISPOSITION OF CITY SALES AND USE TAX FUNDS

introduced on February 6, and having been printed and published as required by the Charter, and coming on for final consideration was moved and adopted.

Moved by Anderson Seconded by Hammond

Ayes: Adams, Anderson, Hammond, Merrill and Mayor Marks

Noes: None Absent: Arata and Robinson

REPORT ON THE PROGRESS OF THE UNIFORM SALES AND USE TAX FOR STANISLAUS COUNTY 1-113

City Attorney Allen Grimes reported that the cities of Oakdale, Patterson and Riverbank had adopted an ordinance relating to the uniform sales and use tax, Turlock would finally adopt its ordinance on February 19 and contract has been authorized; Newman introduced its ordinance on February 14 and will finally adopt it February 26; Ceres had finally adopted its ordinance February 20 and agreement will go to Sacramento February 21.

The State Board of Equalization has also acknowledged receipt of the city's documents relating to the agreement and pledged its cooperation and advised the city would be notified when the documents had been approved by the state.

REPORT ON ACQUISITION OF AIRPORT PROPERTY FROM JOHN J. MAGGI 1-122

The City Attorney reported on the opinion of the court on the acquisition of the John J. Maggi property to be used in expanding the Modesto City-County airport, which had resulted in a judgment of the sum $30,250 as the value of the property. He outlined the courses of action available to the county and city, 1) pay the sum of $30,250 or 2) appeal the decision of the court.

He reported that the City Manager had suggested, to which he concurred, that since the county was also interested, it would be well for the Council Committee on this matter to confer with the County committee and submit their recommendation for the appropriate course of action, to the two bodies, Council and Board of Supervisors.

He outlined the expenses and time factor which would be involved if the case was appealed. Until the public agencies have title to this land, the C.A.A. would not authorize the commencement of the project, he stated.

It was agreed by the Council that the City Manager should arrange for a meeting with the representatives from the Board of Supervisors and report to the Council.

FURTHER CONSIDERATION OF THE TRANSFER OF PUBLIC HEALTH SERVICES TO STANISLAUS COUNTY 2-15

As directed by the Council at its meeting of February 13, Mr. Grimes presented, for Council consideration, a resolution providing for the furnishing of the basic health services for the City of Modesto by the County of Stanislaus, as provided by the State Health and Safety Code, and requesting the Board of Supervisors to enter into an agreement with the city prior to July 1, 1957, to provide certain additional public health services over and above those prescribed by state law and as set forth in the resolution.

A brief Council discussion was held on the provision of the resolution relating to the school nursing services and the City Manager reported that the schools were not yet clear as to what they wish to do.

RESOLUTION NO. 57-79

A RESOLUTION RELATING TO THE FURNISHING OF PUBLIC HEALTH SERVICES IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Arata

Councilman Robinson arrived at the meeting at 4:37 P.M.

ORDINANCE PROVIDING FOR THE ACQUISITION OF W. K. MCBRIDE PROPERTY TO BE USED FOR DISPOSAL FARM AREA 2-79

The City Manager reported that as directed by the Council, the letter which had been read by the City Attorney at the last Council meeting had been sent to W. K. McBride relating to the purchase by the city of his 30-plus acres tract of land located adjacent to the city's sewage disposal area and to be used as the city's sanitary land fill area.

The City Attorney presented for Council consideration at this time, an ordinance which would provide for the purchase of property and the execution of an agreement with Mr. McBride.

Clint Wilson, County Supervisor of District No. 3, protested the proposed purchase on behalf of the people residing adjacent to the McBride property for the following reasons:

1- That the county has been in the process of zoning for the past five years and it would like to protect some of its zoning;

2- That an endeavor was being made in the master plan now under study to protect agricultural land by zoning and this area should not be taken out of production;

3- Since this area was subject to flood, opposition would be forthcoming from the farmers down the river, whose land would be littered with tin cans and debris during certain times of the year;

4- Screening of the area, as suggested by the City Manager, would not be entirely successful due to the terrain, as most of the subdivisions are higher than the McBride property, and it would be years before the trees would grow high enough.

He suggested that since people generally object to living next to airports and disposal areas, that the city consider establishing its sanitary land fill area next to the city-county airport.

He contended that the city should not stress the fact too much that it is saving its citizens 10/15¢ per month by establishing the disposal area close to the city limits because they would not object paying this extra amount. He asked the Council to withhold action at this time until a public hearing could be held so that the public would have an opportunity to present their objections, the same as the county would if it was establishing a dumping area.

Mayor Marks stated, to make it clear, that this area was a "sanitary land fill area" and not a garbage dump. Many of these sanitary land fill areas are being operated by other cities, close to the downtown area, without nuisance to anyone. It is an excellent way of reclaiming substandard land, he stated. The city not only objected to the cost for the long haul to the county's dump but as citizens of the county objected to the cluttering of county roads with garbage and papers which would occur if the dump was located so far from the city. The residents living near the proposed sanitary land fill area will not be annoyed by any odors since the project will be handled in a way

to improve the area rather than detract.

Mr. Miller pointed out how the screening could be made effective in a relatively short time.

Councilman Merrill, member of the Council Committee on securing a disposal site, contended that the city had taken due consideration of its neighbors outside the city and that the manner in which the area would be operated by the Department of Public Works would prevent the floating of debris down the river during flood period; that the land would be reclaimed and tend to stop the flood conditions now present in the area and thus be a benefit instead of a nuisance.

Mr. Wilson stated that he was not only representing his supervisorial district, but the County Planning Commission also. He considered that it would be best that both governmental agencies should work together on such projects of this nature, instead as a separate body, as was done in this case.

Councilman Adams reported that a city-county committee meeting had been scheduled for February 21 to discuss some of the problems raised by Mr. Wilson and suggested the possibility of delaying Council action on the purchase until after this meeting. Opposition to the delay was voiced by several Councilmen who considered that there was an urgent need for the property and that arrangements for the operation, landscaping, etc. could be worked out after the purchase.

Mayor Marks pointed out that the Council would in the future confer with the county before taking action on projects of this nature but that the urgency of the situation was the prime consideration in this situation.

Councilman Merrill reported that the establishment of the present sanitary land fill at the sewage farm was only on a temporary measure and that it was necessary to maintain the ponding areas for emergency use at the farm until all of the new units had been constructed. To a question from Mr. Wilson, Mr. Merrill stated the committee had considered using a portion of the airport property for the city's dumping area. He contended that the city was not given due consideration by the county when it entered into a 10 year contract with Mr. Greer for the operation of the dumping area.

Mr. Wilson asked when the people in this area could expect the city to develop the ponding areas as a recreation facility as was originally promised by the city.

The City Manager estimated this would be possible within a few years after the final units had been constructed and the extensive ponding areas were no longer needed. He pointed out that at the rate the city was progressing it would only take 10 years plus or minus, to fill up the proposed sanitary land fill area and the city should for the sake of the people in the area pledge itself to do everything that is reasonably possible to screen it properly as quickly as possible and that it be designed that it would fit into a recreation area.

ORDINANCE NO. 148-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FOR USE FOR MUNICIPAL PURPOSES FROM WILLIARD K. McBRIDE AND FAY T. McBRIDE

was introduced and ordered published and printed as provided by the city charter.

Moved by Anderson Seconded by Robinson

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

MOTION

That the development of the sanitary land fill area be on the basis that the city do whatever is reasonably possible to properly screen it and plan and develop it on the basis that it will not be objectionable and a part of it will ultimately be developed as a recreation area and the City Manager be authorized to proceed on this basis.

Moved by Anderson Seconded by Hammond Unanimously carried

It was agreed that the city-county committee meeting need not be held until after the staff has had an opportunity to assemble information for the committee for the long range development of the area.

HEARING ON PROPOSED ANNEXATION OF SYCAMORE ADDITION 4-127

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the proposed annexation of the Sycamore Addition to the City of Modesto.

The City Clerk filed an affidavit that the notice of the public hearing had been published in accordance with the law, that notice had been mailed to each person to whom land within the area was assessed; and no written protests to the proposed annexation had been filed.

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

ORDINANCE NO. 149-C.S., entitled

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

was adopted and ordered printed and published as provided by the city charter.

Moved by Hammond Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

HEARING ON PROPOSED AMENDMENT TO SECTION 18 OF ZONING MAP REQUESTED BY LANCE ELLIS 5-15

Mayor Marks declared that the hour of 4:45 P.M. had arrived, the time set for the public hearing on the application of Lance Ellis for an amendment to Section 18 of the Zoning Map to reclassify from R-1 to C-1 the six acre plus parcel of land located at the southwest corner of Tully Road and Bowen Avenue.

The City Clerk certified that the notice of the hearing had been published in the official newspaper of the city, the Modesto Journal as prescribed by the Municipal Code, that notices had been mailed to all interested persons informing them of the date and place of hearing, and that as of this time, no written protests had been received.

Resolution No. 368 adopted by the Planning Commission on January 15, recommending the rezoning, was briefed by the City Manager.

Planning Director Smeath displayed a map of the area which showed the site proposed to be rezoned, the zoning of the surrounding area and the density of the construction already completed. He pointed out that there had been some protests filed at the hearing before the Commission, by residents who had purchased homes in the area immediately adjacent to the proposed shopping site on the basis that they purchased expecting the area to be residential. The subdivision, he reported, had been accepted by the Commission on the basis that this parcel of property could be designed into residential if it were not zoned commercial. The staff would have preferred a shopping center on the east side of the street due to traffic conditions but these areas were already developed. Some special traffic arrangements can be made for the left-hand turning vehicles, he reported, which will cut down the hazards there.

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

Councilman Hammond asked for additional information on the reasons why the Commission was recommending the rezoning of the area since it was "mostly new territory" and the surrounding area undeveloped.

Mr. Smeath pointed out that if the land was not rezoned, that it might be built upon for residential purposes and no land would be available for commercial zoning when the area is fully developed and the commercial need exists. He reported on the existing and ultimate purchasing power in trading for the area. He pointed out that the studies of the staff indicate that the surrounding area could be considered a neighborhood unit and that the proposed shopping center would provide adequate facilities to handle the ultimate neighborhood buying.

Attorney Catherine Carson, representing the property owner of the commercially zoned property located on College and Bowen, stated that her client was ready to proceed with plans for developing the property as soon as they were approved by the Commission, and she contended that there was a need for commercial development in the area as proposed by the Commission and staff.

Questions raised and briefly discussed by the Council and staff were:

1- That it would be consistent with good zoning procedure to zone for future commercial needs so that it would not be necessary to superimpose a commercial area later when the area was already developed;

2- That the number of homes to be built in the area plus the existing structures would supply adequate demand for the proposed shopping center;

3- That the city had been too optimistic on the development of commercial areas in the past which was the reason that there was presently too much undeveloped commercial zoned area;

4- That the financing of the homes would be more difficult due to the higher rates of interest and the possibility that the supply of homes not sold was exceeding the demand which would slow down construction in the area;

5- That as the master plan for the community develops, there might be a possibility of areas much farther out than this one being zoned commercial, industrial, etc., for which

there was no demand as yet, and in the interest of orderly growth more rather than less of this type of zoning would be done, so that people will know in advance before the demand actually exists;

6- That the problems of planning and zoning presented in the older part of the city were more severe than in the new areas where the Council had a chance to zone sufficiently far enough in advance to prevent some of the problems.

Attorney Douglas Sutter, representing Carl Herman, who would become the leasing agent of the area proposed to be rezoned commercial, filed a petition signed by 238 persons residing within the area being considered, requesting the rezoning of the property for a shopping center.

He reported on the advantages to be gained by the area in the rezoning and the survey which had been conducted by Mr. Ellis on the present residences in the area which indicated the number to be 435. He pointed out that Mr. Ellis had already sold all of the lots in his subdivision which indicated that the rate of development would be within the very near future. He also owns an additional 80 acres which he proposed to develop into residential lots as the area develops.

He pointed out that this was the only available undeveloped area which was sufficiently large enough to develop as a shopping area and provide enough parking area.

Mayor Marks closed the hearing at this time.

ORDINANCE NO. 150-C.S., entitled

AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON

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

Introduced by Mayor Marks Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Robinson and Mayor Marks

Noes: Merrill Absent: Arata

REPORT ON THE DOWNEY HIGH SCHOOL SWIMMING POOL 7-55

Mr. Miller presented, as previously requested by the Council, a summary of the capital improvement funds and pointed out that Council had previously authorized the staff to negotiate for the purchase of property to be used in the extension of Northern Boulevard, and approximately $28,000, plus certain closing costs would be needed for the McBride property, and which had not yet been allocated from the $35,000 remaining in the reserve fund. He pointed out that if the Council wished to contribute an additional sum of $5,000 toward the construction of the Downey Swimming pool that it could be allocated from this fund. He reported on his conversation with Dr. James Corson, who had indicated that the schools were not yet sure on the costs but they were ready to move along but they had not indicated they could proceed without the city's additional assistance.

Mr. Miller suggested that if the extra funds were made available that it be made on the condition it would be the city's limit---it would go up to one-half of the cost or $30,000 or which ever was the least and leave it in the hands of the school.

The Council discussed the question of whether the additional appropriation should be made on the condition that the L type pool be constructed.

MOTION

That the city make an additional sum of $5,000 available to the schools for the construction of the swimming pool at Downey High School from the capital improvement reserve fund on the basis that the city will pay up to one-half of the cost or $30,000, which ever is the least, and on the basis of the presentation made by Dr. Corson on the L type pool.

Moved by Hammond Seconded by Adams Unanimously carried

FURTHER CONSIDERATION OF THE HOTEL MODESTO PROPERTY 8-16

Mr. Grimes filed with the Council, reports from Robert W. Ford and William H. Murray, appraisers, relating to their investigation and appraisal of the Hotel Modesto property. The reports were ordered filed with the City Clerk.

REPORT ON STATUS OF FINANCING OF ADVANCE PLANNING PROGRAM 8-30

Mr. Miller reported on the status of the city-county application to the federal government for funds for financing the advance planning program. He stated that it was "hoped" the funds would be forthcoming in a few days but in the meantime the allocation for funds expire on February 28 and if not cleared by then, the employees would be on the payroll without funds for payment of salaries. He asked for authority from the Council to retain the personnel until the matter was cleared if it was not cleared by February 28.

MOTION

That it is the intention of the Council to retain the personnel in the Advance Planning Department until the matter of appropriation of funds by the federal government is cleared.

Moved by Merrill Seconded by Adams Unanimously carried

ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF-STREET PARKING FACILITIES 8-55

Mr. Miller and Traffic Engineer Carmody reported on the confusion which presently existed in the regulations for on-street and off-street parking as far as parking on holidays was concerned since the city observed 12 holidays a year while the stores were closed only seven of these holidays.

The President of the Merchants Association and the Chamber of Commerce, Mr. Carmody stated, believed that the meters and time limits should be effective when the stores are open and would like the Council to exclude Sundays only and just as a matter of practice give tickets on the five holidays when the stores are open for business, Columbus Day, Admission Day, Lincoln's Birthday, Armistice Day and State-wide election days.

Mr. Miller pointed out that there was some differences in the way certain resolutions have been written and asked that the Council consider whether or not the holidays should be allowed as an exemption, the same as Sundays.

Councilman Robinson considered that the matter could be resolved on the basis that when the stores are open, cars should be ticketed and when the stores are closed they should not be ticketed.

The City Attorney pointed out that if this practice was carried out that the holidays should be defined in the traffic code.

Mr. Carmody stated that new street signs would soon be installed and the wording could be changed to exempt holidays at no extra expense.

MOTION

That it is the intention of the Council to exempt parking regulations on the parking lots and streets on Sunday and those seven established business holidays defined in the traffic code and that legislation be drafted by the City Attorney to carry out this provision for Council consideration.

Moved by Hammond Seconded by Robinson

Mayor Marks declared that the motion had carried.

RESOLUTION NO. 57-80

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. 57-4 AND RESOLUTION NO. 56-490

Introduced by Merrill Seconded by Adams

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

ESTABLISH YIELD RIGHT OF WAY SIGNS ON SUNRISE STREET 9-60

RESOLUTION NO. 56-81

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

ESTABLISH TULLY AVENUE AND COLLEGE AVENUE AS THROUGH STREETS 9-70

Mr. Grimes presented for Council consideration an ordinance which would declare Tully Avenue (from 99 Highway to City Limits) and College Avenue (from Needham to northerly line of Granger Avenue) as arterial streets, which would automatically provide for the installation of stop signs on all streets intersecting.

ORDINANCE NO. 151-C.S. entitled

AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 23 THEREOF RELATING TO

TRAFFIC REGULATIONS AND REPEALING ORDINANCE NO. 126-C.S.

was introduced and ordered printed and published as provided by the city charter.

Moved by Robinson Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

AUTHORIZE PROHIBITION OF LEFT TURNS ON MCHENRY AVENUE AT MORRIS AVENUE BETWEEN 4:00 P.M. AND 6:00 P.M. 9-96

RESOLUTION NO. 57-82

A RESOLUTION PROHIBITING SPECIFIED TURNING MOVEMENTS AT THE INTERSECTION OF MCHENRY AVENUE AND MORRIS AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Adams

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

Councilman Hammond asked if there was any study being made on the matter of removing parking from McHenry Avenue during the period from 4:00 P.M. to 6:00 P.M.

Mr. Miller stated that if for any reason the project of widening this street failed that it would be a "must"in certain sections. The people along this street and everyone concerned should face the fact that if the street is not widened this must be done.

APPROPRIATE $275 FOR BUTTONS FOR NEW PARKING LOTS

RESOLUTION NO. 57-83

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $275 FOR PAVEMENT MARKING BUTTONS FOR NEW PARKING LOTS

Introduced by Adams Seconded by Hammond

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

REPORT ON DISPOSAL OF CITY PROPERTY ON ROWLAND AND MILLER AVENUE (BUTTS PROPERTY) 9-116

Mr. Miller reported that it was the staff's recommendation, after a careful analysis, that the house purchased by the city from Mr. Butts, located on Rowland and Miller Avenues, should be relocated on the lot and offered for sale by the city. He pointed out that before Miller Avenue could be improved, as proposed and approved, it would be necessary for the plans and specifications for the removal, to be prepared so that bids could be called for the work.

MOTION

That the staff be authorized to proceed on the basis outlined by the City Manager

Moved by Merrill Seconded by Anderson Unanimously carried

AUTHORIZE INSTALLATION OF WATER LINE AT AIRPORT 10-2

MOTION

That the transfer of $375 be approved for the construction of a new water line at the airport to serve the new hangars.

Moved by Anderson Seconded by Robinson Unanimously carried

REPORT OF MODESTO CHAMBER OF COMMERCE FILED 10-6

The second quarter report for period October 1, 1956, to January 1, 1957, of the Modesto Chamber of Commerce was filed, as provided by the contract.

REPORT ON THE CITY MANAGER'S SPRING CONFERENCE 10-8

Mr. Miller reported briefly on the Spring Conference of the City Manager's Department of the League, which he had recently attended. He stated that the cities' unfavorable position on allocation of gas tax money for street improvements was discussed and that he had urged the immediate consideration of the problem of access roads on major highway development through cities.

All of the Managers who were present were asked to submit to their legislators specific projects of the type the City of Modesto now has with its freeway where help is needed beyond the actual highway route.

He reported that he had presented the report on the fire grading matter and the reestablishment of the California committee was authorized.

He reported on the discussion which had taken place at the conference on "firemen's hours", and legislation which was being proposed to the state legislature.

CONFIRM DATE FOR FURTHER PUBLIC HEARING ON BUSINESS LICENSE TAX REVISION 10-52

The Council confirmed 7:00 P.M. Tuesday, March 5 as the time for the second public hearing on the business license tax revision and directed the City Clerk to call a special meeting.

COUNCIL INVITED TO ATTEND THE ANNUAL RETIREMENT DINNER HONORING CITY EMPLOYEES 10-65

An invitation to the Council members from the Modesto City Employee's Association to attend the annual retirement dinner being held on February 21, was read.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Merrill Seconded by Adams Unanimously carried

The meeting was adjourned at 6:45 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., 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, Anderson, Hammond, Arata and Mayor Marks

Absent: Councilmen: Merrill and Robinson

Councilman Merrill arrived at 7:31 P.M.

LETTERS REGARDING TRASH CONDITION AT ANGELO'S MARKET LOCATED IN THE ROOSEVELT CENTER ON ORANGEBURG AND ARDMORE AVENUES 1-13

Letters were read from Max C. Norton and Mrs. Dorothy J. Hambleton regarding the unsatisfactory manner in which the trash was being handled by the Angelo Market, located on Orangeburg at Ardmore Avenue in the Roosevelt Shopping Center and the parking of the store's trucks in the driveway of the duplex owned by Mr. Norton and rented by Mrs. Hambleton on Bronson Avenue in rear of the store.

These letters were referred to the City Manager to investigate and report on both matters by March 13.

COMMUNICATION FROM THE CALIFORNIA ROADSIDE COUNCIL RE: OUTDOOR ADVERTISING C.R.C. BILL SB 666 1-72

A communication from the California Roadside Council regarding outdoor advertising C.R.C. Bill SB666 was read. The City Manager suggested, to which the Council concurred, that the communication be referred to him to make a report along with the letter from the Northern California Council of Outdoor Advertising relating to this same bill, which had previously been referred to him for report.

LETTER FROM UNITED AIR LINES INC. RE: FAMILY FARE RULE 1-85

A copy of a communication from the United Air Lines Inc. to the Public Utilities Commission was presented to the Council. The City Manager stated the contents appeared to relate to the extension of the "family fare rule" and if the Council wished to indicate that it would favor extension of the effective date of the rule by the Commission, that it could go on record at this time and clear the matter, but if it did not relate to this rule that he would report further.

MOTION

That the Council does hereby go on record as approving the extension of the family fare rule by the Public Utilities Commission

Moved by Arata Seconded by Mayor Marks Unanimously carried

ACCEPT ARGUMENT IN FAVOR OF FLUORIDATION 1-95

"Argument in Favor of Fluoridation" filed with the City Clerk at 4:45 P.M., February 20, by the Citizens' Committee for Child Health, as provided by Section 2 of Resolution No. 57-69, adopted by the Council, was presented for Council approval. The City Clerk reported that the document met all the requirements of the resolution as to date of filing, number of words, etc.

He stated that under the law the time for filing arguments expired at 5:00 P.M., February 20, 1957

The Council noted that an argument had not been filed by opponents of the measure and asked if they had been aware of the law regarding the filing of arguments.

City Attorney Allen Grimes stated that he had been advised that the committee opposing the measure had employed counsel.

MOTION

That the arguments filed by the Citizens' Committee for Child Health in favor of fluoridation be accepted.

Moved by Merrill Seconded by Anderson Unanimously carried

APPROVED PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE ON TULLY AVENUE 2-20

Plans and specifications for the construction of a 10 inch water line from Tully Avenue at Madrone Avenue to Briggsmore Avenue at Winning Avenue, were presented by Director of Public Works Ray for Council consideration. He recommended that the time of 2:00 P.M. Monday, March 18, be set as the time for the opening of the bids.

RESOLUTION NO. 57-84

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE INSTALLATION OF A TEN INCH WATER LINE FROM TULLY ROAD AT MADRONE AVENUE TO BRIGGSMORE AVENUE AT WINNING AVENUE

Introduced by Merrill Seconded by Anderson

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

LETTER FROM THE MODESTO MOTOR BUS SERVICE RE: "RIDE THE BUS DAY" 2-35

A letter was read from the Modesto Motor Bus Service requesting permission to post banners publicizing "RIDE THE BUS DAY" in the city's parking lots for two days, Thursday, February 28, and Friday, March 1.

The type of placard to be posted was displayed by W. R. Tomson, representative of the Bus Company.

The City Attorney pointed out that the Code prohibited a private company from displaying banners on city properties, which might set a precedent. He stated that if the signs were delivered to the city by the company and they were installed as city signs, it would be permissible since the city was sponsoring the day, and the project was of community wide interest.

MOTION

That the city accept the signs from the company and install them in the city's parking lots on the days previously mentioned.

Moved by Hammond Seconded by Merrill Unanimously carried

Mr. Tomson commended Traffic Engineer Carmody for his cooperation with the company on this project.

FINAL ADOPTION OF ORDINANCE NO. 146-C.S. PURCHASE OF HOTEL MODESTO PROPERTY 2-80

ORDINANCE NO. 146-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ISABEL M. HEIMANN, HARRY D. CROW, LENNA B. CROW AND DORIS E. WILLIAMS

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

Moved by Anderson Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Robinson

FINAL ADOPTION OF ORDINANCE NO. 147-C.S. ACQUISITION OF WELL SITES FROM TIDEWATER SOUTHERN RAILWAY COMPANY 2-81

ORDINANCE NO. 147-C.S. entitled

AN ORDINANCE AUTHORIZING THE ACQUISITION FROM TIDEWATER SOUTHERN RAILWAY COMPANY BY THE CITY OF MODESTO, OF CERTAIN REAL PROPERTY PARTICULARLY HEREINAFTER DESCRIBED, LOCATED IN THE COUNTY OF STANISLAUS, FOR USE FOR WELL SITE PURPOSES IN THE TIDEWATER SOUTHERN INDUSTRIAL TRACT, AND SETTING FORTH THE FORM OF SAID DEED IN FULL

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

Moved by Anderson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

INTRODUCTION OF ORDINANCE RELATING TO DANGEROUS WEAPONS 2-86

ORDINANCE NO. 152-C.S. entitled

AN ORDINANCE ADDING SECTION 4-2.03.1 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO DANGEROUS WEAPONS

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

Moved by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

AUTHORIZE TRANSFER OF FUNDS FOR DOWNEY SWIMMING POOL 2-115

RESOLUTION NO. 57-85

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,000 FROM SPECIAL CAPITAL OUTLAY RESERVE TO DOWNEY SWIMMING POOL TO INCREASE THE CITY'S PARTICIPATION FROM $25,000 TO $30,000 (50% PARTICIPATION UP TO A MAXIMUM OF $30,000)

Introduced by Merrill Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

RESOLUTION APPROVING APPROPRIATION TRANSFER OF FUNDS TO PROVIDE WATER SERVICE AND FIRE PROTECTION FOR NAKAGAWA AND GALLO HANGARS AT AIRPORT 2-116

RESOLUTION NO. 57-86

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $375 FROM MUNICIPAL AIRPORT GAS TAX RESERVE TO FUND TRANSFER APPROPRIATIONS TO PROVIDE WATER SERVICE AND FIRE PROTECTION FOR NAKAGAWA AND GALLO HANGARS AT MODESTO CITY-COUNTY AIRPORT

Introduced by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

LETTER FROM NINETY NINES INC. RE: ALL WOMEN'S TRANSCONTINENTAL AIR RACE 2-119

A letter from the Ninety Nines Inc. further discussing the possibility of having the 1958 All Women's Transcontinental Air Race start or finish in Modesto, was read. The estimated cost to the local chapter for this event would be approximately $5,000, Mrs. Hazel Zimmerman, Chairman, San Joaquin Valley, advised in her letter and the program has already been presented to the County Chamber of Commerce asking them for a contribution of one-half of the total cost. If this contribution was forthcoming she asked if the City Chamber of Commerce and County would donate a like amount.

Since no representatives from the County Chamber of Commerce or the Ninety Nines Inc. were present, the City Clerk was directed by the Council to advise Mrs. Zimmerman and the County Chamber of Commerce that the matter was considered by the Council but action was delayed until they could be present at the next meeting to answer questions raised by the Council.

HEARING ON CLOSING OF PORTION OF SYDNEY STREET 3-25

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the request of the Tri-Valley Packing Association for the closing of the southerly 108.5 feet of Sydney Street (also known as Granger Street).

The City Clerk certified that notices had been posted on the property and notice published in the city's official newspaper, the Modesto Journal, as required by law and no written protests had been filed.

Resolution No. 365 adopted by the Planning Commission recommending the closing of the street, was noted and previous Council discussion was briefly reviewed.

A letter from the Tri-Valley Packing Association advising that it was understood that if this portion of the street was closed that the city would retain a 40 foot utility and fire protection easement on the west side of the street area proposed to be abandoned and that the Association would provide an 8 inch water line in the 40 foot easement and a fire hydrant at the south end at an estimated cost of approximately $1,430, which would be maintained by the city.

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

C. W. Beck, Plant Manager of the Tri-Valley Packing Association, expressed willingness to cooperate with the city in any way as far as the water line, fire hydrant and clearance for fire trucks were concerned.

Mayor Marks declared the hearing closed.

The City Attorney presented a resolution for Council consideration which would provide for the abandonment of the street, as previously outlined. After a general discussion it was agreed that an additional phrase be added to the resolution which would provide that "no structure shall be erected on said easement without the consent of the city".

RESOLUTION NO. 895-S.P.

A RESOLUTION CLOSING AND ABANDONING THE SOUTHERLY 108.5 FEET OF SYDNEY STREET (ALSO KNOWN AS GRANGER STREET) IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

CLEAR LETTER TO BE SENT TO MRS. ELMO WADE RELATING TO OBJECTIONS ON THE OPERATION OF THE SLAUGHTER HOUSE YARDS ON CROWS LANDING ROAD 3-80

The City Manager reminded the Council that, at its January 31 meeting, when Mrs. Elmo Wade appeared and objected to the stock yards being operated by the slaughter house companies on Crows Landing Road, he had been asked to draft a letter to her outlining the action which would be taken by the city to correct this situation.

He suggested that since the minutes of this meeting had now been approved by the Council, that a copy should accompany his letter advising her that her objections were referred to the Health Officer who already had checked the situation and would be working with the various companies.

MOTION

That the recommendations of the City Manager be approved.

Moved by Merrill Seconded by Anderson Unanimously carried

HEARING ON APPEAL OF DECISION OF BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO EMANUEL LUTHERAN CHURCH FOR EXPANSION OF CHURCH FACILITIES, STODDARD AND MYRTLE AVENUES 3-90

Mayor Marks announced that the hour of 8:10 P.M. had arrived, the time set for the public hearing on the appeal of the decision of the Board of Zoning Adjustment granting a conditional use permit to the Emanuel Lutheran Church for expansion of its church facilities located on Stoddard and Myrtle Avenues.

City Attorney Grimes stated that when the hour of 8:15 P.M. arrived, the time set for the public hearing on the proposed closing of a portion of Myrtle Avenue between Stoddard Avenue and Terminal Alley and the north 80 feet of the alley in Block 451, because the two hearings were related, the other public hearing should be opened so that the two matters could be discussed jointly.

The City Clerk certified that

1- Notice of the public hearing had been published in the city's official

newspaper as required by the code;

2- Notices had been mailed to all persons in the vicinity of the Emanuel Lutheran Church;

3- No written protests had been filed with him protesting the proposed expansion of church facilities;

4- A petition signed by 19 persons stating that the "development of the Emanuel Lutheran Church, as unanimously approved by the Board of Zoning of the City of Modesto, January 24, will be an asset to the area and the community", was filed February 27.

Resolution No. 24, unanimously adopted by the Board of Zoning Adjustment on January 24, was read by the City Manager, granting a conditional use permit to the church for its expansion subject to the following conditions:

1- That the approval of the application shall be contingent upon the approval of the City Council of the street and alley changes as shown on the proposed plan of development dated January 14, 1957;

2- That a fence be placed, by the church, along the south line of the proposed alley, the type and height to be approved by the Planning Department;

3- That the changing or relocating of all utilities required by such street and alley closing be at the church's expense;

4- That the parking areas be improved and maintained as required under Section 10-2.1807 of the zoning regulations;

5- That there be no access to the parking areas from the alley adjacent to the church property on the west;

6- That the permit be exercised within a period of three years.

Other conditions, as set forth in the resolution were established in the event the Council would not approve the street and alley changes.

Mayor Marks announced that the hour of 8:15 P.M. had arrived, the time set for the public hearing on the proposed closing of a portion of Myrtle Avenue between Stoddard Avenue and Terminal Alley and the north 80 feet of the alley in Block 451.

Charles Feltes, 427 Myrtle Avenue, stated that the appeal was based on the proposed closing of the street and alley and not against the expansion of the church facilities.

Director of Planning Smeath pointed out that the only basis upon which an appeal could be filed was on the conditional use permit granted by the Board for the expansion of the church facilities since the closing of the street and alley was under the jurisdicition of the Council.

The City Clerk certified that

1- Notice of Street Vacation had been posted on the property effected by the Director of Public Works;

2- Resolution of Intention No. 257 to vacate and abandon a portion of Myrtle Avenue and alley in Block 451 had been published in the city's official newspaper on February 14;

3- No written protests had been received to the proposed closing;

4- Notice of the public hearing on the proposed closing had been mailed to all interested persons on February 27.

Resolution No. 364, adopted by the Planning Commission on January 3, 1957, recommending to the Council the holding of a hearing on the closing of a portion of Myrtle Avenue, a portion of the North-South alley in Block 451 and the opening of an east-west alley was read.

A telegram was read from Mrs. Alberta Merrill opposing the closing of the street and alley.

Mayor Marks opened the meeting for comments from members of the audience. Rev. Robert Segerhammar, pastor of the Emanuel Lutheran Church, acted as spokesman for the proponents.

Mr. Segerhammar briefly outlined the history of the growth in membership of the church during the past years and pointed out that it had been necessary to change the master plan for development of the church facilities because of the off-street parking requirements which had been established by the zoning ordinance adopted after their plans were made.

The reason the church is asking for the closing of Myrtle Avenue, he stated, is that it would become possible to park the number of cars required by the code. He pointed out that the church had an option to purchase the duplex located on the east side of Myrtle Avenue and the development of the small odd-shaped areas into one church facility properly landscaped would enhance the neighborhood and be a benefit to the entire community.

Mr. Feltes stated that the people of Myrtle Avenue use this portion of Myrtle Avenue going to and from the city and were opposed to its closing. He contended that the closing would affect the entire city since it would have an unfavorable bearing on the city's No. 2 fire rating, and that the fire department was opposed to the closing of the street and alley. The location of the fire plug, on the northeast corner of the alley on Stoddard between Myrtle and College, would prevent adequate fire protection for the properties on College Avenue if the alley was closed, he stated. He stated that the big fire trucks could not negotiate the sharp turn proposed in the new alley, and the location adjacent to the Merrill property would be "highly damaging" because it would run along the side of their house. He opposed the closing of any of the city's streets and alleys. He stated that he would have no objection to the expansion of the church if the street and alley was left open.

The City Manager cleared certain misunderstandings regarding the city's fire rating. He pointed out that there had been no change in the rating of the city. The Board of Fire Underwriters of the Pacific normally checks a city's rating every 10 years. He stated that the city had checked with the Board particularly on whether street closing of this type would have any effect on the rating and also with the Fire Chief and Director of Public Works who is responsible for the water supply. They have advised that this closing would have no effect on the city's fire rating and the Fire Chief had withdrawn his first objection to the closing of the street.

Mrs. Clara M. Reichenback, 302 College Avenue, protested to the proposed parking plan for the church, since there would be disturbances from students at night using the area for "other than parking".

Paul Elman, 320 N. Santa Ana Avenue, member of the church, reported that he had circulated the petition on Myrtle Avenue, which had been filed with the City Clerk approving the plan for expansion, which contained 19 signatures and of those, 10 had originally signed the first petition opposing the plan for expansion and that 8 other persons would have signed his petition except for the fact they had signed the other petition and they

considered they could not sign 2 petitions but that they were now in favor of the entire expansion program after the plans had been explained to them. One of the parties contacted stated that her signature had been appended to the petition opposing the plan, by someone else.

The following persons opposed the closing of the street and alley but offered no objections to the expansion program for the church facility:

O. S. Peterson, 429 Myrtle Avenue
Howard Thurber, 445 Myrtle Avenue
Mrs. Bud David, 400 Myrtle Avenue
James E. Hadley, 222 E. Roseburg, former owner of property at 401 Myrtle
Mrs. Ethel Borden, 425 Myrtle

Their objections were based on the premise that the closing of streets and alleys would adversely affect the city's fire rating and increase the costs for insurance to all the citizens of the city, that the church could use the Junior College parking facility located across the street or park their cars on Terminal Avenue.

To a question from Earl Todd, 401 Myrtle Avenue--if the church could comply with the city ordinance regarding off-street parking without closing the street and alley---Director of Planning Smeath reported that the number of parking spaces required by churches is a conditional determination for each particular case. The Board, he stated, had attempted to set a formulae of one parking space for each 3 to 5 persons who are in the congregation. Different number of spaces have been set by the Board, however, he continued, on the basis of conditions and situations. The code provides in the general provision that there should be a minimum of one parking space for each ten seats in the main chapel. This number is increased by the Board as conditions change. In this case, the number proposed, which can be acquired with the closing of the street, is 68 spaces, which means 1 space for each 4.5 persons in the congregation. There would not be sufficient room for 68 spaces if the street was not closed, he stated.

A general discussion was held on the parking facilities required for the two degrees of expansion available, 1) full development of the Church's master plan and 2) partial development if the street was not closed.. Plans for the location of facilities on the area, landscaping and construction of the fence around the parking area which would prevent parking except when the church was open, were presented by Mr. Segerhammar.

The conditions established by the Board on parking spaces was compared to the requirements for parking in the down-town area where funds could be contributed to the city parking fund if parking spaces were not made available. The City Manager pointed out that in order to place a church in a residential area, it must meet the conditions established by the Board of Zoning Adjustment and the conditions established was on the basis that the churches keep the parking off the streets so that it would not be a problem to the neighbors in the area.

The City Attorney pointed out that any reasonable condition which the Board considered necessary to protect the neighborhood could be established as a condition to expand or build a church in a residential area.

The City Manager stated that the Board of Zoning Adjustment had, in his judgment, done an excellent job of handling many difficult problems as it related to churches which had been assigned to it by the Council. It is remarkable, he continued, that the Board has been able to work out for the community the many complex, massive kinds of problems which a church creates when it goes into an area. He pointed out the great number of churches which had been constructed recently and those now under construction had created many difficult problems which have been solved by

the Board.

At the request of Mayor Marks, Mr. Smeath explained section four of Resolution No. 24, adopted by the Board, which set forth the conditions under which the church could be developed on an alternate plan if the permit to close the street was not granted by the Council.

Mr. Smeath stated that the Board considered that the church should be able to use the 2 story building located in the rear of the church which they had purchased to be used for Sunday School facilities and had placed the alternate conditions in its resolution. Since the use of the building would be an expansion of church facilities, it was necessary that a hearing be held, he pointed out, before the conditional use permit could be granted.

Mr. Smeath stated that the location of traffic generating buildings such as churches, schools, etc., in the residential area create a serious problem for residential properties and the staff has been continuously concerned in protecting these properties. In this particular case, there were a number of conditions involved; 1) in the opinion of the staff, Myrtle Avenue, as it comes into Terminal Alley (this is only 20 feet wide and is an alley, not a street) should not be used as a way to go out onto College Avenue but rather Stoddard Avenue should be used as the collector street in the area. Traffic should come to College Avenue and on into the downtown area, primarily because this street will eventually be a four lane street; 2) the possibility that Terminal Alley in the distant future will be used in the construction of a road over the canal. The closing of Myrtle Avenue was not recommended by the staff to the Board on the basis of a need for parking of the church as much as part of a street closing pattern. The staff does believe that there are many streets in the city which are deemed unnecessary, as set forth in the Advance Planning study, and should be closed. In this particular place there is an example of where a church could fit into the traffic patterns of a collector and major street and on the third side be adjacent to railroad tracts where there is the least possible conflict with the residential values in the surrounding area. For these reasons the staff considered it would be a desirable location for the expansion on this basis and on the basis that the matter was taken before the Board and very serious discussions were held over a considerable period of time and with the understanding that the fire-fighting program will not be hindered. He outlined the proposal for the construction of the new water line and relocation of the fire hydrant, which would provide fire fighting facilities on both sides of the land.

Mayor Marks pointed out that the persons objecting to the closing of the street had raised the question of fire rating. He asked---does the closing of Myrtle Avenue have any effect whatsoever on the city's fire rating?

The City Manager stated that the Board of Fire Underwriters of the Pacific has advised that it would not.

Mr. Smeath stated that he had personnally talked to Fire Chief Wemyss and he had withdrawn all his opposition to the closing of the street, on the basis that with the new locations for the water line and hydrant the department can fight fires adequately and properly. He pointed out that the turning area in the new alley was designed by the Public Works Department on the basis of the turning radius of the largest refuse pick-up trucks.

Mr. Feltes claimed that the Fire Chief had advised him two days ago that he was definitely opposed to the closing of the street and alley.

The City Manager stated that he had a letter from the Fire Chief

stating that he had no objections to the closing and that if there was any doubt, Mr. Wemyss should be asked to appear before the Council.

The Council considered that this would not be necessary. Mr. Miller stated that there must be some misunderstanding because the plans were discussed with the Department of Public Works and Fire Department and he had talked directly with the Board of Fire Underwriters about this particular case.

At the request of Mrs. David, Mr. Segerhammer explained the master plan for the development of the church facilities. He assured her that before the Church had purchased the two story building to be used for Sunday School classes, it had been investigated by both the City Engineer and Fire Department.

Mayor Marks emphasized the fact that 1) the decision of the Board had been made on the basis of what it interpreted to be the area and community need; 2) that if the staff advises that it would not affect the fire rating, it would not.

Councilman Arata suggested that the hearing be held over so that a further check could be made by the Council members.

Councilman Merrill stated he was opposed to closing of streets since a precedent would be established and it would jeopardize the city's fire rating. He stated he was not opposed to the expansion of the church facilities but the Council had a responsibility toward the people in the area.

The City Manager stated that in the staff's judgment, there were many sections of many streets in this city which are unnecessary, which would never have been developed with the right kind of pattern of development of a city. He stated that he considered that "we shouldn't be against closing of streets". Each should be decided on its merits.

He suggested that if the fire rating was going to be a major factor each time the closing of a section of street was proposed in the interest of the public and economy of running a city then the Board of Fire Underwriters should be requested to appear before a public hearing on the question.

To a question from Mayor Marks, the City Attorney stated that as the title shows on this property, the street would revert to the abutting property owners if vacated.

Mayor Marks stated that there being no further questions from the audience, both of the hearings were declared closed.

MOTION

That the City Attorney be instructed to prepare the necessary documents to close that portion of Myrtle Avenue between Stoddard Avenue and Terminal Alley and the north 80 feet of the north-south alley in Block 451 and present it to the Council at a subsequent meeting for action.

Moved by Mayor Marks Seconded by Hammond Mayor Marks declared that the motion carried

MOTION

That the appeal on the Board decision on the conditional use permit for the expansion of the church facilities be continued until the next Council meeting.

Moved by Anderson Seconded by Mayor Marks Unanimously carried

Mayor Marks suggested that the representatives from the Church prepare a sketch or architectural drawing of the proposed development for the inspection of the public and Council at the next meeting.

MOTION

That the decision on the closing of the street and alley be held by the Council at its meeting of March 13.

Moved by Anderson Seconded by Adams Unanimously carried

Rev. Segerhammar pointed out that due to Lenten services it would be impossible for him to attend an evening meeting and asked that it be set for an afternoon meeting.

MOTION

That the meeting be reset for March 20.

Moved by Anderson Seconded by Adams Unanimously carried

Mayor Marks asked the City Clerk to notify Mr. Feltes of the change of plans since he had left the meeting.

REPORT ON SEWER SERVICE CHARGES ON PROPERTY NOT CONNECTED TO CITY SEWER LINES 11-80

The City Manager reported that the staff had discussed with the Council Sewer Committee, a problem which is amounting in intensity--- the ordinance requirement that the regular sewer service charge must be paid by each property owner, 90 days after the service has been made available by the city. Since the charge is the same for those not using the service as it is for those who are, it is difficult to explain and a number of persons have refused to pay the charge despite efforts to collect. They are liable, however, for these charges under the ordinance. The possibility of a differential for those not connected, Mr. Miller stated, has been discussed with the Council committee. This differential could be small but it would take into consideration the fact that they are not actually using the plant. The staff has proposed, and the Committee has agreed to recommend, an amendment to the ordinance which would provide as follows:

1- That the charge be somewhat lower for those who are not connected, for instance on a residence;

2- That where a commercial operation is not connected to a meter, it is recommended that the charge be based on the minimum city charge for a meter;

3- That where there are private companies furnishing water service adjustment be made so that they would pay on the basis of amount of water used, at city rates. This would take cooperation from private water companies.

He pointed out that it would not be possible to make this retroactive, but recommended that the drafting of the amendment to the ordinance be authorized for Council consideration which would establish an effective date for the beginning of the new charge. Collection would then be instituted with the charge being based on the old rates up to this date, and the new rate thereafter.

Councilman Adams, Chairman of the committee, considered that this

would be the most valid method of alleviating the problems.

MOTION

That the staff be instructed to prepare the necessary ordinance amending the Code, as outlined by the City Manager.

Moved by Adams Seconded by Merrill Unanimously carried

The Council discussed the possibility of setting a deadline for connection with the sewer line but it was agreed that the policy of permitting the people to connect, when they wished, be continued at this point.

The City Manager pointed out that the proposed new rates would be based on certain cost estimates which had been made by the staff.

CONSIDER AIRPORT MATTERS 12-20

The City Manager reported on a proposal to remove the Modesto Terminal Company sewer line, serving the east Modesto area, which is presently located on the recently purchased airport property, to a new location along the county road. The proposal, he stated, is to request the company to vacate and relinquish the easement and relocate the line on the basis the payment required would be assumed by the city, county, and Civil Aeronautics Administration.

MOTION

That the staff be authorized to prepare the necessary documents for Council consideration, along the lines outlined.

Moved by Arata Seconded by Merrill Unanimously carried

Councilman Arata reported that the City-County committee had conferred, as authorized by the Council, on the matter of the decision handed down by the Judge on the condemnation suit instituted by the city and county on the John Maggi property at the airport, and had agreed that it would not recommend appealing the decision since it would delay the airport project, and the difference between the price offered and the $30,250 set by the court would be nominal. He recommended that the city agree to accept the price set by the court.

MOTION

That the city proceed on the basis recommended by the committee.

Moved by Arata Seconded by Merrill Unanimously carried

The City Manager stated that there was some general inclination that if it was not for the time factor involved that the price set by the Court would have been challenged.

The City Attorney pointed out that the property owner had probably lost money by going through with the trial, because of court costs, fees paid by him for counsel and appraisers.

The City Manager pointed out the hazard to the city of being placed in a position of paying everyone a bonus for property to avoid condemnation suits.

AUTHORIZE THIRTY MILE SPEED LIMIT ON MORTON BOULEVARD 12-62

The City Attorney presented for Council consideration, an ordinance

which would establish a 30 mile speed limit, the lowest legally possible, on Morton Boulevard between Grand Street and LaLoma Avenue, as requested by the Traffic Engineer.

ORDINANCE NO. 153-C.S. entitled

AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 36.2 THEREOF, RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 112-C.S.

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

Moved by Arata Seconded by Adams

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

AUTHORIZE CONTINUATION OF LEASE WITH BOMBERGER BROTHERS FOR RENT OF PARKING LOT IN BACK OF SEARS ROEBUCK COMPANY 12-65

Councilman Hammond reported that the Council Parking Committee recommended the renewal of the lease with Bomberger Brothers for the rental of the parking lot located on 11th Street between K and L Streets, for a term of one year, for a rental fee of 50% of the gross fees paid for parking. The city's revenue from the lot could be used for the purchase of the parking ticket machine which had been used by the city on a temporary basis. The annual estimated revenue from the lot would be $930 and the cost of the machine would be $265, the City Manager reported.

RESOLUTION NO. 57-87

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND A.S. BOMBERGER AND P.S. BOMBERGER FOR THE RENTAL OF CERTAIN PREMISES TO BE USED AS AN OFF-STREET PARKING AREA

Introduced by Merrill Seconded by Anderson

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

APPROPRIATION TRANSFER FOR PARKING LOTS 12-87

RESOLUTION NO. 57-88

A RESOLUTION APPROVING APPROPRIATION TRANSFERS FROM THE PARKING FUND RESERVE OF $125 FOR NINTH STREET PARKING LOT SIGNS AND $265 FOR PARKING VENDING MACHINE FOR COLLECTING OF PARKING FEES (ELEVENTH STREET PARKING LOT BETWEEN K AND L STREETS)

Introduced by Anderson Seconded by Arata

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

Suggestions made on the off-street parking program to be discussed at a later meeting were, 1) the possibility of installing a parking ticket machine on the Eighth Street lot, and 2) that a study be made on the 15th Street lot so that all day parking program could be permitted with a nominal parking fee without the installation of parking meters.

Councilman Arata recommended that the 15th Street lot be sold to the

parking fund, possibly at the purchase price. It was agreed that this matter be considered when the financing program for the city hall was finalized.

REPORT ON CHANGE OF SPEED ZONES 99 HIGHWAY-NORTH 12-109

The City Manager reported that the Traffic Engineer had worked out an improved program with the state, with the cooperation of the Police Department and the highway patrol, for the establishment of lower speed limits on the northerly end of 99 Highway starting at Needham Avenue and that this should be cleared shortly.

APPROVE MEMORANDUM OF AGREEMENT WITH THE STATE FOR EXPENDITURE OF ENGINEERING ALLOCATION FOR CITY STREETS 12-115

RESOLUTION NO. 57-89

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 Arata Seconded by Anderson

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

The City Manager stated that the agreement related to the allocation by the State to the City of $6,000 for engineering for city streets. He listed the detailed items shown in the agreement for Council information.

SET DATE FOR PUBLIC HEARING ON RECOMMENDATION OF THE PLANNING COMMISSION FOR AMENDMENTS TO SECTIONS 17 AND 19 OF THE ZONING MAP (R-A AREAS)

The City Clerk recommended that the date of March 27, at 8:00 P.M., in the Council Chamber, be set as the time and place for the public hearing on the recommendation of the Planning Commission that Sections 17 and 19 of the Zoning Map be amended to rezone from R-A to R-1 certain areas more specifically described in Resolution No. 374 adopted by the Commission on February 19.

RESOLUTION NO. 57-90

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION THAT SECTIONS 17 AND 19 OF THE ZONING MAP BE AMENDED TO RECLASSIFY FROM RESIDENTIAL-AGRICULTURAL (R-A) TO SINGLE FAMILY (R-1) CERTAIN AREAS SET FORTH IN THE COMMISSION'S RESOLUTION NO. 374.

Introduced by Merrill Seconded by Arata

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

REPORT FROM PLANNING COMMISSION ON STUDY ON NON-CONFORMING PROVISIONS OF ZONING REGULATIONS 13-7

A letter to the Council from the Planning Commission advised that the non-conforming provisions of the zoning regulations was being taken under study, as requested by the Council, and the Council would be informed of the Commission's findings as soon as it was reasonably possible.

SET CUT-OFF DATE FOR RECEIVING CASH SEWER FEES IN IMPROVEMENT DISTRICT NO. 6 (GARRISON SCHOOL ADDITION) 13-10

The Director of Public Works reported that sewer lateral plans and specifications for the recently annexed Garrison School Addition were near completion and asked that the Council set a final date for the acceptance of cash fees for Improvement District No. 6.

MOTION

That the date of March 27 at 5:00 P.M. be set as the final date cash payment may be paid in accordance with the Municipal Code by persons in Improvement District No. 6 (Garrison) who are continguous to the city sewer lines.

Introduced by Merrill Seconded by Arata Unanimously carried

It was agreed by the Council that the usual procedure of notifying the people of the area of this cut-off date be followed---through news articles in the city's papers.

REPORT ON HOTEL MODESTO BUILDING 13-70

Councilman Hammond reported that Councilman Arata, Director of Public Works Ray and he had inspected the Hotel Modesto property with a representative of the Crow family today, to make sure that there was no misunderstanding in the agreement on the ownership of personal property in the building. The Crow family are abiding by the agreement, entirely, he reported, and removing only property belonging to them.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Anderson Unanimously carried

The meeting was adjourned at 10:40 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

Special Council Meeting

March 5, 1957

The Council of the City of Modesto met in special session this date at 7:00 P.M., as provided by Section 2-1.02, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk call the roll and there were
Present: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
Absent: Councilmen: Merrill

Councilman Merrill arrived at 7:09 P.M.

MAYOR MARKS: This is a special meeting of the City Council, called as a hearing on the business license study. This is in the nature of an administrative hearing. The Council sits and listens and takes note of what the constituents and the tax payers of the community have to say about any proposed change. This is a policy matter, has nothing to do with the staff, has never had anything to do with the staff and I will review the status of the business license study so that you can understand at what point we are at present.

(Report No. 1 entitled "STATUS OF BUSINESS LICENSE STUDY" was read in full by Mayor Marks, a copy of which is on file in the office of the City Clerk)

MAYOR MARKS: Before we start there are a couple of things I want to point out. The League of California Cities is beginning---that is all of the cities in California are beginning to study a problem of a model business license tax ordinance. I happen to be the chairman of the committee on revenue and taxation for the League of California Cities and we are holding our first meeting on Thursday. Let me clarify this model ordinance business----all it does is to give you something to work from. No model ordinance---you just can't adopt them for each city. The way we on the Council have always felt about models, and the way most every council feels about models in California, is that they merely give you something that you can work from so that you can figure what best fits within the framework of your community. Malcolm Davisson is here tonight, and I would like to introduce him. He has been employed by the League of California Cities to make this study. Mr. Davisson has been working, in his field, with the League of California Cities for many years. He is here tonight, as he has been here before, as a consultant, not to tell us what to do, simply to give us information regarding what others are doing and to answer whatever questions he can that might generally affect the entire situation both here and anywhere else should anybody else desire that information. Is Mr. Hudelson here? Paul was the head of the committee. I would like to read the names of the committee. It was a very sound, solid committee. I know the headaches they had and I know that this, like everything else that any group of people come up with, is a compromise. Even the constitution of the United States was a compromise document. I don't think, Mr. Davisson, that many cities are going to adopt any business license ordinances that are not compromise documents. This committee had a very rough session. Paul was the chairman, Tom Reneau was the Vice-Chairman, Bob Kauffman, Bill Falger, Al Hamaway, Lee Damir, Louie Hammer, Norman West, Mary Johnson, Ed Griswold, Add Saathoff, Hans Hartman, Ed Walter, Professor Charles Black, and I think that is about as fine a roster of any representative group of citizens of this community that I or anybody else could read off. What they have given us is---they have given us in good faith, and in effect have said---well, look this is about the best that we can do. We can't set policy. We do not know where you want to go from here. We don't know where the people

want to go from here and this is,at the moment,the best we can do and it is time now to discuss the matter, publicly. Paul,does that fit in with your ideas? I would like to introduce you to the group here who do not know you----this is Mr. Hudelson.

MAYOR MARKS: I think we can get going on this. I believe that the Council has been most successful in conducting public hearings in this manner. I will ask if you have, sometimes petitioners in the audience have an attorney or other people to speak for them, and what we would like to do, we like to hear from those first and either pro or con,or and con. We start out in the front row and go right down the line and anybody who desires to say anything has the full opportunity to do so. Please use the microphone, state your name and address and who you represent when you do. So if there are any representatives of any group who would like to talk first, the Council would be most pleased to hear from them.

BERNICE RAIDER: I represent the Music Teacher's Association of California, I would like to ask a couple of questions. First, is this the last public hearing that will be held on this ordinance before it is put in final form?

MAYOR MARKS: Let me answer that this way. No. As we mention here,I have the feeling---I am just speaking,of course,for myself, the Council hasn't decided--it is my opinion, as Mr. Miller suggested, that it will be necessary to get together with special groups and wring out these special problems. Yours is the one that has to do with music teachers, is it not? You are objecting to paying a license on the grounds that this is discriminatory and that you are contributing to the public welfare, etc. Is that correct?

MRS. RAIDER: That's correct.

MAYOR MARKS: Well,there will be opportunity, I think this is one of these things that, a special case, we should meet on separately with you.

MRS. RAIDER: You mean we will have that opportunity.

MAYOR MARKS: You will have that opportunity. Will the Clerk note her name and see that she is given the opportunity to wring out ----

MRS. RAIDER: Mr. Mayor I think you have my name. Then another question, please. Will we have an opportunity to examine the ordinance in its final form prior to its adoption?

MAYOR MARKS: You most assuredly will.Q.Will we have another opportunity to complain about it if we don't like it? A. You most assuredly will.

MAYOR MARKS: This matter of passing ordinances---it is not as simple as the layman thinks. We have a hearing,each meeting of the Council in a way is a hearing. When a final ordinance is adopted, it may or may not contain the provisions that you are talking about. It is done at an open public session, just as this is, and you have a chance there when it is proposed and when ----Mr. Grimes, what is it, 30 days later it is adopted by another vote---it is published then and you have another crack at it 30 days after that. Is that correct Mr. Grimes?

CITY ATTORNEY ALLEN GRIMES: No, it usually comes up 15 days after its introduction, then it is published and usually comes up two weeks after its introduction for final adoption.

MAYOR MARKS: In other words, 15 days plus two weeks.

MRS. RAIDER: It is published then before it is adopted and there is still an opportunity to clarify any questions? A. Yes,you have two times in 30 days to----.

MRS. RAIDER: Well, one of my main reasons for asking this is---in my statement that I made on the 23rd. of January I pointed out that we are conducting a survey of licensing practices throughout the state with regard to music teachers. I think it is going to be rather interesting to find out whether or/not it corresponds with ? because it will have come from a different source. We are contacting the presidents of all of the county branches of the music teacher's association and I might add that they are all quite concerned about this and they are filling out the forms and returning them to us. I have a card file on those returned and it is not complete -----

MAYOR MARKS: We would rather you wait until it is. If you are concerned about the ordinance being passed without anybody knowing about it, we don't do business that way. Things don't work that way in a democracy. We have the fullest kind of public hearing before anything is done. So don't be too concerned about that,Mrs. Raider, we will give you ample opportunity to speak again. Suppose we start then at the front row and work across and if anybody desires to say anything on this matter----how about the lady next to you Mrs. Raider? A. I am just here with Mrs. Raider.

SOMEONE IN THE AUDIENCE: Mayor Marks was there any conclusions drawn from the survey---questionaire form--sent out to business men here in town, gross amount sales, etc.

MAYOR MARKS: Yes, I think one conclusion. Mr. Bird, you can answer that. We have an entirely different set of figures than we had the first time, I believe, isn't that so Mr. Bird?

CHARLES BIRD, ACTING DIRECTOR OF FINANCE: Yes. We have prepared a report for you tonight, which was to be presented. However,Mr. Miller is not here but the report is ready if you would like us to present it and possibly you can read it. We also have copies for the people who are here.

Mayor Marks: Well,let's have it. (copies were distributed to the Council and audience at this time) Mayor Marks read the report, a copy of which is on file in the office of the City Clerk.

Mr. Bird briefed the last page of his report which compared survey No. 1 and Survey No. 2 and a proposed alternate schedule.

MR. BIRD: Actually we had more returns from our first survey but their indication was entirely different than the second survey. Now determining which survey is the most accurate---it is hard to say but we feel that more thought was given to the questions asked on the second survey. It was a more complete questionaire and in the second one we found one of the major changes was that there are 22 businesses that are over 2 million, as compared with 14 in the first survey. There was another----in other words, it indicated that there were more businesses doing a volume of a million and more than had been indicated in the first survey and there were a lesser number doing a small volume of business. Now,in applying a rate, this rate that we have here against the number of businesses ---we found that it would increase the revenue earned but that the increase would not be material in comparison with the total revenue collected on business licenses. Now included in here is another proposed rate bracket structure, based on a tenth of a mill and based on the result of the second survey. In this chart it would lower the fee paid by the majority of businesses that are operating wholesale and manufacturers. At the same time it would raise approximately the same amount of revenue as reported in the committee's report to you.

MAYOR MARKS: In other words, the amount that the committee felt would be---was the logical amount for the entire wholesale structure of the

business to raise was in the neighborhood of $15,000---is that correct?

MR. BIRD; Yes.

MAYOR MARKS: And that is possible on a tenth of a mill? A. Yes this new proposed rate structure is based on a tenth of a mill. That would be applying one tenth of a mill at the middle of each bracket, as indicated.

MAYOR MARKS: Yes, but how do you apply that to a broker, for instance who does a fantastic amount of business and not make any money to amount to anything? A. Well, according to our survey, we are speaking of possibly 11 as a total. According to this bracket chart they would be handled in the same manner as a manufacturer or any other type of business. There was no separation made. Now, that is another alternative---is to place brokers in a separate class and apply different type of rate.

MAYOR MARKS: In other words the brokers are in here. In other words, it is possible for a man, you realize, to do 5 or 6 million dollars of business and---- A. That's true, in fact our survey indicated that there are some brokers who are operating on a very small margin of net profit, and that was one of the reasons that we proposed a tenth of a mill which is a very nominal fee. However, when you apply a tenth of a mill to any where from 5 to 10 million dollars gross profit, then it becomes much more critical.

MAYOR MARKS: My basic point in asking that question is this----you take a food processing plant for instance that would do 3 million dollars a year, if properly run would have a decent percentage of profit but somebody buying 3 million dollars of grain in a brokerage deal, his profit is quite infinitesimal in comparison. Maybe Mr. Huldelson went into that more. The only reason I ask that question is because I wondered if these brokers were included in this amount to raise this $15,000 and his answer was --yes.

MR. HULDELSON: I am wondering if you don't have it confused in that this is based---the tax is to be based on gross income rather than gross receipts. On the basis of the way I understand what you were saying on gross income as an example, the point that you were making there it would be covered on the profits rather than on gross income, is that right?

MAYOR MARKS: Not the way this is written.

MR. BIRD: I don't believe so Paul, actually----

MR. HUDELSON: Maybe I misunderstood you.

MAYOR MARKS: Yes. It's not the way this is written. True we need a definition of gross income but the way this is written-----nobody is going to make 8 million dollars a year, Paul.

COUNCILMAN ROBINSON: I am wondering if a broker wouldn't fall under the same category as a real estate broker in defining your gross income ---gross receipts you state for a real estate broker the only income is the commission.

MR. HUDELSON: No. You can't use that catagory.

MR. BIRD: Well that's a possibility and actually I think what we are trying to get at, the point that could be made is that included in manufacturers and wholesalers, we have included a group that may not logically be defined in that manner and that we should break them out.

MAYOR MARKS: So that we can get along on this, I just want to boil it down. I asked if you have included in these 168 businesses, on this one tenth of a mill rate, the grain brokers, the brokers and your answer was ----yes---which takes care of that for the time being. Does that answer your question at all Mr. Little? (didn't hear the answer)

Can we go over on the other side of the aisle? Please use the microphone in asking any questions, stating your name.

MR. EDWIN L. KYTE: I operate the Edwin L. Kyte Company on 316 10th St. Modesto. It happens to be a wholesale hay and grain business. I am one of these people that you have been wondering about. In all due respect to the committee, who gave this report, I don't think they know what the wholesale business is. My gross profit for the year 1952, was five and six tenths percent, my gross profit in 1953, was seven and six tenths percent, my gross profit in 1954 was five and one tenth percent, in 1955 was five and nine tenth percent, in 1956 was four and nine tenths percent. In this year of 1957 my gross profit is going to be less than it has been in the last five years. I happen to have handled an item for a steel company, as a broker, of merchants wire products and on the second day of October, 1956, we were very politely written a letter which eliminated all merchant wire products jobbers. Overnight you don't pick up that sort of a business. Now I employ 3 people besides myself, one person lives in Modesto, the other two live out and away from Modesto. I have four accounts in the City of Modesto All of my business, 98% of it is done in the State of California, on a very small percent, on a very small brokerage percent. For instance, I am paying $60/65 a ton/for corn today and I make $1.00 a ton profit, less than 1%.If the mill tax is put into an ordinance and made a law, I, as a wholesaler, am going to move my office out of the City of Modesto. I can't afford to pay it. I am willing to pay a license fee. The only reason I do business here in Modesto is because I have lived in Modesto for 35 years. I can go to Ceres; I can go to Riverbank; I can go to Salida and do the same amount of business that I am doing today. That is what I intend to do. (3-50 .)

MAYOR MARKS: In other words,you would say that this ordinance, even under the one tenth of a mill basis would work an undue hardship on anybody concerned with agricultural products and their direct acquisition of them and turn over of them on the brokerage level? A. That is correct.

CECIL T. JONES: of Stanislaus Food Products. The main thing with processors in the City of Modesto, of course, at the present time, our (?) will show a loss for 1956, by the time we get all the merchandise sold and paid for that they have manufactured and,secondly,it will create quite a hardship on those that have agricultural products. As long as it is going to be deferred to a divisional committee to handle certain groups of processors and businesses with later hearings, I have nothing more to say at this time.

MAYOR MARKS: Incidentally,maybe we can clear that right now, Cecil, with the Council. Does the Council approve of Mr. Miller's suggestion that on these special groups that they be met with and each special problem wrung out with them to see if we can make them component parts of a whole which will either raise us as much as we are raising now or whatever amount the Council wants to raise?

COUNCILMAN ARATA: I think this is what we should do and iron it out with these different groups.

MAYOR MARKS: In other words the food processing groups. For instance, Mr. Jones, one of the alternate suggestions on this is this. As you know the top suggested fee in this license was $500 for any wholesaler or processor. Now,maybe, as an alternative---that was the top amount for a concern, let's say doing 8 million dollars a year---I am speaking now of processors or wholesalers that are making a comodity and selling it. Maybe that should be run on a grade basis. Maybe somebody doing 5 million dollars a year should pay $500, maybe somebody 4 million dollars a year $400, and right on down the line.

MAYOR MARKS: I do want to point out that the top amount suggested was $500 for the wholesalers.

COUNCILMAN ANDERSON; When you speak of $500 for five million dollars of business, it is quite possible that the question these people are raising is,one of the facts that on their 5 million dollars gross business they make, say 1%, whereas a 5 million dollars gross business in another type of business will, say, gross 6 or 7%. They feel that they are being taken undue advantage of.

Everyone talked at this time.

MAYOR MARKS: That's the point I raised a few minutes ago. There is a difference between a brokerage business and a wholesaler business. Mr. Davisson, just as a point of information, do you have at your finger tips that definition----what is a wholesale business other than a brokerage business and where do you draw the line.

MR. DAVISSON: In most of the ordinances which tax wholesalers, there isn't any special definition for brokers---that is,they are lumped together. Where they are differentiated, I just don't happen to have any copies of ordinances here so I couldn't give you a definition off hand but for the most part no differentiation of brokers is made---that is they are all lumped together. Your definition, as it appears in this ordinance, does not make any differentiation, is that right Mr. Bird: A. Yes

MAYOR MARKS: Well does it make any difference? I notice--I got this from the League of California Cities, I imagine you are going to be there Thursday, in this appendiz "B" it has some alternates here. It said "annual ---on wholesaling, $8.00 per annum for the first $20,000 or less of gross receipts, plus the sum of 40¢ per annum for each additional one thousand dollars of gross receipt or fractional part thereof in excess of twenty thousand dollars". Now that would work just precisely the same with/broker who was operating a---on one tenth of one percent, which some of them do sometime in these large amount, as it would on somebody who has a gross profit of 10%, let's say.

Mr. Davisson answered this question but was not at the microphone and I was unable to get it.

BUD JORDAN: Mr.Mayor,I would like to present Mr. P.Arnold Anderson, my name is Bud Jordan of the Griswold & Wight, a local firm. I am secretary of the Modesto Motor Car Dealers Association. Our members are the 11 new car and truck dealers, situated in the city limits of Modesto. We are vitally concerned with a discussion of the business license tax and with your kind permission we would like to present Mr. Anderson, who will express our views on this matter.

MR. ANDERSON: At the last meeting I just outlined a few of the points which we thought your city Council should consider and in delving further into this question of license taxes, I am very much interested to hear the discussion just a minute ago, if I may diverge for just a minute and think about this brokerage question because I can see that it is of considerable importance to 2 or 3 of your industries here and I know you don't want to lose them.

It is common knowledge that there are 2 kinds of brokers, one is a broker who merely acts on a commission basis and there are also brokers who because of the nature of the commodity handled, actually have to take title to the goods. They don't take possession, they take title to the goods---is that correct? A. that is correct.

So they have a special problem, their margin of profit is probably just the same as the man who merely acts on a commission and so when you define a broker, you wouldn't define him as

a wholesaler, you would define him as a special classification. Now this question has come up in other cities and they have solved the problem in where they have a definition of gross receipts by taking into consideration, information furnished by the broker so that he would not be penalized because he, after all, receives his compensation for services rendered, rather than for salesof commodities. Is that correct? Now gentlemen, I just want to give you that little thought as a solution to your problem. At the last meeting of your city Council, we thought we had given you some suggestions which would later be amplified regarding the taxing of our wholesale trucks and also (?) and manufacturers. Since that meeting the motor car dealers have had 2/3 meetings, at which they had discussed their particular problem and at their request, we made a little study of their problem, because it is peculiar to their industry. So we have written up a little statement for you to outline---in order to make it as brief as possible---and we would like to offer some thoughts for your consideration and the consideration of your committee when this is gone into.

4-10 Mr. Anderson read Report No. 3, dated March 5, 1957 entitled "STATEMENT OF THE MODESTO MOTOR CAR DEALERS ASSOCIATION RELATIVE TO THE PROPOSED REVISIONS OF THE BUSINESS LICENSE ORDINANCE OF MODESTO" a copy of which is on file in the office of the City Clerk

Mr. Anderson diverged from his report (page 3, after paragraph "A") and stated as follows:
I know that when these schedules were proposed, the principal thought was to try to retain as far as possible the same amount of revenue which you are now getting and I am sure of one thing---if the committee's hands had not been tied on that point, they themselves could have come up with other schedules. I just want to say that----

MAYOR MARKS: That's right. The Council did tie their hands to this extent. You weren't here earlier in the evening Mr. Anderson. What we told the committee was this-----we feel that this ordinance, and we have felt for sometime---is inequitable. We still want to raise approximately the same amount of money and will you as lay citizens, see if you can devise a recommendation to the Council that will give as much equity as you possibly can to everybody that pays taxes, but we did tie their hands with respect to the revenue.

Mr. Anderson started to read from his report again, section B page 3

Mr. Anderson was interrupted by the City Attorney at this time to clear a misstatment in his report (page 5, third paragraph) relating to the Director of Finance and the interpretation of the regulation on eliminating the credit for used cars traded in on new car sales.

MR. GRIMES: Mr. Anderson, if I may interrupt, at this point. This statement in the report is not correct in that respect. The interpretation nor the ordinance was under a resolution adopted by the Council sometime after the initial ordinance was adopted in 1936 and in July of last year it wasn't the Director of Finance that made the change but the Council by adopting a resolution rescinding the prior resolution, made the change.

MR. ANDERSON: As I said, I hoped the information was correct.

COUNCILMAN ANDERSON: Mr. Grimes why don't you elucidate a little more on that and explain why the ordinance could not be changed by a resolution.

MR. ANDERSON: Pardon me. You say that in 1936 a resolution, which adopted that policy? A. It was not in 1936, it was sometime after 1936, the date of which I do not recall. The Council adopted a resolution specifying that trade-ins would be given credit and then it was in 1956 that a resolution was adopted by the City Council that rescinded the resolution that gave the credit.

MAYOR MARKS: Mr. Anderson asked you to give the reasons why---I mean Councilman Anderson--which, Mr. Anderson wasn't here when I

MAYOR MARKS (CONTINUED): mentioned about turning the tax collecting over to the County. Do you want to answer Councilman Anderson's question? He asked you to elucidate-----

MR. GRIMES: Councilman Anderson's question, although a number of years the interpretation went along under the resolution, if the credit---providing for the credit should properly be done as this report suggests. In other words, if the credit is to be given, the proper place to give it is in the definition of gross receipts, such as you have suggested here. I merely wanted to point out that the implication of the report was the Director of Finance made this change, although---

MR. ANDERSON: That was the way the information came to us.

MR. GRIMES: It was actually a resolution the Council adopted.

MAYOR MARKS: Just a misunderstanding.

MR. ANDERSON: If it was, we were instructed the resolution is not the proper document to change an ordinance. Is that correct? A. That is correct.

And as this ordinance was to be interpreted by a resolution, that was a legal ? A. Technically, that is so.

In other words, if the ordinance was to be changed then it would---

MR. GRIMES: The definition should have been changed in order to specifically provide that a credit shall be allowed for ----

COUNCILMAN ANDERSON: In other words, that was standing for 20 years as a

MR. GRIMES: I don't believe it was for 20 years, I think it was ----

COUNCILMAN ANDERSON: Whatever it was, ----

MR. ANDERSON: '36--1936.

MR. GRIMES: Well, the original ordinance was in '36, but the resolution that was adopted by the Council relating to the credit I believe came along in the '40's. But that is only my recollection.

MR. ANDERSON: Could I ask you a question, Mr. Grimes? Is there a definition of gross income or sales put in the ordinance? A. I do not believe there is.

That is correct. There is not. So therefore, when you interpret that ordinance you interpret it as written. And as written, you're taxing gross income. Because that is what your ordinance says. Now, when you define gross income in your ordinance, that is the thing you should follow.

MR. GRIMES: That's what controls. That is why I say your---

MR. ANDERSON: Therefore, when you haven't a definition of gross income, you determine your policy, we'll say, as an administrative policy which was indicated by the resolution of the City Council as merely an interpretive resolution. Wouldn't you say that? A. That's right.

MAYOR MARKS: Mr. Anderson, that is one of the purposes of this new ordinance to get this whole thing squared away in a proper manner.

MR. ANDERSON: Now, Mr. Marks----

COUNCILMAN ANDERSON: Excuse me, Mr. Anderson. This was brought up to our attention being illegal. Is that right, Mr. Grimes?

COUNCILMAN HAMMOND: No. You mean when we changed it?

MR. GRIMES: I think it was pointed out at the time that the proper way to change it was the way suggested by Mr. Anderson, that it should be a change in the ordinance. If the ordinance----

COUNCILMAN ANDERSON: Okay. What my understanding was that the suggestion was that the resolution was illegal and should be rescinded.

MR. GRIMES: I think the suggestion was or the comment was made at that time that the resolution was of some doubtful validity. I have to refer back to the minutes, I couldn't state---

COUNCILMAN ANDERSON: What he says then is just an interpretation of the ordinance and as such then would be valid? A. If followed, yes. The proper way, however, to do it, as I say again, is the way that Mr. Anderson has suggested that you define gross income or gross receipts and then you provide in that definition how trade-ins shall be handled.

MAYOR MARKS: Also as a suggestion of the committee that gross income and receipts, whatever they are, be defined. It's in the new ordinance.

MR. ANDERSON: That is correct and you proposed definition ----- (interrupted)

MAYOR MARKS: That's one part of the ordinance you agree with.

MR. ANDERSON: We agree that you should have a definition and we recommend that you consider a definition like Stockton, to do justice to you.

MAYOR MARKS: We will.

MR. ANDERSON: Let me suggest it to you. You have taken an action and in passing the resolution it appears that the members of the industry didn't know about that until after the resolution was passed. I am just going by heresay on that and they didn't realize it was passed, because if they had known you were going to pass it they would have appeared here and explained to you what I am telling you here tonight. Which is this--- you don't want to tax people double. Now, in view of the fact that this is merely an interpretive resolution, I am speaking without reference to the notice, it appears to us that you could also take immediate steps to wipe it out for this reason---you are taxing them 4 mills on that part of the business which is represented by those usedcar salesmen. I don't think that is fair. I think you will agree. You have a high license of 2 mills. You charge them 2 mills. Another thing we haven't reached yet in this paper which indicates the need for some consideration of this particular industry. So, Mr. Mayor, from the standpoint of the resolution, I have to apoligize for not having had the correct information about how the change was made. We tried to find out whether an ordinance had been adopted and we were informed it wasn't any change that way, so we assumed it was an administrative definition. Now, let us go back to this reference here and say this---bear in mind, "one reason the motor car dealers are especially penalized by the present ordinance is because they do not receive the full benefit of the personal property tax credit. Each one of these firms has a sizeable inventory of cars which are purchased for resale. Now, if this city were collecting the personal property tax like they used to do in the early days, they would have received better payment of those taxes and would have deducted from their license tax. But instead of that, the taxes paid the State in the form of "in lieu" tax and then the State remits to the City, therefore the city has no record of the tax paid for which credit should be received against the license tax and as a consequence the motor car dealers are taxed at the maximum rate without benefit of personal property deductions on a large part of their inventory. This is another factor making for the exorbinant license tax. Now, in summary, we shall appreciate the City Council's' adoption of policies which will insure a fair and equitable license tax, not only for the motor car dealers, but for the other industries as well. Furthermore, that a method of taxa-

tion be selected which will give consideration to the gross mark up of the various groups of retailers as well as manufacturers and wholesalers. That the special problem of the motor car dealers, with reference to used cars, be recognized so that a proper definition of gross receipts or gross income will take this into consideration. With respect to the present interpretation of the present ordinance, which prevents the deduction of used car credit against purchase price, we believe that in the interest of fairness the City Council should immediately take steps to rectify this situation without waiting for the drafting of a new license ordinance. We thank you for your courtesy and consideration."

You have here a definition of gross receipts and also the statement which is accurate to the best of our knowledge showing the different items which this industry has paid license fees, personal property ? or other fees. Now, if there are any questions or information we can give you we will be happy to do so.

MAYOR MARKS: In your opinion, what is the only fair and equitable tax?

MR. ANDERSON: My opinion?

MAYOR MARKS: You think it relates to mark up? Suppose one man is in the shoe store and he runs a one-man operation. I am thinking of an operation here in Modesto. The man has been in business for around 25 years. He makes a quite a large mark up, but he doesn't do any business. Then we were talking about people, grain brokers, that do a tremendous amount of business. Their mark up is infinitesimal. Taking both of those two extremes into account, what is the fair and equitable tax basis?

MR. ANDERSON: We have had occasion to consider those questions many times over, Mr. Mayor. In many cities, people that we have helped draft the ordinances for those cities, together with city attorneys and city councils, and we can assure you that it isn't answered by one particular classification. You will find that there are certain groups of industry that you may tax on a flat rate basis because that is the best way to tax them. Most simple, fairest, most equitable as applied to that particular type of industry. Then you have the method of taxation. I'll say this, in recent years, most of the cities that have adopted new ordinances have used the average number of employees as a method of taxation. I think you have heard that there are at least 40 or 45 cities in the State of California that now use that method and some of those cities have removed themselves from the gross receipts form of tax to the average number of employees. Now you say, is that fair. And that is a good question, because after all, we are trying to be fair.

MAYOR MARKS: You raised it on your last page here. We agree with it, in principle.

MR. ANDERSON: So we say, alright, let's analyze that, as a yardstick. We say this---that there is no scientific yard stick has ever yet been developed by anyone for telling a man how much license he should have to pay.

MAYOR MARKS: Just let me read---maybe I could clarify and simplify the question so we can get on. Let me read the different measures, and this is on the report I just received yesterday from the League of California Cities, the license tax measure. Now there are six.

Gross Receipts. Of a total of 287 cities, how many cities are there in California? A. 330 or 335.

Here are 287. Gross Receipts. 144. That's 50.1%. The question I am going to ask you is, which is the fairest, after I am through.

Gross Receipts, 144, is 50.1%. Flat rate tax, 91 cities have that--31% of the cities. Average number of employees--46. That is only 16% of the cities. Gross Receipts and average number of employees, 3 cities have

that. That is 1% of the cities have that. Net income. Now, I recognize this is a very tiny little city----1. No license tax--2. Which of those is the fairest? Just as a general question. I don't want to, I mean---

MR. ANDERSON; We will say to you this---that here is the fact of thing that we ask every city council to recognize---and this is the way we think it should work out. The question is the need. How much money does the city need? And what is the fair amount the city should require from businessmen in the community. In a form of a license tax, as a supplement to the other tax they pay. Now, that general figure we have established over a period of many years, we say, if you go beyond 5% of the cost of city government, then you enter the realm whereby you are getting exorbitant license taxes. Now, that doesn't mean that there aren't other off setting factors involved, but that is what we find out from our experience. Now, we say this, to the City Council, having agreed, and when I say 5% of the cost of the government, I do not include in that the cost of public utilities. I am speaking solely of the cost of the government, rendered to the citizens.

MAYOR MARKS: You mean the budget, don't you? 5% of the budget.

MR. ANDERSON: Not /5% of the total budget, because your total budget may include the cost of a water department or electric department. That isn't cost to the government.

MAYOR MARKS: Yes, but that water department and electric department can make a lot of money and do for cities.

MR. ANDERSON: That's correct, but don't include that as a part of the revenue which you base this 5%.

MAYOR MARKS: Well, what else are you going to take off. A. You take nothing else off. Just take off those factors which are, more or less what you call proprietary functions of a city. When you get into running a water works, street cars, as some cities do, we say that is more or less a proprietary function which is entirely separate from the cost of the government:

MAYOR MARKS: You take off the income, too? A. Income of what?

MAYOR MARKS: Of the water department. A. Yes. (Everyone talking at once)

MR. ANDERSON: Let me tell you the next point. When we decided that, Mr. Marks, we said when an agreement is reached on the City Council and accepted by the citizens, that the amount which should be paid from business taxes, then you can decide---what is the method of taxation which is most suitable to the community, which is most acceptable to the taxpayers. And we say that the general principle that if the agreement is to raise a certain amount of money and everybody is agreed on it and if the citizens say we like this kind of a method and we are all agreed on it, then you have harmony. But the taxpayers agree on the method and the City Council gets the revenue to run the city. I want to tell you that the virtue of every city of the State of California. Let me give you an example---the City of Riverside. The City of Riverside, years ago, had what was known as a regulatory license of $12.00 a year. It wasn't so ? but they called it that. The City wanted to raise some more money so they doubled it, which made it $24.00. Then they came along, several years later, and there was a debate on whether to put sales tax in or raise the license tax and they decided to raise the license tax. So the question was, how to raise the license tax. They thought about a gross receipts tax and the merchants went to the City Hall in a great number and said to the City Council, we don't want a gross receipts tax. The City Council said, what do you want? Double our present license. So in Riverside, with the exception of a few small items, like boot-blacks, wholesale trucks and so on. Everybody in Riverside, today, pays $48.00

You say, is that equitable? No. You say No, that's not 100% equitable. But that was agreed by the citizens of that city and it raised the money that they wanted. Now, some cities have said this. When you put in a business license---when you put a city sales tax in, don't give us any business license tax. San Jose, Santa Barbara---they said, we can raise all the money we need with city sales tax, and they did. So, those two broad principles if they are adopted will solve your problem and if you can agree on some reasonable amount of revenue you can arrive at a method of taxation which will solve your problems. And the question of adopting a form that based upon an average number of employees can be worked out. Now, in most of the cities in recent years, very few---most of them have gone to the average number of employees as the method which the businessmen prefer. You say, is that fair. You say this, when you consider all of the facts, I think it is a lot fairer than a straight gross receipts tax such as you have. Because the number of employees automatically compensates for some of these various factors of mark-up which you just mentioned. In other words, if a firm has a low mark-up, they can not afford to hire many employees. If they have a high mark-up, as some of your department stores, they can afford to hire, and that is one of the reasons why they have a high mark-up. And so the average number of employees does take care of that. So, we say alright, you can derive at your particular problem here--it is so complicated because of this personal property off-set which you are trying to compensate for, it puts a cloud on the whole problem, because you are trying to hang on to that ? and it may be that you are going to have to give ? Please don't forget that when you change your ordinance that says tax ordinance, these people like the motor car dealers are going to pay the penalty, in many instances, for their inability to collect the tax on outside deliveries. Either they are going to absolve it or they lose the business. There is no guess work about that. We can tell you that from experience. And that is another burden on that kind of industry.

(6-40) MAYOR MARKS: Well, of course, the uniform sales tax law takes care of that.

MR. ANDERSON: Not the employee.

MAYOR MARKS: Well, in counties where approximately 85%, 86%, of the business in the State of California is done, it does. Not in the small Lake County, Mono County, and so forth. However, what we really doing here is that the Council is responsible for telling the Committee-in 1936 this tax was passed. We did not pass it. We are not judging it, we are not saying it is right, we are not saying it is wrong. Here it is. It has been in effect for 20 years. We can see inequities in it. Will this committee take it and, we are all businessmen running a city as a business just exactly like running a hay, grain and feed business, or an automobile business, or anything else. Now what is the first thing you would say in your business, and anybody here would say, we don't want to lose any business. Let's just see if we can get this equitable. Now, I hope we can do it without losing any business. But if in the interest of equity, it demands that we are going to lose a little, and maybe we should, that's the situation that we have to face in full, open, public forum and with the help and assistance and the understanding of the people that are here tonight and all of the people of the community. Before you got here, I did bring out the point, that if we reduced these---I forget the exact figure, but I have it on this ? thing--if we took it all off it amounts to an increase of 50¢ per hundred on the tax rate, on a $100 valuation.

MR. ANDERSON: If you took it all off? A. If we took it all off.

MAYOR MARKS: And today, our tax rate is only a $1.46. If the $220,000 produced by business license fees were put on the property tax roll, based on the present assessed valuation of $43,844,155, it would mean an increase of about 50¢ per hundred dollars of assessed valuation. And I have news for you. In this county, and I know you have a lot of understanding and sympathy for us here even though you don't live here, we live here and we have a pretty high tax rate. It is apt to be higher, and I don't think

there is a person on this Council that is the slightest bit interested in adding one cent to the personal property tax roll of this community. Now, the other way is to just cut down on services. Since 1951, since the new Council-Manager form of government has been in effect here, despite the fact of increase expenses, payrolls and everything else, despite the fact that we doubled the population, tripled the size of the city about, our tax rate, each year, has gone down. Each year but one--that remained the same. Personal property tax rate. Other jurisdictions within the County have gone up. Not through any fault of theirs, but they have gone up. Because the people wanted these services. Now, we have given them a lot. Our problem is this, again, we are not responsible for this tax. How do we resolve it in equity and that is why we are having this hearing about. I deeply appreciate your help on it.

MR. ANDERSON: Could we ask you a question on that, Mr. Mayor? You know, we are talking history and you go back to 1936, and I was here when it was passed originally. And the reason it was passed was because the citizens were asking for something, and so the City Council said, alright, we'll give it to you. Well, fortunately, after they gave it to them and they got the money back they forgot to take it off.

MAYOR MARKS: Well, can you tell me of any taxing agency in the United States where that doesn't happen? Believe me, all we can do is administer the affairs of this city as economically as we possibly can. We think we have done it; we are proud of doing it; we intend to go on doing it. I wish you could be here, I'm glad to have you here, the only thing that disturbs me---here are a lot of the finest citizens of our community sitting down----where the heck are you when we are wringing out the budget here. Hour after hour, week after week, month after month, not a doggone one. I'm telling you--this place--you could throw a cannon in here---there isn't anybody in here. We are fighting and wringing this out. What can we take off. I want to invite each and everyone of you here personally, and we should have an attendance list so we can send a registered letter. Seriously, though, these---I do, and all of us do appreciate your help on this, Mr. Anderson, and we know-- I want to congratulate you for the way that you put your ideas forth. They are put forth in dignity and with good common sense and I want to assure you, and the other car dealers that you represent, that we would give them the fullest kind of consideration.

MR. ANDERSON: I would like to say this to you, and the members of your Council, and your committee too, that if you will give us an opportunity to look over the work that you are doing once in a while, as you go along, we would appreciate it because we may be able to give you a few suggestions.

MAYOR MARKS: Well, we will. We hold Council sessions every week. The reports are made in the newspaper and as Mr. Grimes pointed out earlier, any change in an ordinance, they are published 15 days and then there is another crack at them. But you will certainly have the opportunity. You are an old friend of Councilman Merrill's here, and I know that you sat with him on this billboard committee and he feels at home. Is there anybody else that desires to say anything on this matter?

COUNCILMAN HAMMOND: Well, at our last hearing there was some discussions from the bakeries on these taxes as it affects trucks coming into the city and I would like a little more clarification on that point.

(Someone spoke from audience, but can't hear what was said.)

Yes, I would---there was some discussion on the tax on trucks coming into the city and I would like to understand that a little better. That particular point.

MR. ANDERSON: If I remember, you have here a proposal in your ordinance which taxes the wholesale trucks--proposes to tax the wholesale trucks by increasing the rate from approximately $20.00 per year to $50.00 per year on wholesale trucks. And then there are certain other trucks that

you want to increase the tax to $80.00 a year and we say that is wrong. Both of them are wrong because as was pointed out at the previous meeting, you are a distributing center here and whatever you do here will be followed in other communities surrounding here, affecting your wholesale distribution here. Now, consider this particular problem you have here with reference to this $80.00 tax law. I don't know to whom you are pointing that particular--at least ? I would say this, is for instance, you were attempted to tax a linen supply company that came in here serving your merchants with towels and uniforms and so on. It would be an extremely exorbitant tax on that particular type of industry because they are essentially a wholesale type of industry---they don't sell any goods, they rent them out. So that would be one factor. Now, you take repair services--the people came in here to repair a safe or to render special services to the merchant--you try to charge them $80.00 you just wouldn't get the service. I'm not saying that you don't have many of those services here within the city, but I don't think that you have all of them. And there again, you are setting a precedent on that particular title. So we suggest to you that that should be given some very careful study to go in line with other cities around here are doing. The average tax on our wholesale trucks that go out in this city and surrounding towns, averages $22.00 a year. We go to Stockton from here, it costs us $30.00. It's a big city and we say, alright, that's a little high, but the amount of business we can do there, $30.00 is not prohibited in most ? of businesses. Now, when you go up to $50.00 here, we say that's a little bit high.

COUNCILMAN HAMMOND: What is the average--what would you say would be the average tax per truck. Average for the cities?

MR. ANDERSON: The average for all the cities in the state runs from $12.00 to $20.00 per year. That's about what it runs. $12.00 to $20.00 per year throughout the state.

COUNCILMAN ARATA: You said $22.00 around

MR. ANDERSON: $22.00 around here is the average. I think that is a very important question.

MAYOR MARKS: Mr. Davisson--I wonder if Mr. Davisson can give us a little further information on that. Is there anything you----

MR. DAVISSON: Mr. Anderson's average figures are possibly correct, as I recall.

COUNCILMAN HAMMOND: Well, this tax doesn't apply to trucks that are owned by businesses that reside within the city. It's just trucks that are coming in.

MR. ANDERSON: It's not supposed to because when the truck is an incident of the business you don't tax the truck.

COUNCILMAN HAMMOND: It's just the trucks that are owned by firms outside the city.

MR. ANDERSON: In other words, instead of taxing these wholesalers that come in here on a gross receipts it is too difficult, so you say, we are going to tax you on your business, but measure it on the amount of trucks that you operate.

COUNCILMAN HAMMOND: Oh, I see.

MR. ANDERSON: That is really the purpose of that so-called truck tax. It's more or less a tax on the business but measured by the number of trucks which are used. That's a very important subject, gentlemen.

CITY ATTORNEY GRIMES: Mr. Mayor, and members of the Council, I notice in his statement that Mr. Anderson has given you that he has asked for special consideration be given by the Council now prior to the adoption of the new ordinance relating/credit on used cars against the purchase price. Whether the Council is in a position to take action on that at this time, but I think the reasons are obvious for the request as outlined in the report here. If the Council does feel that it is going to take favorable action on that request, I would suggest the appropriate method would be to request the City Attorney to prepare a definition by ordinance for the present, to be incorporated in the present business type tax regulation. Because there are no collections involved that could be retroactive to cover the quarter starting in January 1, 1957, even though adopted at this time and would not involve refunds. So it depends on what the Council's pleasure on that is.

COUNCILMAN ANDERSON: I would like to make that motion.

COUNCILMAN ROBINSON: Well, Mr. Grimes, may I clear this point. It would be discriminatory, would it not, if we allowed one group that privilege without extending it to all types of trade-in problems or would it?

(7-10) CITY ATTORNEY GRIMES: Well, under this definition, it would extend to----

MAYOR MARKS: Mr. Grimes, you gave us a ruling once on these notice of special meetings of the Council of the City of Modesto that whenever a special meeting was called by order and signed by each one that no other item of business could be considered and if that ruling still stands then the motion is out of order and should be placed on the agenda for tomorrow or the earliest opportunity.

CITY ATTORNEY GRIMES: Well, I don't think it is out of order because the subject you are talking about---

MAYOR MARKS: Now you are changing your ruling. You told us once before---

CITY ATTORNEY GRIMES: Well, the subject you are talking about is business license tax regulations.

MAYOR MARKS: No, the subject I'm talking about is a special---notice of a special meeting of the Council of the City of Modesto (Mayor Marks read the notice which had been sent out to the Councilmen calling the special meeting.) Mr. Anderson's-----

CITY ATTORNEY GRIMES: It is restrictive. I hadn't seen the way it was put on the agenda.

MAYOR MARKS: I would suggest, Andy, that you amend your motion that it be placed on the agenda at the earliest----

COUNCILMAN ANDERSON: I withdraw it.

MAYOR MARKS: Let's get it on the agenda---

COUNCILMAN MERRILL: Let's get it on the agenda tomorrow.

CITY ATTORNEY GRIMES: However, I will say that I will come with an ordinance that would adopt---would provide for this credit should it be the pleasure of the Council to do it. If it isn't it can be thrown away and in answer to the question Mr. Robinson raised, it would apply under this definition of gross receipts to any trade-in. It wouldn't necessarily relate to automobiles. But the definition of, if you read it in the Stockton ordinance, rose to allowing a credit where the---a trade-in is made on the purchase. So it would be across the board.

MAYOR MARKS: Councilman Robinson, too, I would like to point out that although Mr. Anderson did not answer my question there is only one method of equity in taxation. And that is the one followed by one small city in California that raises a very infinitesimal amount of its income in that that is on-net income. This Council--this committee did consider that matter as well as this other matter. They decided that the arguments against it were more valid then the arguments for it and they withdrew it. But you will----

MR. ANDERSON: Mr. Mayor, I'd like to just say this to you, that maybe this City Council or that committee thought that that was the most equitable method of taxation, and I would say this that if you were thinking in terms solely of ability to pay, yes, you're right. If you are thinking solely of ability to pay. But there is something more than that that you must consider and that is capacity to pay.

MAYOR MARKS: Well, that is why we are considering the other method.

MR. ANDERSON: That's the point. See, capacity to pay is different than ability to pay.

MAYOR MARKS: Let's not talk too much about equity, though. Just---- Mr. Davisson, I've been looking in this report, here. I saw somewhere, I can't find it, it's fifty pages long. Do you recall where it is? It stated the average amount that the cities received in percentage on their business license fees. A. Page 52.

I want to point out that this figure ties in with Mr. Anderson's figure again, now,,if I'm reading this right. That--wait a minute,. that 4 3/10%---is that the figure? Mr. Anderson? Mr. Anderson's figure was that any amount that the Council raised over 5% of their revenue was out of line. The average is 4 3/10%, in the State of California. Of course, that's only half the picture. You better give him the other half too.

MR. DAVISSON: May I have the privilege of the floor, Mr. Mayor?

MAYOR MARKS: Yes, will you please. That's only half of the picture.

MR. DAVISSON: May I point out that in that table that a comparison is made between 1944-45 and 1954-55. And in 1944-45, business licenses on the average, provided 5 5/10% of the total revenue, excluding revenue from special assessments of public service enterprises. Ten years later the figure had declined from 5.5 to 4.3. Yet a number of very significant things had happened over that ten year period. Population in cities had increased tremendously; prices had risen and volume of business had increased. Notwithstanding all that, cities were deriving, in 1954-55, only 4.3 as compared with 5.5. So those figures have to be interpreted in light of this question. Half the revenues the cities are deriving from business license taxes kept pace with increase in population, rising price level, and increase volume of business, and I think the answer on the basis of that table is conclusively, "No, they have not".

MAYOR MARKS: In short, what it amounts to is this---that the amount that the Council that passed this tax, in 1936, or when it was raised to the 2-mill level, ---when was that? Was that '36, or was it raised in '40? Do you remember, Rex? A. About 1942.

It was raised in '42, to 2-mills, so you have an analogous situation here, In a percentage of revenue the mill license tax in the city, the business license tax raised more of the percentage of revenue of this city in 1942, then it does today in 1956, which only proves what you can do with figures if you want to.

MR. ANDERSON: I would like to add one point, however. Don't overlook this one factor. That in the last 12 years a source of revenue in the bulk of the cities of this state which took the pressure off business license tax. If

it hadn't been for that, your businessmen would have been taxed out of existence,and that was the city sales tax. That raised 150---over a $150,000,000 for the cities of this state.

MAYOR MARKS: We recognize that and I'm not arguing with you. I'm a businessman and I would have been taxed out with the rest of them. It's all right. Are there any other questions that anybody desires to raise. Mr. Feltes, will you use the microphone?

CHARLES FELTES, 437 Myrtle Avenue. I'm one of the small businessmen in the city and on this form-----this is the form you are figuring on this evening, isn't it? A. Yes, that's the one.

Well, on the----

MAYOR MARKS: This is a hearing, Mr. Feltes, on the committees' report to the Council on the business license.

MR. FELTES: Oh, on the committees' report. Under the hearing of Draft, Q. What page is that, Mr. Feltes. A. Page 1.

Page 1, Draft, Title 4. Business, Professions, and Trades. Chapter 1 and Item "E". Q. What page is that on, Mr. Feltes? A. Page 1. Under the heading of "Draft".

MAYOR MARKS: Article 1, Chapter 1, "E".

MR. FELTES: Chapter 1, Article 1, Item "E". You have it? A. Yes.

"The term hawker or peddler when used herein shall be construed to mean and include any person who shall travel from house to house,or apartment to apartment, or office to office,or place to place, or from person to person upon the streets, for the purpose of selling, offering for sale or soliciting orders for goods, wares or merchandise by sample or otherwise."

Now, what I would like to ask you is this---does that apply to the salesmen for the big wholesale concerns that come into the City of Modesto to obtain orders for merchandise from their friends,--for their firms, like such places in San Francisco, Los Angeles, and otherwise?

CITY ATTORNEY GRIMES: I would have to study it, Mr. Mayor. I wouldn't give an opinion on it now. It may need some clarification. I think Mr. Anderson, the last time he made a presentation, if I recall correctly, commented about this particular section. And it may need clarification. I don't believe it was the intention of the committee to include people of that nature in it.

MR. FELTES: Well, it would seem to me, of course, the business men of the City of Modesto depend a great deal upon the salesmen from the outside firms to come and get the orders for the merchandise they require and it don't seem to me it would be a good business policy---Sir?

MAYOR MARKS: I'm quite sure it doesn't---that isn't intended. Mr. Hudelson, the chairman of that committee----this section was not intended that a hawker or peddler be used to denote a manufacturer's representative, was it not?

MR. FELTES: That is what I wanted to find out. The way it reads here, it would tend to include those salesmen who take the orders for our merchandise.

MAYOR MARKS: Well, that requires clarification and if it does, it will be clarified.

CITY ATTORNEY GRIMES: Well, when you get over to the section relating to the fees, members of the Council, you find on Page 16, Section 217, on the end--Peddling. Then you find it relates to whether or not the person has a fixed place of business. So the tax then is levied on any person who

does not maintain a fixed place of business in the city, conducting, carrying on or managing a business selling or soliciting the sale of merchandise or any character to purchase not regularly engaged in carrying on such lines of business shall pay---

MAYOR MARKS: You would have to add the word "at retail", would take care of it.

COUNCILMAN ADAMS: Or wholesale.

MAYOR MARKS: No, not wholesale. It would be "at retail". "At retail" would take care of it. Mr. Hudelson, that would take care of that---the addition of "at retail" ---the words "at retail" would take care of that.

Does anybody else desire to say anything on this matter? Mr. Billings.

MR. FELTES: I just wanted to add--figuring on my income of last year, according to the method of taxation as proposed by you, it would increase my taxes 53 & 65/100%, additional.

CITY ATTORNEY GRIMES: What category is that in, Mr. Feltes? For the record. A. Retail business.

MAYOR MARKS: You mean it would do away with your mill tax credit to the extent that it would increase--- A. Yes, just figuring the difference.

CITY ATTORNEY GRIMES: What particular classification is it? A. I don't know what classification---

Q. The specific nature of the business? A. New and second-hand business.

MAYOR MARKS: Mr. Billings.

MR. BILLINGS: On these trucks that are coming in and driving in to Modesto. I think there is a little misinformation as to what----Roy Billings is my name, Velvet Ice Cream Company. There is a little misinformation on the amount of taxes these various cities around Modesto charge. Now, Merced--they charge $60.00 a year. Turlock, $40.00 a year. Atwater, charges $20.00 a year. Livingston, charge $30.00 a year. I don't remember the exact figures, but I pay into every one of these cities and the truck drivers are coming into the larger cities like Modesto---what are the taxes they are paying at the present time? A. $20.00 a year.

I don't know why I should go down to Merced and pay $60.00 a year when Merced people come in here and only pay $20.00 a year. And I think there should be a little bit on the equitable side. Mr. Anderson stated that the average was $22.00 per year or in this area around here. You all remember that this little towns like Riverbank, Ceres and the smaller communities--their tax is not as great and it shouldn't be as great, because they only have the small portion of the business along side of what we do here in Modesto. And, therefore, it should be based on the size of the town and the size of the tax these people come in, if we pay a larger tax going into a larger city, I think these people running into Modesto, trucking in here, should be taxed likewise.

MAYOR MARKS: Thank you. May I ask a question and may I----Don't go Mrs. Rader--just a moment, because I want you to answer this too. Just for the guidance of the Council, and for no other reason, how many--- would those of you that are in this room--how many would rather see the ad valorum tax rate increased if this tax was reduced in half. How many would rather see the ad valorum tax rate increased? It means this---if you take $110,000 off of it, it will increase your property tax 25¢ on a $1.00. Let's find out what difference this makes. On the $100.00 of assessed valuation. Instead of your tax rate being $1.46 in the city, it would be-----I know Tom, don't worry.

TOM BEARD: That isn't the question, Harry. That isn't the question for the hearing tonight. I think the question is "the equality in assessing the tax without increasing ---- (Couldn't hear him too well, since he was not at the microphone)

MAYOR MARKS: It's a question as far as I'm concerned, Mr. Beard. I want to find out--I want to get this thing out on the line. Now, Mr. Anderson has raised a very good point. He said, I think your---he didn't put it this way--he said I think you're collecting too much money in business license taxes. Why don't you cut the amount down, to put it more in line with others? Am I right in assuming that is what you were saying?
A. I suggested that it be given very careful consideration.

Okay, I accepted it the other way. So, what I'm saying, is how many are really in favor of that?

MRS. RADER: Mr. Mayor, may I ask you a question? What is the City sales tax rate in Modesto, in relation to other cities?

MAYOR MARKS: Well, first let me answer it this way. That the city's sales tax rate has nothing to do whatsoever with this matter because these people in this room, nor any merchant, including myself, we don't pay it. The people pay it that buys the merchandise. That's number one. Number 2, our sales tax rate is identical to every other city in Stanislaus County and with 85% of the business that is done in the State of California. Does that answer that alright? A. Yes.

But we don't pay it. The people that buy merchandise pay it, and it has no relation to this other than the fact as Mr. Anderson pointed out, very fairly, that it does raise the income level of the people--of the community, and it does add to the revenues and in his opinion, ought to make it necessary to drop the revenues. Now, all we have to do is to just drop services and we don't care to reduce the level of services as we need drainage, we need many things around here, and this city has not passed any bond issues ---

MRS. RADER: I wouldn't be sitting in your chairs, if you did (Not sure of this--she was not at microphone).

MAYOR MARKS: We don't like it, either. But it has to be done in these other jurisdictions--we need schools, we need schools badly. That's going to raise your tax rate. We needed roads in the County and we needed a courthouse; that is raising your tax rate. But the City has not--because we have been squeezing by, using this money, using this business license tax money, along with others,to do capital improvement with. Using half of the sales tax money; half of the sales tax money that comes into this city is used for capital improvement. The question that I asked was a general one and has nothing to do with the equity of this thing, but we are all businessmen enough, that if you take money out of one pocket you got to put it back in the other one. Now, how many would feel that it would be perfectly equitable, that you would just as soon put it on the tax rate rather than pay it in business licenses. It has nothing to do with equity. This Council will decide with your help, I hope, as to what is equity, but recognize that if we reduce this by one-half, we are going to have to raise another $110,000 a year some other way. As far as I know, we are one of the very few cities that has reduced the tax rate consistently? Question, Do you keep on doing it or do we raise it? You don't have to answer the question, if there is any point---I imagine you all feel the same way I do. We wish there was some way off the horns of this dilemma. That is for the--enough.

COUNCILMAN HAMMOND: Mayor, I would like to make this statement. I think that from the fact that this mill license tax has been in effect from 1936 until the present time without creating too many difficulties indicates that the people of the community feel that the mill license tax is a fair tax and that it broadens the tax base, lessens the burden on the few. And

I think that everyone is in agreement that we need both the property tax and both the mill tax in order to give it a broader base. And I think that all of the business in the community recognize that the kind of climate is in a community determines to a large extent the proper structure of a business. And I think that everybody is interested in seeing that the City maintains the level of services and attitudes that makes it possible for other businesses to grow and thrive. And so I think that the discussion of putting more tax or lessening the mill license tax and putting it on a property tax may not be a course to consider, because I do think everyone has been well pleased with the manner in which it has functioned in the past, and the sole purpose of this thing is to remove the inequities that have existed. Now, in removing the inequities, it may be necessary, this figure interested me that Mr. Davisson mentioned of 4.3 average for the cities, and a 5.0 average. I think that I would be interested in containing the discussions on finding out what a 5% figure is for the City of Modesto and maybe using that as a base for continuing discussion.

MAYOR MARKS: Mr. Bird could probably tell you right now. I assure you that it is assuredly higher than 5%.

ACTING DIRECTOR OF FINANCE BIRD: Mr. Mayor and Members of the Council, I cannot tell you right now. I didn't bring my budget along or my financial report, but as I recall, off-hand, it is my opinion that it is about 5% at the present time. It is very close. I would have to verify that, before I could give you an accurate figure. I would be glad to do that tomorrow night.

COUNCILMAN ROBINSON: Mr. Mayor, we went into this work here, I understood, as a matter of fact, this proposal or letter of transmittal from the committee states that the committee accepted this assignment with the understanding that the City Council was not proposing any increase in the total revenue derived from business licenses, but it is interested in achieving equity. I think maybe we are off the track a little bit in talking about increased revenues.

COUNCILMAN HAMMOND: Well, I think this, we have to consider this in our discussions. That anything that disturbs a position, if a person now is paying less tax, he is going to be disturbed paying more, even though it it would still be more equitable for him in relation to other businesses to pay. And those that are paying too much, are certainly interested in getting it back down on a more equitable basis for them. So that a problem the Council will have to take into final judgment, on the basis of the facts presented. And we are not going to be able to expect it---everybody is going to be happy about it, because those who are going to be paying a little more are going to be unhappy and those who will pay less will be in a more comparable position as far as their competitive position is concerned.

COUNCILMAN ROBINSON: I recognize that, Don, of course, but we have gotten on to another subject here and that is the possibility of our business license tax is not raising as much percentage wise as it did in the past and ----

COUNCILMAN HAMMOND: Well, we don't have that figure here to talk about.

COUNCILMAN ROBINSON: No, we are off-ground that we didn't intend to get into this. At this point, at any rate.

CITY ATTORNEY GRIMES: Mr. Mayor and Members of the Council, I would just like to suggest this---Mr. Anderson has talked about cities that were interested in what pleased them, rather than what they considered equity, and the six formulas that you outlined, I think, that it can safely be said that perhaps with one that is totally unacceptable and that profit--none of them represent a truly equity which makes me wonder as to whether

or not the basic premise is sound for the whole study. And that is, whether or not the businessmen who are paying it wouldn't rather just go on paying under the business license regulations as they have existed for some time. Because the complaints were only in minor areas. The Council had some complaints about raising the out of town truck taxes and several other minor points, but the whole premise of the study has been that there is a general acceptance of the need to revise to create equity. I just really wonder whether the merchants who pay this feel there is a need to revise, or they would rather stay with what they have.

MAYOR MARKS: Well, I was just going to say, I already stated my premise here a couple of weeks ago. I want to add something else to it. You talk about what pleases us and Mr. Anderson added what pleases us, and I think we ought to recognize a few of the facts of life around here and recognize that this is an agrarian economy in Modesto. Now, we are on our way, like many other cities in California, towards an industrialized economy, and a distributing economy. We do not to discourage these people from opening up their businesses or opening up their industries in the City of Modesto. We should also bear in mind, that true, these taxes that we have, this mill tax, aims at the retail businessman. My answer to that is, so what? I don't know a darn, able, capable retail businessman living in this City that hasn't made money. As far as I'm concerned, and I said this three weeks ago, I'm willing to pay just as we have in the past, I do see the--a lot of justice in some of the things the automobile people have raised. Particularly, in regard to this interpretation and I think the Council is going to study that. But I do say this, you are lost in levying--in making any laws that you don't fit within the framework of the community which you serve. And we are still an agrarian economy around here. We have people in business here that--many of them that are in the food processing business, all of that money, I want to point out, stays in this county. It goes to a man that is processing turkeys, or buying grain. He pays the farmer, the farmer pays his help. All that money stays in the community. Many of our businesses, I will be frank with you, many of these retail busineses, including the automobile businesses---the money goes back to Detroit and jewelry business, if you will, it goes to Chicago and Providence, Rhode Island. Practically every business, Amsterdam, ? or Switzerland. Where ever you want. But it doesn't stay in the community. This agrarian economy is a sort of a family deal and anything should be, in my opinion, any change or anything, should be formed within the framework of that feeling. I do think that it ought to be equitable within those who would benefit by it. I certainly don't think that---maybe adjustments ought to be made. Maybe they ought to be made downward in some cases. I don't know. We haven't studied it enough, but I do say this, I don't think we should make any drastic changes that are outside of that framework. I'll say that, although, I'm paying business license fees approximately five times as much as I do in the City of Stockton. About seven times as much as I do in Klamath Falls, Oregon. I'm glad to. This is a better community than all of them, in my opinion, and I would rather be in business here than any of them.

COUNCILMAN ARATA: Well, I believe this--a little more study and working over, I think we can adjust it so it will please most of the business people in town. I think---here in this automobile deal with a double taxation, I don't think that that is right. In other words they are asking for a 20%. That is the part of the used car business that they are taxed twice. I think that is--there should be some adjustment. I think that in the three or four weeks we should have something--come out with something that everybody will be satisfied with. I'm definitely against increase in property tax, because we are out--we're spending money hiring an industrial manager here to get industry in this community and we're way up the top right now; in fact, we're too high. And also, I don't like taxing a person with its own home too much because then you don't get good citizen. If the taxes are too high, you won't build a home. If he

builds a home, then he makes a better citizen and he is going to stay here.

COUNCILMAN HAMMOND: Well, I think that answers the statement that this mill license tax does provide revenue that makes a more suitable climate for retailers and wholesalers and manufacturers to thrive in this community. It provides, as Mr. Arata says, a better type of person to come into the community, would make a better employee. For those things, why, maybe they are out of equity and not paying a greater percent.

MAYOR MARKS: I want to say one other thing, first, Mr. Anderson. As far as I'm concerned, personnally, and I have been working and living with these people up here long enough to know I think they all feel the same way,--we do not intend to increase the general property levy. It's just as simple as that.

MR. ANDERSON: Well, Mr. Chairman---Mr. Mayor, pardon me, and gentlemen of the City Council, after the fine start that you made here, we hope that you're not going to give up this easily, because---first, I would like to ask you this question from the standpoint of considering your revenue. As I understand this, the city and county are going to adopt a Bradley-Burns Uniform Tax--is that correct? A. Yes, it's already been adopted.

Alright, can you tell us approximately how much additional revenue the City will derive from that source?

MAYOR MARKS: Why don't you rather ask us what we are going to do with that money.

MR. ANDERSON: No, but I mean--I'm just saying to you---you are saying that the only alternative

MAYOR MARKS: The gentlemen who laughed---if he doesn't like it let him stand up and tell us.

MR. ANDERSON: My only thought in asking this question, Mr. Mayor, is this--you didn't mention--you said that the only alternative to improving the license ordinance was a raise in the property tax. Now, here is a new source of revenue. I don't know how much it is going to be, but it appears to me that it might be quite sizeable. And that's why I offer this alternative.

MAYOR MARKS: Well, Mr. Anderson, just precisely what do you think, including the gentlemen that laughed back there---what do you think we do with this money?

MR. ANDERSON: I don't know what you do with it, except run the city government, sir.

MAYOR MARKS: Well, let me tell you. That's precisely it. Let me tell you what we do. We have a capital improvement fund. We use--we already have a 1¢ sales tax in the city limits of Modesto. By the loss of the exemptions, which will probably increase our income about how much a year?

A. Around $80,000.

Around $80,000. $75-80,000. You want to know what

ACTING DIRECTOR OF FINANCE BIRD: That could be true. I don't think we can say for sure, though, Mr. Mayor, how much it will raise it, this time, because we are also paying some of this money back to the County, and it will be impossible to say for sure. But there will be some raise.

MAYOR MARKS: We will probably wind up, Mr. Anderson---we are giving 7½% at the moment, of what we raise, to the County--7½% of $600,000, plus 1.7---and I doubt if we are going to raise over $10,000 a year more, maybe $15,000 at the top, then we did before. I don't know. But I know this--that we have--you're meeting in the basement of a library. The people of this community--their gorge should rise up in their throats, that this, one of the wealthiest and finest communities in the State is living in an abandoned fire house down there on 10th Street. We intend to get a city hall. We intend to have things like drainage in the city. We intend to make this a first class city to live in because the people of this community want it. I'm speaking about the 34,000 people in this city that are not in business; that live here. And I'm thinking--speaking of the other 1,000 people that are in business, and jointly and severally, and separately, all want this to be a fine city. Everybody sitting here. And we have--all of this money we spend half percent sales tax--that's our complete half percent sales tax---by ordinance, this county--this council put it to a use of a capital improvement fund. You asked a very good question and Mr. Bird, and Mr. Gailfus, rather, will you see that Mr. Anderson gets a copy of our capital improvement program as precisely what we are going to do with this money over the next 6 years. This is just like any other business. You plan it. And also I would like anybody in this audience that is interested in it, to find out where this money goes. We would like you to know. Because in the course of ten years, that will be about $3,000,000. We need a city hall; we don't know whether we can finance it out of current income, using this money. We hope we can, but if we can't, we have the revenue so we don't need to float a general obligation bond issue payable against the ad valorum tax. We can use the revenues of this to do it. So we can permit our schools, Mr. Beard, to get the sort of schools that they ought to have. And that I hope this people will vote. We can't keep, as Councilman Arata said, continually adding to the tax rate around here. You can't do it. You reach a top level where you cut your own throats. Your stomach--you start living off your stomach. And that is what we don't want to do, and so we use this fund for capital improvements. We, today, have a city of 35,000, with 35,000 people outside. Four years ago we had a city of 17,000. Today the area of our city is 2½ times as big as it was before. Today we serve our people much more economically than we did in 1951 and the tax rate has gone down. That's where the money goes; that's where this $220,000 goes. I hope that we are able to reduce the tax rate still further, because I know, and Mr. Beard will tell you back there, that ten years from today you are going to have twice as many kids around here and instead of three high schools, you are probably going to need five high schools and I don't know how many more elementary schools. And you got to pay for them. Am I right on that, Tom? And so all we can do is hold the tax rate down so that our children can be educated properly and so that these other improvements can be brought about. Your question specifically, is what are we going to do with the $15,000 or so at the top that we get over what we do and the increase in the sales tax, I assure you that it will be used properly. And I would like you to have a copy of our capital improvement program. Yes? Will you use the microphone, please.

LEE QUARTAROLI: Mr. Mayor, my name is Lee Quartaroli, I believe you were a little perturbed because I snickered down there. A. I was.

It just happened to strike me a little bit funny, not--no offense to the City Council or anything else. But there's one thing that has amused me sitting here tonight just as a private citizen and that is that you have emphasized, I believe, three or four times during the night that the tax rate has gone down, but you never ever mentioned about the assessed valuation keep going up.

MAYOR MARKS: Mr. Bird, Mr. Quartaroli doesn't read the report. Will you see that he gets one and give him the----

MR. QUARTAROLI: I am referring to property tax, Mr. Mayor. You are referring to the tax rate always going down, is that right? Do I understand that?

MAYOR MARKS: I am referring to your actual taxes going down in the city. What you're saying is that your assessed valuation has gone up and its cancelled itself out.

MR. QUARTAROLI: Well, it's gone higher.

MAYOR MARKS: Mr. Bird, will you see that he gets a copy of the Modesto--- do/live within the city limits of Modesto? A. I certainly do.
you

Did you get a copy of the annual statement of the City that clearly points out that balancing these things your tax rate has still gone up-- gone down? A. I see the papers.

Alright, now that should be the answer to your question.

MR. QUARTAROLI: No. My answers--I fully agree with you that the tax rate has gone down, but the assessed valuation has still gone up, so that the net revenue is more--is that right or am I wrong?

MAYOR MARKS: Well, let me have the Finance Director answer that one? Will you answer that, Mr. Bird? Just stay up here, I'm glad you snickered. Now, just a minute you asked the question, I would like to answer it and if you have any further questions just direct them to him.

ACTING DIRECTOR OF FINANCE BIRD: It is true that the assessed valuation has gone up over the past years, but the tax rate has been adjusted down to more than compensate for the increased assessed valuation. So that actually a lesser amount of revenue has been raised by the city through ad valorum taxes.

MAYOR MARKS: Does that answer your question?

MR. QUARTAROLI: I still disagree, Mr. Mayor, because my tax three years ago/on my property was $180, and today it is over $300.

MAYOR MARKS: Are you speaking about your city taxes or your county taxes?

A. I'm talking about my property tax. Q. County or City? A. Both, the whole works.

MAYOR MARKS: Well, I'm talking about city taxes. Mr. Quartaroli, I'm just speaking of City taxes.

ACTING DIRECTOR OF FINANCE BIRD: Mr. Mayor, ---

MAYOR MARKS: Mr. Quartaroli, just a moment. Both, including your school tax--all go out on the same bill. I am responsible, together with the rest of this Council, for the tax rate of the City of Modesto. Mr. Bird, do you want to add to that?

MR. BIRD: Mr. Mayor, there could be an exception to the statement that I made, in that the assessed value of property, certain business property, has been re-appraised and has increased in quite a proportion due to the economic trends and so forth, and the raised valuation of business areas in the City. The growth of the City has caused that. So, there could be an exception in this particular case, but it is due to the increased value of his land and, actually as a general statement, the tax rate--the tax revenue has decreased on an over-all portion, although there are exceptions.

Q. That's for the City? A. That's for the City, yes.

MAYOR MARKS: Will you see that Mr. Quartaroli gets all of the facts and I would appreciate it very much if you would simulate them, Mr. Quartaroli. Then you can laugh all you want.

MR. QUARTAROLI: There was no offense to the City (can't hear him, not at microphone)

COUNCILMAN HAMMOND: Mr. Mayor---

MAYOR MARKS: Let me point out to you, Mr. Quartaroli, that this Council is responsible for the dignity and the decorum of the American system of government. We expect everybody to conform to that, because they are part of it. These are not laughing matters. These are very serious matters. If you have any questions to raise, on any matters, whatsoever, it is not only your right, but your duty to raise them. But to make of your government something to snicker at, that's something that neither I nor anyone up here will tolerate for a moment. Thank you very much.

MR. QUARTAROLI: I'm very sorry, and I will---May I be excused? A. You may, I accept your apology.

MAYOR MARKS: Did you want to raise something?

COUNCILMAN ARATA: I would just like to raise something that a lot of people are being confused by us having tax sent out on one statement with the City and County. I think that if there is any way in the future that we can segregate what the city tax is from the county, it would be worthwhile even if it cost us a few dollars to have it done. Most people won't take the time to figure it out and it is quite confusing, and we get the blame if the County tax goes up, we get it right along with them.

MAYOR MARKS: Well, there is a very simple way and that is this, Dave, to take the thing back and make--cost these people in the City of Modesto about $30,000 a year.

CITY ATTORNEY GRIMES: It might be entirely administratively possible on the tax bill that goes out to separate the two--label one the County and School taxes or--

MAYOR MARKS: If there is, I would like to see it.

COUNCILMAN ARATA: I mean, we ought to find out. I don't know if it is possible or not but we can probably check into it in the future and find out if it is possible to do it.

MAYOR MARKS: If it is, I would like to see it.

COUNCILMAN HAMMOND: Mr. Mayor, the conversation seems to be degenerating a little bit from the purpose of the meeting and I would like to suggest that in order to further the study of this thing that in this report that was prepared by Mr. Hudelson and his group, they have divided the classifications of business into three groups--Service and Professional, Retail and the Wholesale, Manufacturing, and Public Utilities. I would like to recommend to the Council that they ask this study to be continued, divided into these three groups, and ask them to meet together, the Service and Professional group meet together, and come up with a program, and the Retail people meet together and come up with a little more detailed study, and the Wholesale Manufacturing and Public Utilities come up as a part of their study, and refer this back to this group that prepared this study to iron out some of the problems that have been--come up before it in this discussion and the one previous. And I would like to--I think that would probably be the next step to bring this thing to a decision.

(9-120) MAYOR MARKS: Yes, I have--speaking of public utilities. I have a letter from Vernon Gant--Attorney Gant. (He read the letter from Attorney Gant, re: levying license tax on the Modesto Irrigation District)

MAYOR MARKS: That's where we came in, isn't it, Mr. Grimes? Do you want to put that in the form of a motion?

COUNCILMAN HAMMOND: Yes.

COUNCILMAN MERRILL: I'll second it.

COUNCILMAN HAMMOND; I think that if there is anybody here, else, that would like to say something before we---this might be--

COUNCILMAN ROBINSON: This is a public hearing, I think you should---

COUNCILMAN HAMMOND: This would be a--yes, these meetings would be held publicly.

COUNCILMAN ROBINSON: May I interrupt just a moment? Now, on this public utility problem, I see Mr. Tremain here. Is there anything you wish to add to at this time?

MR. TREMAIN: Not this evening.

MAYOR MARKS: The motion has been made and seconded that these individual groups--that this--what was it, that the committee meet with them and seek to iron out any differences, Mr. Hudelson, in this, to see if we can arrive, taking all of the matters into consideration that have been discussed and incidently, the minutes of this meeting will be available to the entire committee, meet with them and see if we can arrive at a solution that will be more generally acceptable to everyone.

COUNCILMAN HAMMOND: And I would like to recommend that more of the people that have spoken here representing the wholesale and manufacturing--those people there, if they would meet with these people, I think they would avail this committee group a better opportunity to understand their problems. Say,--same way with the retail group, if they would meet and express themselves.

MAYOR MARKS: Is there anybody here representing the Retail group outside of the automobile dealers? Well, that's interesting.

SOMEONE IN AUDIENCE: They haven't any kick. They are going to have a reduction.

MAYOR MARKS: I mean, I mentioned before, Mr. Kyte, that the problem there was that there was nobody here to speak for this ordinance, and somebody else raised the point that the reason they weren't was because they were going to get a reduction. You note, that I'm not representing the retail group, but as a retailer, I am not in the slightest bit adverse to continuing as I am. And I speak for a lot of retailers in that matter. We regard this as a good business town, and we are willing to do our fair share to subsidize industry and subsidize any distributing center characteristics that this community may grow into. At the same time, I do recognize that there are inequities in the automotive field. I think that all of us do. If there are no further--nobody desires to speak, we will pass on the motion, then.

All those in favor signify by saying "Aye". (All in favor)

Contrary? (None) Motion carried.

As there are no other matters to come before this hearing, we stand adjourned.

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, Anderson, Merrill, Hammond, Mayor Marks

Absent: Councilmen: Arata and Robinson

Councilman Arata arrived at the meeting at 4:04 P.M.

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

Rev. Harley Stump, pastor of the Empire Church of the Brethren, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of February 6, 11, 13 and 20, and the same being available for public inspection and there being no objections, the minutes were approved.

RESOLUTION FROM BOARD OF ZONING ADJUSTMENT CONCURRING WITH THE COUNCIL'S STATEMENT ON ZONING POLICY 1-17

Resolution No. 28, adopted by the Modesto City Board of Zoning Adjustment on February 28, was read, concurring with the Council's statement on zoning policy, on the basis that the statement is understood to be a general statement of policy to be used as a general guide for action. The communication was ordered filed.

COMMUNICATION FROM BOARD OF EDUCATION RE: DOWNEY HIGH SCHOOL SWIMMING POOL 1-23

A letter was read from Dr. James H. Corson, Superintendent of the Modesto City Schools, acknowledging receipt of information from the City Clerk and the City Manager regarding the city's additional allocation of $5,000 toward the construction of the Thomas Downey High School swimming pool. Dr. Corson advised that the Board had ordered the staff to proceed to call for bids for the "L" shape pool as soon as possible. The letter was ordered filed.

LETTER FROM STANISLAUS COUNTY FARM BUREAU RE: STATE-WIDE WATER PROBLEM 1-40

A resolution adopted by the Stanislaus County Farm Bureau, was read, recommending that various political organizations and groups located in San Joaquin, Stanislaus, Merced, Mariposa, Tuolumne and Calaveras Counties, launch a cooperative, comprehensive study of the ultimate water needs of the area in order that factual information may be available to prevent any attempts to export water from this area that may be needed for future requirements.

Councilman Arata pointed out that since the Tri-Valley Dam was being constructed on Stanislaus River, the city should endeavor to determine if it had any water rights from this river.

Mayor Marks reported that he had discussed the water problem with the attorney representing the City of San Francisco, at a recent League Conference, who had considered that more could be accomplished if all the various groups would meet together and discuss the various problems. He

suggested that the Council authorize him to answer the Farm Bureau's letter embodying these ideas and suggest that the various groups throughout the state meet together to solve the problems for both the northern and southern part of the state.

The Council briefly discussed, without a recommendation, the question of which body, the Farm Bureau, or County Board of Supervisors, should be the coordinating body to get the program started.

MOTION

That the Mayor be authorized to answer the letter from the Farm Bureau expressing the city's willingness to cooperate on this problem and ask "who picks up the ball from here".

Moved by Arata Seconded by Adams Unanimously carried

Assistant City Manager Masonheimer, acting for City Manager Ross Miller, reported that Mr. Miller had recently attended several meetings relating to the water problem, and would have a report for Council consideration in the near future.

COMMUNICATION FROM THE STATE DEPARTMENT OF PUBLIC WORKS RE: FEDERAL HIGHWAY ACT 1-112

A communication from the State Department of Public Works, enclosing the report forms to be completed by the city in connection with a survey and inventory of street needs required by the 1956 Federal Highway Act was noted by the Council. This matter had previously been referred to the staff for action.

REQUEST TO PLACE ARGUMENTS AGAINST FLUORIDATION WITH THE SAMPLE BALLOTS FOR GENERAL MUNICIPAL ELECTION 1-114

E. Paul Fulfer, representing the Citizens Committee to Unmask Fluoridation, appeared before the Council to request approval for the filing of an argument against fluoridation which could be sent out with the sample ballots for the General Municipal Election being held on April 9.

City Attorney Allen Grimes stated that Resolution No. 57-69 which the Council adopted on February 6, submitting this measure to the voters, provided a deadline date of February 20, at 5:00 P.M. for the submission of arguments by those either in favor or against the measure.

Mr. Fulfer stated that the reason the argument was not filed on time was that the committee was not aware of the deadline date. The committee considers, he stated, that since this controversial measure is of so much interest to the general public that in order for all the citizens to have a fair "shake", both sides should be presented. He stated that there was no excuse for not having the argument in on time except that the committee was unaware of the requirements.

Mr. Grimes outlined the Council's legal position on the matter. The Council generally agreed that the argument presented by Mr. Fulfer against the initiative ordinance authorizing the fluoridation of the municipal water supply, should be accepted and the Clerk ordered to have it printed along with the ordinance and argument for the measure and mailed out to the electors of the city with the sample ballots.

RESOLUTION NO. 57-91

A RESOLUTION RELATING TO THE MATTER OF THE FLUORIDATION OF THE MUNICIPAL WATER SUPPLY IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Adams

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

Mrs. Alma A. Guy, representing the Christian Science Church, filed a protest to the fluoridation measure on the basis that it was unconstitutional under state and federal law and would be an infringement on the freedom of religion of the people of the city.

Mayor Marks stated that the Council had placed this measure on the ballot in response to a request from the people favoring fluoridation and the matter would be decided by the electorate and not the Council.

Councilman Arata stated that he was not either "for" or "against" the measure, but that it was too late to remove it from the ballot at this time, to which the City Attorney concurred.

City Attorney Grimes pointed out that the courts of the State of California have decided that fluoridation of the water supply is valid and not contrary to the constitution of the United States or the State constitution and that the Supreme Court of the United States has also confirmed that ruling. He invited Mrs. Guy to call at his office so that he could give her a list of decisions of high courts of both the State of California and the United States relating to this matter.

Newton Nash, 314 Poplar Avenue, member of the committee opposing fluoridation, expressed appreciation to the Council for accepting the argument against the measure, and for the neutral position taken by the members on the question.

LETTER FROM GRISWOLD & WIGHT RE: LEASING OF PORTION OF CITY'S NEW PARKING LOT ON TENTH STREET 2-42

A letter from Griswold & Wight was read, requesting permission to lease 15 parking spaces in the new Tenth Street parking lot across from its garage building, at a monthly rental of $75.00, between the hours of 8:00 A.M. and 6:00 P.M.

MOTION

That the letter be referred to the Council Parking Committee and Traffic Engineer Carmody.

Moved by Anderson Seconded by Arata Unanimously carried

LETTER OF COMMENDATION FROM MRS. PAUL M. COOK 3-55

A letter was read from Mrs. Paul M. Cook, commending the Council on the manner in which the public hearing, relating to the expansion of the Emanuel Lutheran Church facilities, was conducted. Mayor Marks stated he would write her a personal letter.

LETTER FROM MODESTO CITY EMPLOYEES' ASSOCIATION 3-70

A letter was read from the Modesto City Employees' Association commending the Council for its action in protecting the rights and benefits of the city employees who will be transferred to the county when the Health Departments are consolidated. The letter was ordered filed.

REJECT BIDS RECEIVED FOR INSTALLATION OF THREE WATER LINES 3-75

Tabulation of the four bids received for the installation of three water lines, which had been opened on March 4 at 2:00 P.M. was presented

for Council consideration by Director of Public Works Ray. He pointed out that the low bid of $6,131.25 submitted by Manuel Smith of Atwater exceeded the engineer's estimate of $4,100 by 49.5%.

To a question from Councilman Hammond, Mr. Ray replied that reports on the actual costs were being made to the Council on all construction ordered done under force account, after bids were rejected. He reported that so far the city's costs had all run below the engineer's estimate for each particular job. Only one project remains to be reported, he stated--the pump station on the M.I.D. Lateral No. 4, and as soon as all costs are in, this one will be reported.

The Council indicated that it wished the reporting on the actual costs of the projects be continued.

RESOLUTION NO. 57-92

A RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF THREE WATER LINES AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Adams Seconded by Mayor Marks

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

Councilman Arata recommended, to which the Council agreed, that a column be added on the tabulation of the bids received, for water line installations only, showing the engineer's estimate broken down by items, or unit prices, as set forth in the bid call and specifications, to enable the Council to compare totals and item prices.

HEARING ON THE APPEAL TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF THE TRINITY NAZARENE CHURCH ON ROSEBURG AVENUE 4-10

Mayor Marks announced that the hour of 4:45 P.M. had arrived, the time set by the Council for the public hearing on the appeal on the decision of the Board of Zoning Adjustment denying a conditional use permit to construct a church building by the Trinity Nazarene Church on the north side of West Roseburg Avenue between Tully Avenue and Como Park Way.

The City Clerk certified that the notice of the hearing had been published in the city's official newspaper, as required by the Municipal Code; notices were mailed to all property owners in the area on February 20, and that two letters protesting the construction had been filed with him.

Resolution No. 23 adopted by the Board on January 24, denying a conditional use permit to Robert Benson, pastor, for the church, was read. The Board found and determined that "the church as proposed would adversely affect the development of the surrounding area in that the relationship of this lot to the other lots in the block is such that establishment of the church would prevent a proper residential block design".

Written protests filed by D. G. Lomholdt, 1214 College Court, and Mr. and Mrs. Earl Pierceall, 1225 W. Roseburg, were read by Mayor Marks at this time. The City Clerk stated that no further written protests had been filed.

The appeal from the decision of the Board of Zoning Adjustment denying the conditional use permit, signed by Robert Benson, pastor of the Trinity Nazarene Church, and filed with the City Clerk, was read.

Mayor Marks asked if there were any oral protests or if anyone in the audience wished to make any comments.

Robert Benson, spoke on behalf of the members of the application and appeal, stating that the denial by the Board was not unanimous, and that the matter had sufficient merit to warrant consideration by the Council. He reported on the efforts which the church had made, during the past 18 months, to secure a suitable site which could be approved by the Planning staff and recommended to the Board. The staff had agreed that this site would be solving an existing problem rather than creating one since the size and depth of the lots made it impractical to subdivide for residential lots. He contended that the church would not create additional traffic problems, since the number of cars coming and going to the church during one week period would be less than if the area was developed for residences. Adequate off-street parking was also planned, he stated.

Seymour Coey, member of the church, residing at 119 Santa Barbara, contended he had canvassed the surrounding area and many people were in favor of a church at this location. The conditions imposed by the Planning staff relating to landscaping, off-street parking, fencing, ingress and egress and type of construction, he stated, would assure protection for the adjoining property owners.

Planning Director Smeath displayed a land use map of the area involved, and the area proposed to be purchased by the church, outlining the present occupancies and zoning. He pointed out that the lots were approximately 310 feet deep and the owners had talked about getting some kind of subdivision underway for a number of years, which would permit the use of the back part of the property. Conditions in favor of developing the area for church purposes were, 1) that it was on a collector street near the major street (Tully Avenue); 2) that the lots were deep and the subdivision of the area appeared to be quite difficult; 3) this was a large area which was vacant except for one house; 4) that conditions agreed to by the church were, there would be no automobile access to the alley--all access would come off Roseburg; adequate off-street parking would be furnished; landscaping and fencing provided.

Objections to the church construction were: 1) that the C. D. Radford property, 90' by 320', located east of the proposed church property, adjacent to the alley, would be isolated and lost to future development; 2) many of the property owners were disturbed about the possibility that if a church was allowed in the area that eventually the other vacant areas might become zoned commercial. He stated that the Planning staff did recommend the site on the basis of all the facts it could gather as a logical site for a church of the proposed size, but it was conceded that the problem presented by the Radford property would not be solved.

The Council briefly discussed the problem of the development of the Radford property if the church was constructed, and the plans for the possible subdivision of the area for residential purposes and the possibility of locating the church closer to Tully Avenue.

Persons speaking in opposition to the church construction were:

Mrs. Nina Nielsen, 1226 College Court
C. D. Radford, 1201 W. Roseburg
Earl Pierceall, 1225 W. Roseburg
Joe Meyers, 1220 College Court
Stanley T. Tchihawa, 1234 College Court
Darrell Schack, 1225 Como Park Way

Mayor Marks closed the hearing.

Councilman Merrill stated that for the good of the neighborhood, and for the good of future planning, that he would recommend that the decision of the Board of Zoning Adjustment be upheld.

RESOLUTION NO. 57-93

A RESOLUTION DENYING THE APPLICATION OF ROBERT BENSON FOR CONDITIONAL USE PERMIT TO ESTABLISH THE TRINITY NAZARENE CHURCH ON ROSEBURG AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Anderson

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

Mayor Marks assured the members of the church that the staff would continue to work with them in endeavoring to select a suitable site for the church.

AMEND THE MUNICIPAL CODE RELATING TO DEFINITION OF GROSS INCOME RECEIPTS AND SALES 6-85

Mr. Masonheimer pointed out that due to the short time available to the staff, certain questions raised by P. Arnold Anderson in his report to the Council at its special meeting of March 5, could not be cleared at this time. He stated that there had been some statements made which were inaccurate and which should be cleared before final action was taken to change the policy relating to credit for mill license tax for trade-ins, if such action was to be based on that report.

Mr. Masonheimer stated that Mayor Marks had asked what the mill levy would be: 1) if trade-in allowance was not considered a part of the gross sale, and 2) at the same time if exemptions for personal property tax were eliminated. It was reported that a substantial amount of research would be required to determine the answer. It would be easy to determine as far as automobile dealers were concerned but the information was not now available as it related to appliance dealers, radio and TV dealers, furniture dealers, and implement dealers.

Mayor Marks stated that he had been disturbed by some of the statements made by Mr. Anderson in his report and had asked the Assistant City Manager to get this information for the Council and also to estimate the effect if the personal property tax was removed and the mill tax lowered to one or one and one-half mills. He pointed out that if the Council took action without all the facts other problems would be presented at a later date.

The City Attorney briefly reviewed the action taken by the Council, June 27, 1956, at which time Resolution No. 3416-N.S., adopted in February, 1936, which provided "that automobile and tractor dealers should pay license tax only on actual cash taken in on the sale of new and used equipment", was rescinded. He stated that the ordinance which he had prepared, if the Council wished to take action at this time, provides for an amendment to the existing ordinance, which excludes from gross income, receipts or sales, the value of property accepted as a part of the purchase price and which property will later be sold. He pointed out that this would cover all trade-ins that were later to be sold.

It was agreed by the Council that this provision would apply approximately 90/95% to the implement and auto dealers, because of the large items allowed in trades.

Acting Director of Finance Bird reported that it would be impossible to determine the amount of revenue loss to the city involved as far as

appliance and other dealers were concerned without further study, but the amount involved for the 11 car dealers represented by Mr. Anderson would be approximately $5,600 annually. He pointed out that this would not include all of the car dealers involved.

Councilman Hammond pointed out that Mr. Anderson had contended in his report that even prior to the time the trade-in allowance was eliminated, that the mill license fee was inequitable for the automobile dealers based on the small percentage of profit made in the sale of cars and that the change had been made without giving the people concerned an opportunity for a suitable hearing and discussion. The dealers are asking that this inequity be removed now without further delay.

Mr. Masonheimer stated, in response to Mayor Marks' question, that eliminating the personal property tax exemptions and permitting the deduction of trade-in allowance from gross sales, the mill levy would have to be approximately one and three/fourths mills in order to return the same amount of revenue on the basis of revenue estimates for the 1956-57 budget. Mr. Masonheimer emphasized that the only figures and information available are merely general and very rough estimates that could only be verified by actual studies. He pointed out that if the Council desired additional information before it acted, that additional time would be needed by the staff. He pointed out the City Attorney had stated the ordinance can be made retroactive because the money is not due until after the close of this quarter, so that if additional information is needed the staff can get it without any loss to these merchants.

Councilman Hammond recommended that the Council clear the inequity without further delay and amend the ordinance at this meeting.

The City Attorney pointed out that if the Council introduced the ordinance at this meeting, that there would be a two weeks lapse of time before it could be finally adopted, which would permit the staff to assemble additional information or the Council to reconsider its action.

It was generally agreed by the Council that in order to avoid the continuation of the inequity of double taxation for the car dealers, that action should be taken at this time to amend the ordinance, and during the two week period before it was finally adopted that the cost to the city in loss of revenue be determined by the staff for Council information. The City Attorney pointed out that the effective date of the ordinance would be April 4, but the operative date was retroactive to January 1, 1957.

After a general discussion, the Council agreed that the wording "and which property will later be sold" be deleted from subsection (h), subsection 2, so that the merchants could take a credit on all trade-ins irrespective of whether the merchandise is resold or not. The change was made on the premise that it would be more equitable and easier to administer than if the credit was only allowed on trade-in merchandise which was later resold.

The City Attorney stated that seven other items of exclusions had been included in the ordinance which incorporated present administrative practices and policies and which he considered should be included. He pointed out that this would not result in a change in the effect of business license ordinance. He read the seven items for Council information.

ORDINANCE NO. 154-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 6-1.01 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO THE LICENSING OF BUSINESSES, PROFESSIONS, AND TRADES

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

Moved by Merrill Seconded by Anderson

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

FINAL ADOPTION OF ORDINANCE NO. 148-C.S. PURCHASE OF McBRIDE PROPERTY 8-110

ORDINANCE NO. 148-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FOR USE FOR MUNICIPAL PURPOSES FROM WILLARD K. McBRIDE AND FAY T. McBRIDE

introduced on February 20, 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, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: None Absent: Robinson

FINAL ADOPTION OF ORDINANCE NO. 150-C.S. (RECLASSIFY LANCE ELLIS PROPERTY) 8-112

ORDINANCE NO. 150-C.S., entitled

AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON

introduced on February 20, 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 Hammond

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

FINAL ADOPTION OF ORDINANCE NO. 151-C.S. ESTABLISH THROUGH STREETS (ADDED COLLEGE AND TULLY) 8-115

ORDINANCE NO. 151-C.S., entitled

AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 23 THEREOF RELATING TO TRAFFIC REGULATIONS AND REPEALING ORDINANCE NO. 126-C.S.

introduced on February 20, 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 Anderson

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

AUTHORIZE RELEASE OF SUBDIVISION BONDS - LANCE ELLIS - CAROLAND MANOR NO. 1 AND CAROLAND MANOR NO. 2 8-117

The Director of Public Works recommended that the bonds filed by Lance E. Ellis in connection with the development of Caroland Manor No. 1 and Caroland Manor No. 2 subdivisions be released as all of the work required by the agreements had now been completed with the exception of the easterly alley. A check in amount $100 for subdivision No. 1 and $150 for subdivision No. 2 was filed by Mr. Ellis with the City Clerk in lieu of the bond to guarantee the unfinished work, he reported.

RESOLUTION NO. 57-94

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BONDS TO LANCE E. ELLIS TO GUARANTEE IMPROVEMENTS IN THE CAROLAND MANOR NO. 1 AND CAROLAND MANOR NO. 2 SUBDIVISIONS

Introduced by Merrill Seconded by Arata

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

ORDINANCE APPROVING AGREEMENT FOR RENTAL OF SPACE IN THE MODESTO COMMUNITY SERVICE CENTER---CALIFORNIA ART LEAGUE 9-1

An ordinance and agreement providing for the rental of space in the Modesto Community Service Center by the California Art League for a term of five years, at a monthly rental of $55, was presented for Council consideration by the City Attorney.

ORDINANCE NO. 155-C.S.

AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE CENTRAL CALIFORNIA ART LEAGUE, INC. RELATING TO THE RENTAL OF ROOM NO. 102 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 Arata Seconded by Anderson

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

AUTHORIZE TRANSFER OF $490 FROM GENERAL RESERVE TO PLANNING DIVISION - ADVANCE PLANNING 9-08

RESOLUTION NO. 57-95

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $490 FROM GENERAL RESERVE TO PLANNING DEPARTMENT, ADVANCE PLANNING DIVISION FOR SALARIES AND WAGES AND OTHER EXPENSES

Introduced by Merrill Seconded by Adams

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

REPORT ON REQUEST OF NINETY NINES, INC. FOR FINANCIAL ASSISTANCE TO SECURE THE START OR FINISH OF THE ANNUAL POWDER PUFF DERBY FOR THE CITY OF MODESTO 9-12

Mr. Masonheimer reported that a meeting had been scheduled for

March 7 with the County and City Chambers of Commerce and representatives from the Ninety Nines Inc. to discuss the request of the group for financial assistance to secure the start or finish of the 1958 annual Powder Puff Derby for the City of Modesto. After this meeting, he stated, some concrete suggestions will be reported to the Council by the city staff.

ACCEPT CONSTRUCTION OF T.I.D. CANAL CROSSING FROM STOCKTON CONSTRUCTION COMPANY, INC. IN MODESTO INDUSTRIAL PARK AREA 9-20

RESOLUTION NO. 57-96

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE TURLOCK IRRIGATION DISTRICT CANAL CROSSING FROM CONTRACTOR STOCKTON CONSTRUCTION COMPANY, INC., AND AUTHORIZE RECORDATION OF NOTICE OF COMPLETION

Introduced by Anderson Seconded by Arata

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

REPORT ON APPLICATION OF THE CITY'S BUSINESS LICENSE ON STATE LICENSED CONTRACTORS 9-22

The City Attorney stated that a report had been released by the legal staff of the League of California Cities, relating to the application of city business license taxes to state licensed contractors. This had been done to clear an erroneous report in Daily Pacific Builder to the effect that a city can no longer charge a business license fee for doing work in a city by any state licensed contractor. The League staff states the legal decision hold that any city can levy fees against state licensed contractors "for revenue purposes only", but not for regulation.

He stated that he had discussed this with Attorney Ted Martz, who represents certain contractor associations, and he agrees with the interpretation of the League counsel.

He suggested that the members of the Council familiarize themselves with the opinion set forth in the memorandum which he had distributed to them, since they may be asked questions relating to this matter.

He asked that the Council consider the report filed.

ACCEPT DEED OF EASEMENT FROM THE TIDEWATER SOUTHERN RAILWAY IN THE MODESTO INDUSTRIAL PARK 9-36

RESOLUTION NO. 57-97

A RESOLUTION ACCEPTING DEED OF EASEMENT FROM TIDEWATER SOUTHERN RAILWAY COMPANY FOR PUBLIC UTILITY PURPOSES IN THE MODESTO INDUSTRIAL PARK

Introduced by Merrill Seconded by Anderson

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

CLEAR COUNCIL POLICY ON PROPOSAL THAT MILK INSPECTION BE HANDLED DIRECTLY BY THE COUNTY 9-37

Mr. Masonheimer reported that discussions had been held with representatives of the milk processors and producers in the area and Dr. Westphal and they had agreed that the most practicable manner in which to provide milk inspection services would be for the County to provide it.

The State Department of Agriculture has said that it will consider an application upon the part of the county to be designated as an authorized milk inspection agency. It is proposed that the county provide the milk inspection service as agent for the city until such time as it is approved. If this is in keeping with the Council's desire, Mr. Masonheimer stated, in adopting a resolution transferring the health service, the staff will proceed to incorporate this kind of thinking in the contract and clear this matter with the Department of Agriculture and the County.

MOTION

That the staff proceed on the matter as outlined by the Assistant City Manager

Moved by Merrill Seconded by Hammond Unanimously carried

CLEAR CONTINUATION OF ESTABLISHED PROCEDURE FOR HANDLING STATE LEGISLATIVE MATTERS 9-50

Mr. Masonheimer reviewed the policy decision of the Council on pending state legislation, adopted March 23, 1955---"that whenever it was necessary for the staff to take prompt action on state legislation and it would be impossible to wait for Council action, that since the staff was familiar with the policies of the Council, it proceed to send a wire or letter or take any other action necessary to urge the adoption or defeat of certain legislation which would be detrimental to the City. Whenever the policy was not clear, that the matter would be presented for Council approval before any action was taken by the staff."

Mr. Masonheimer asked if the Council desired the staff to continue cooperation with the League according to this policy on new legislation being considered by the State Legislature.

It was generally agreed by the Council members that this policy should be continued on the same basis.

MOTION

That the Council does reaffirm its policy, as outlined above, relating to pending State legislation.

Moved by Merrill Seconded by Adams Unanimously carried

AUTHORIZE NO PARKING ZONES ON 7th STREET NEAR E STREET 9-75

RESOLUTION NO. 57-98

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON SEVENTH STREET BETWEEN E STREET AND F STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

CONSIDER LEASING OF CLAREMONT HOTEL PROPERTY FOR PARKING FACILITY 9-82

Traffic Engineer Carmody reported that the possibility of leasing the property owned by Mrs. Jack Goldberg and Morris Goldberg on the southeast corner of Ninth and I Streets, known as the Claremont Hotel, for off-street parking purposes was considered by the Council Parking Committee. He outlined the terms for the proposed 10 year lease for Council information.

MOTION

That the City Attorney be authorized to draw up a lease for execution by the interested parties.

Moved by Merrill Seconded by Anderson Unanimously carried

Mayor Marks commended Traffic Engineer Carmody and pointed out that this was "another step forward in an urban redevelopment program". He pointed out that the city was in a good position now on its off-street parking facilities and recommended that the city "get in shape" to buy some of the parking lots, dealing with them as they are presented.

There was general conversation relative to not spending any other funds for additional facilities but saving the money for future permanent acquisition. Traffic Engineer Carmody suggested that the Council not tie his hands on future deals because he was working on some all day parker lots in the fringe area. He pointed out that all of the lots were self-amortizing and the city funds were only tied up temporarily.

Councilman Anderson stated that the city should not over-extend on the lease deals because it wanted to be in a position to purchase lots as the opportunity arose.

The possibility of the private parking lots on 12th and J Streets, being removed from use by the construction of buildings was noted by Councilman Arata. This would mean that off-street parking facilities would have to be established in this general area, he stated.

Mr. Carmody stated that he was looking at some sites on J Street for all day parkers now with the possibility of using them for good shopper sites later. The Council authorized him to continue on this program of looking for good sites.

Councilman Arata also commended Mr. Carmody on his work on the program for off-street facilities.

SET MAY 1, 1957 AS YOUTH IN GOVERNMENT DAY 10-20

MOTION

That May 1, 1957, be set as Youth in Government Day

Moved by Anderson Seconded by Hammond Unanimously carried

REPORT ON PROBLEMS RELATING TO THE CLOSING HOURS OF LIQUOR ESTABLISHMENTS 10-22

Mr. Masonheimer briefed Chief Neel's report on the communication referred to him by the Council from Mayor Dunn of Fresno asking that the City of Modesto support legislation requiring liquor establishments, both off-sale and on-sale, to close between midnight and 10:00 A.M. daily, except on New Year's eve.

Chief Neel has made a survey of the arrests according to the time of the day and he found that there was no clear proof that the alcohol problems are a result of the liquor establishments staying open until 2:00 A.M. He feels that it is possible that if these bars and liquor stores are closed that people will start drinking on the streets more than they do now. He feels that there may be some merit to this suggestion, but he considers that it should be determined on a state-wide basis and perhaps the League of California Cities should lead off on a study. Before making a recommendation he would like to talk to local groups to see what their feelings might be. On the basis of the information available Chief Neel feels, Mr. Masonheimer stated, that until a comprehensive

survey, at least locally, is made that he could not recommend that this change be made.

Councilman Arata pointed out that Chief Neel was right in his consideration since this might result in double policing as the State Board of Equalization was already in charge of this function.

Chief Neel, reporting directly, stated that bootlegging might result if this regulation was established and that without a thorough study locally and state-wide, he could not recommend supporting this proposed state legislation as requested.

MOTION

That the Council take no position on the matter and that the staff be instructed to so notify Mayor Dunn.

Moved by Merrill Seconded by Arata Unanimously carried

CONSIDER MATTER RELATING TO SALE OF CRIME COMIC BOOKS TO MINORS UNDER 18 YEARS OF AGE 9-52

Chief Neel reported that a request had been received by the City of Modesto from Assemblyman Bonelli for support of legislation to make it illegal for a person to sell or circulate a crime horror book to any person under the age of 18 years. He stated that in considering the matter a number of problems were presented; 1) who will censor this material and how are adequate standards of censorship going to be developed; 2) enforcement problems; 3) whether the League should not make a thorough study so that a recommendation could be made on a state-wide basis.

Mayor Marks pointed out that the League had already considered this problem and decided the best method would be to work on the local level with the local news dealers. The City of Modesto has already done this, with reasonable compliance, he stated.

Councilman Anderson considered if the city supported this type of legislation that it would be abridging the right of free press.

The City Attorney stated that this bill would have serious enforcement problems, that the real control should come from the source and not the distributors.

MOTION

That the City of Modesto should not take any position to support this legislation.

Moved by Hammond Seconded by Merrill Unanimously carried

GRANT EASEMENT FOR ROAD PURPOSES TO STANISLAUS COUNTY 10-95

RESOLUTION NO. 57-99

A RESOLUTION GRANTING EASEMENT FOR ROAD PURPOSES TO STANISLAUS COUNTY AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Adams Seconded by Anderson

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

APPOINT CHARLES S. ZIMMERMAN MEMBER OF THE BOARD OF LIBRARY TRUSTEES 10-96

RESOLUTION NO. 57-100

A RESOLUTION REAPPOINTING CHARLES S. ZIMMERMAN A MEMBER OF THE BOARD OF LIBRARY TRUSTEES

Introduced by Anderson Seconded by Merrill

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

HOLD OVER REPORT ON STATUS OF APPLICATION FOR CIVIL DEFENSE FUNDS FOR RADIO COMMUNICATION SYSTEM FOR PUBLIC WORKS DEPARTMENT

Mr. Masonheimer asked that this matter be held over to clear certain problems.

SUGGEST NAME OF DR. T. M. SPAULDING FOR APPOINTMENT AS MEMBER OF THE MODESTO CITY PLANNING COMMISSION 10-105

Mayor Marks suggested that the Council members consider during the week, the possibility of appointing Dr. T. M. Spaulding a member of the Modesto City Planning Commission to replace Henry Anderson who had recently resigned from the Commission.

REPORT ON POST CARD POLL IN GARRISON ADDITION 10-110

Director of Public Works Ray reported that post cards and letters of explanation had been sent to owners of record of property in the newly annexed Garrison Addition in respect to installation of street lighting system by improvement district proceedings. As of Monday, March 4, a total of 117 parcels of land reported out of a total of 318 parcels; 73 opposed this project and 44 favored.

He recommended that on the basis of the returns that any plans for initiation of an improvement district for street lights be abandoned.

MOTION

That the recommendation of the Director of Public Works be followed and the initiation of improvement district proceedings for street lights be discontinued until the property owners in the district request street lights.

Moved by Merrill Seconded by Arata Unanimously carried

REPORT ON POSSESSION OF OLD MODESTO IRRIGATION DISTRICT BUILDING 11-10

The City Attorney reported that the city was now entitled to possession of the Modesto Irrigation District building since the title has transferred.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Merrill Seconded by Arata Unanimously carried

The meeting was adjourned at 6:40 P.M.

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

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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 and Mayor Marks

Absent: Councilmen: Arata, Anderson and Robinson

Councilman Arata arrived at 7:36 P.M.

Councilmen Anderson and Robinson arrived at 7:40 P.M.

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

A few moments of silent prayer were observed.

GRANT PERMIT TO THE ELKS LODGE TO USE DEL WEBB FIELD FOR THE HOLDING OF A CIRCUS ON MAY 8, 1957 1-30

A request was filed by the Elks Lodge to use Del Webb Field on May 8, to sponsor the Rudy Bros. circus to obtain funds to be used in its youth activities. It was agreed by the Council that permission be granted under the usual conditions, since the present lessee, the Modesto Community Athletic Association, had indicated by letter, dated March 4, that the field would not be in use on this date.

RESOLUTION NO. 57-101

A RESOLUTION GRANTING PERMIT TO THE MODESTO BENEVOLENT PROTECTIVE ORDER OF ELKS, LODGE NO. 1282 TO USE DEL WEBB FIELD FOR A CIRCUS ON MAY 8, 1957

Introduced by Hammond Seconded by Merrill

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

REPORT ON PROPOSED CONFERENCE FOR UNIFORM REGULATION FOR WATER RECREATION 1-36

Recreation Director Kenneth Walts reported on the plan to call a state-wide conference in Modesto on April 25 and 26 to discuss and recommend a state-wide proposal for uniform regulations relating to water recreation facilities. These regulations, he stated, could be adopted on a trial basis during the six months period beginning May through October. In November, another conference will be held to consider these proposals again in the light of the experience, and a request will be made to Assemblyman Brown to present the recommendations to the State for adoption as state law. Each county will be asked to adopt these regulations, he stated, so that the regulations will be uniform throughout the state. Mr. Walts invited the Council members to attend the conference and offer any suggestions they might have.

MOTION

That the staff be authorized to proceed on this basis to help with the development of this meeting.

Moved by Adams Seconded by Mayor Marks Unanimously carried

AUTHORIZE PREPARATION OF LEASES FOR THE RENTAL OF OFF-STREET PARKING SPACES TO GRISWOLD & WIGHT AND HOME FINANCE COMPANY 1-70

Pursuant to referring the request of Griswold & Wight for permission to lease 15 parking spaces on the city's new parking lot on 10th Street, between K and L Streets, for its customer's use, to Traffic Engineer Carmody and the Council Parking Committee, Councilman Hammond reported that the Committee recommended that the parking spaces be leased on the basis of $7.50 per month per space, not necessarily stating the number, subject to the company installing signs suitable to the Traffic Engineer, indicating that the spaces were leased to them and not available for regular parking use; that the lease be on a 30 days cancellable basis and if the parking load increased to the point the spaces would be needed by the city, the lease could be cancelled.

A letter was read from the Home Finance Corporation, 1129 Tenth Street, requesting permission to lease one parking space at this lot which would permit ingress and egress to its parking area in the rear of its building.

Councilman Hammond reported that the committee had agreed that the city should not be responsible for the parking enforcement or the marking of the rented parking spaces.

Ray E. Houghton, President of the Home Finance Corporation, outlined the company's request and agreed to the recommendation of the Committee that the monthly rental for the space be based on $7.50 fee.

Mayor Marks noted that the recommendation of the Parking Committee had been made on the basis that when and if these spaces would be needed that both lease agreements could be cancelled on a 30 days notice.

MOTION

That the staff be directed to prepare leases for the rental of 10 spaces to Griswold and Wight and one space to Home Finance Corporation on the basis recommended by the Council Parking Committee and Traffic Engineer Carmody.

Moved by Hammond Seconded by Robinson Unanimously carried

RESOLUTION FROM COUNTY APPROVING ACTION OF CITY OF MODESTO TERMINATING LITIGATION AND AUTHORIZING PAYMENT OF THE AWARD IN THE JOHN J. MAGGI CONDEMNATION PROCEEDINGS 2-20

A resolution adopted by the Stanislaus County Board of Supervisors on March 5, 1957, was read approving the action of the City Council in authorizing payment of the award made in the John J. Maggi condemnation proceedings and the acquisition of title by entry of final judgment of condemnation.

RESOLUTION FROM PLANNING COMMISSION RELATING TO THE CITY COUNCIL'S STATEMENT ON ZONING POLICY 2-21

Resolution No. 376, adopted by the Planning Commission on March 5, 1957, was read, approving the City Council's statement on zoning policy on the basis that it was a general statement of policy to be used as a general guide. The Commission indicated its intention to implement, through necessary legislation and policy action, the recommendations contained in the policy statement.

GRANT REQUEST OF MODESTO POWER BOAT CLUB FOR PERMISSION TO LAND HELICOPTER AT MCHENRY VILLAGE ON MARCH 27, 1957 2-30

City Manager Ross Miller reported that the Modesto Power Boat

Club had requested permission to land a helicopter at McHenry Village on March 27, on the same basis as a similar request was granted last year.

MOTION

That the request be granted on the same basis as last year.

Moved by Arata Seconded by Merrill Unanimously carried

ACCEPT BID FOR TWO DEEP WELLS IN THE MODESTO INDUSTRIAL PARK 2-47

Assistant Director of Public Works Roy Fredricksen reported on the one bid received for the drilling of two deep wells in the Modesto Industrial Park and recommended that the bid received from Osterberg & Carroll, which had been opened Monday, March 11, be accepted.

RESOLUTION NO. 57-102

A RESOLUTION ACCEPTING THE BID OF OSTERBERG & CARROLL FOR THE DRILLING OF TWO DEEP WELLS IN THE MODESTO INDUSTRIAL PARK

Introduced by Merrill Seconded by Arata

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

Mr. Fredricksen pointed out that there was no total price on the job because of its nature and that it had been set up on a unit price. He estimated that these wells would cost approximately $2500, each, based on the cost of drilling other city wells.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON PIPE, VALVES AND FITTINGS FOR FISCAL YEAR 1956-57 2-76

The City Manager asked that the staff be authorized to call for bids for the annual supply of pipe, valves and fittings for the fiscal year 1956-57, to be received on or before Monday, April 1, at 2:00 P.M.

RESOLUTION NO. 57-103

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR PIPE, VALVES AND FITTINGS FOR THE FISCAL YEAR 1956-57

Introduced by Hammond Seconded by Adams

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

FINAL ADOPTION OF ORDINANCE NO. 152-C.S. RE: DANGEROUS WEAPONS 2-80

ORDINANCE NO. 152-C.S. entitled:

"AN ORDINANCE ADDING SECTION 4-2.03.1 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO DANGEROUS WEAPONS"

introduced on February 27, 1957, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Anderson Seconded by Hammond

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

FINAL ADOPTION OF ORDINANCE NO. 153-C.S. SPEED LIMIT ON MORTON BOULEVARD 2-80

ORDINANCE NO. 153-C.S. entitled:

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED, TO AMEND SECTION 36.a THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 112-C.S."

introduced on February 27, 1957, 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, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

REPORT ON REQUEST OF NINETY NINES, INC. FOR FINANCIAL ASSISTANCE TO OBTAIN THE START OR FINISH OF THE 1958 POWDER PUFF DERBY FOR MODESTO 2-87

Pursuant to referring the request of the Ninety Nines, Inc. (letter of February 20 from Mrs. Hazel Zimmerman) for financial assistance in securing the start or finish of the 1958 Powder Puff Derby for Modesto to the City Manager, he reported that he had contacted the three bodies which he understood were being asked for funds, the Modesto Chamber of Commerce, County Board of Supervisors, and the Stanislaus County Chamber of Commerce. None of these bodies had actually made any provisions for allocating funds for the project, he reported.

Mrs. Francis Dias, representing the Ninety Nines, Inc. gave a brief history of the organization's efforts to secure a sponsor for the Derby. She pointed out that the whole activity had been started by a suggestion of the President of the County Chamber, that the local chapter try to obtain the start or finish of the race for Modesto, with the Chamber sponsoring the race. She stated that the group had not been contacted directly by the County Chamber and all they knew was what they read in the Modesto Bee---that the funds would not be allocated. If someone, like the City of Modesto or a group of people, want to sponsor the project as a Modesto project, the group would still go along with the program, she stated. She reported that the dead line for the application had been extended to April 1, 1957.

Mr. Miller reported that the staff had contacted the County Chamber of Commerce this week and its position was that in view of its limited funds available, that it might be better from a promotional standpoint to use the funds for other purposes.

Mayor Marks stated that the city could not sponsor the race since it would be taxpayers funds which would have to be used and the Charter would not permit this type of promotion. He stated that the group could count on the city's cooperation if they were successful in obtaining a sponsor for the race prior to the dead line date of April 1. He stated that he would be glad to work with the Chamber and the group to try and secure the race for some future year, on the basis that the California Relays are now sponsoring its activities.

FURTHER REPORT ON WATER PROBLEMS 3-95

The City Manager noted that a copy of a statement from the law offices of Walter M. Gleason would be made available to each Councilman for reading, relating to the legal problems involved in the state water rights problems.

CONSIDER APPOINTMENT TO PLANNING COMMISSION 4-20

RESOLUTION NO. 57-104

A RESOLUTION APPOINTING DR. THOMAS M. SPAULDING A MEMBER OF THE MODESTO CITY PLANNING COMMISSION TO FILL THE VACANCY CREATED BY THE RESIGNATION OF HENRY G. ANDERSON

Introduced by Mayor Marks Seconded by Robinson

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

Some of the Council members objected to the manner in which Mayor Marks had suggested the name of Dr. Spaulding, at the Council meeting of March 6, for this appointment since they believed that it did not conform to their understanding of the informal arrangements which had been agreed on by the Council for such appointments to the various boards and commissions.

The "informal understanding" was generally discussed by all Council members and a new understanding was determined---that whenever there was a vacancy on a board or commission that the Mayor announce the vacancy at one Council meeting; that during the next week any Council member who wishes to propose a candidate notify the Mayor; that the Mayor distribute a list of the names submitted to each Council member for their consideration and that at thenext Council meeting the Mayor publicly announce the name or names of the candidates submitted and the Council will publicly vote on the appointments.

A long discussion was held by the Council, but no conclusion reached, on the method to be used by the members in informally considering the various candidates suggested. It was generally agreed, however, that the public discussion of the qualifications of the various candidates would be undesirable.

The Council members all indicated that they had been in unanimous accord on the appointment of Dr. Spaulding, but they were only in disagreement on principles of procedure rather than individuals.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR PURCHASE OF McBRIDE PROPERTY 5-90

RESOLUTION NO. 57-105

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $28,622 FROM SPECIAL CAPITAL OUTLAY RESERVE TO CAPITAL IMPROVEMENTS PROGRAM FOR THE PURCHASE OF THE McBRIDE PROPERTY FOR A GARBAGE DISPOSAL AREA

Introduced by Arata Seconded by Robinson

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

MOTION

That as soon as the City acquires title to this property that a tree planting program be started to screen the sanitary land fill area

Moved by Arata Seconded by Robinson Unanimously carried

AUTHORIZE RELEASE OF PERFORMANCE BOND FILED BY AMEDIO LORETELLI GUARANTEEING IMPROVEMENTS IN ARBOR VILLA NO. 2 SUBDIVISION 5-103

RESOLUTION NO. 57-106

A RESOLUTION AUTHORIZING THE RELEASE OF SURETY BOND TO AMEDIO LORETELLI TO GUARANTEE IMPROVEMENTS IN ARBOR VILLA NO. 2 SUBDIVISION

Introduced by Merrill Seconded by Arata

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

FURTHER REPORT ON THE BOMBERGER PARKING LOT - AUTHORIZE NEW LEASE AGREEMENT 5-106

Councilman Hammond reported that the Council Parking Committee had considered the new offer of Bomberger Brothers on the 11th Street parking lot and recommended that the staff be authorized to prepare a new lease which would provide for the furnishing and installation of parking meters by the city and paving of the lot to be assumed by the lessees on a 50-50 rental basis. If the lessors cancel the lease within 6 months, they must pay the installation costs for the meters. He reported that one concession which had been made by the city was that the parking be limited to two hours instead of three house, on 5¢ per hour rate.

MOTION

That the staff be authorized to prepare the necessary lease.

Moved by Hammond Seconded by Robinson Unanimously carried

APPROVE AGREEMENT WITH EUGENE STURGIS, BOND COUNSEL, FOR GARRISON IMPROVEMENT DISTRICT NO. 6 6-7

RESOLUTION NO. 57-107

A RESOLUTION APPOINTING EUGENE K. STURGIS TO PREPARE SPECIAL IMPROVEMENT DISTRICT PROCEEDINGS FOR THE CITY OF MODESTO

Introduced by Adams Seconded by Robinson

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

AMEND ORDINANCE AMENDING SALES AND USE TAX PROVISIONS 6-10

The City Attorney presented for Council consideration an ordinance which would amend the Municipal Code relating to sales and use tax by adding a subsection entitled "Exemptions" and provide that no sales or use tax shall be due if a similar tax is imposed by any other political subdivision and has been paid on the same transaction, effective as of July 1, 1956. He considered that it would be advisable to amend the city's Municipal Code, to set forth the informal policy previously established by the Council.

ORDINANCE NO. 156-C.S. entitled:

"AN ORDINANCE ADDING SUBSECTION (f) TO SECTION 8-2.106 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAX"

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

Moved by Robinson Seconded by Anderson

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

He pointed out that if the Bradley-Burns Act was discontinued at any time, the city's existing sales tax ordinance would automatically become effective.

ACCEPT DEED OF EASEMENT FROM BENJAMIN J. SAYRE, ET UX, FOR WIDENING OF COLLEGE AVENUE BETWEEN PEARL AND BRIGGSMORE 6-35

RESOLUTION NO. 57-108

A RESOLUTION ACCEPTING DEED OF EASEMENT FROM BENJAMIN J. SAYRE AND BARBARA J. SAYRE FOR THE WIDENING OF COLLEGE AVENUE BETWEEN PEARL AND BRIGGSMORE AVENUES

Introduced by Merrill Seconded by Hammond

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

The City Attorney reported that the city's Land Agent had been having some difficulty in obtaining some of the easements for completion of the College Avenue widening project. The policy of the Council has been, he stated, that all rights of way be obtained before a street is widened.

Mayor Marks suggested that all of the persons in the area who had cooperated by deeding the necessary rights of way be notified by mail of the exact situation and be given the reason why the project is not progressing. It was generally agreed by the Council that this be a regular part of the administrative procedure on such projects. It was agreed by the Council that the names of the persons refusing to deed the rights of way not be set forth in the letter to the other property owners but that they would be made available upon request.

DELAY SETTING DATE FOR HEARING ON NOTICE OF APPEAL FILED BY JOHN QUARESMA 6-50

An appeal filed on March 11, by Attorney Nathan McVay, on behalf of his client John Quaresma, from the decision of the Planning Commission denying Mr. Quaresma's request for the reclassifying of property located on the southeast corner of Tully and Roseburg from R-1 and R-3 to C-1 zoning, was noted by the Council.

A letter from Mr. Quaresma asking that the hearing be set for April 24, in order to permit him to assemble additional data was read.

The City Attorney pointed out it would be impossible to set the hearing for this date unless he would waive his 40 day time limit, as provided by the Municipal Code.

It was agreed by the Council that the matter be held over for a period of one week in order to permit Mr. Quaresma to waive the time limit requirements, if he wished.

REPORT ON LEAGUE COMMITTEE CONFERENCE ON REVENUE AND FINANCE

Mayor Marks reported on the recent conference of the League Committee on Revenue and Finance which he had attended along with several other Council members. He recommended that the further consideration of the city's business license tax revision committee be delayed until written reports of the discussion at this meeting were obtainable. The Council concurred in this recommendation. He briefly reported on the provisions in the basic business license ordinance, prepared by Malcolm Davisson, which was discussed at the conference and which could be considered by the city's committee at the time of the further discussions on the revision of the city's ordinance.

REPORT ON DIGEST OF BILLS AFFECTING CITIES INTRODUCED IN THE 1957 LEGISLATIVE SESSION--RELATING TO HIGHWAYS 6-120

The City Manager reported receipt of the Digest of Bills introduced in the 1957 Legislative session from the League of California Cities.

He reported that 1500 bills affecting cities had been introduced and 100 of these were up for urgent consideration by the League. Two of these bills, he pointed out, are of particular interest:

1) AB1502 would permit the state to improve city streets and highways leading to or from a freeway as a part of the agreement on the freeways;

2) That a certain percent of the money apportioned to the state by the federal government for highways could be allocated to cities for the construction of or improvement of streets leading to primary and secondary highways systems.

It was generally agreed by the Council that these two bills should be supported by the city.

He referred to the article which had appeared in the Modesto Bee this date regarding the reassignment of the West Side Highway into the federal system instead of 99 Highway into the interstate highway system. He reported on his telephone conversation with Mr. Vickery in the State Highway Division, who had advised that the 99 Highway had never been in the inter-state highway system although it had been shown in the maps and proposals but actually had never been in the system. The west side route has now been made a part of the system and 99 Highway is not. The City Manager stated that Mr. Vickery had assured him that it should not affect the development of 99 Highway or of the highways leading into 99 Highway.

A further check will be made with both the Stockton office and the Sacramento office, the City Manager reported and a more precise report made on what this might mean to the City of Modesto.

REPORT ON COSTS OF CONSTRUCTION OF PUMPING STATION ON M.I.D. LATERAL NO. 4

A report was submitted by the Director of Public Works on the cost of the construction of the storm pump station at M.I.D. Lateral No. 4 and Ninth Street. He reported the total cost as $4,231.63, that the lowest bid submitted in April, 1956, was $7,420, bids were rejected and the work ordered done in the fall when the water was out of the canals. The bid received in November, 1956, was $6,363. Plans were revised and a new call for bids resulted in receiving a bid of $7,900. These bids were rejected and the work ordered done by city forces. The engineers' estimate for the

job was $5,000.

DISCUSS MAILING NOTICES FOR PUBLIC HEARING ON REZONING PROPERTY 7-80

The City Clerk was directed by the Council that it would not be necessary to mail notices to the property owners on the public hearing before the Council, set for March 27 at 8:00 P.M., for the purpose of hearing objections, if any, to the change in zone classification of property as shown on Sections 17 and 19 from Residential-Agricultural to Single-Family.

MOTION

That the mailing of notices in this instance be dispensed with.

Moved by Hammond Seconded by Adams Unanimously carried

FILING OF FINANCIAL STATEMENT FOR MONTH OF FEBRUARY 7-101

The financial report for the month of February was filed by the City Manager.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Anderson Seconded by Hammond Unanimously carried

The meeting was adjourned at 9:15 P.M.

ATTEST: REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Absent: None

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

Rev. R. H. Libby, pastor of the Seventh Day Adventist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular Council meeting of February 27 and special meeting of March 5, and the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST FOR FINAL PAYMENT OF FUNDS ALLOCATED IN 1956-57 BUDGET--MODESTO BAND INC. 1-17

A letter was read from the Modesto Band, Inc., asking for payment of $600, remainder of the funds allocated in the 1956-57 city budget.

MOTION

That the payment of $600 be authorized to the Modesto Band, Inc.

Moved by Anderson Seconded by Arata Unanimously carried

COPIES OF EDITORIAL "PLANNING IS THE MAGIC WORD" DISTRIBUTED TO COUNCIL MEMBERS BY MAYOR MARKS 1-25

Copies of an editorial entitled "Planning is the Magic Word", which had appeared in the February, 1957, issue of Roads and Streets magazine, were distributed by Mayor Marks to each Councilman.

REJECT BID RECEIVED FOR INSTALLATION OF WATER LINE - TULLY AVENUE 1-27

Director of Public Works Ray reported that one bid had been received on March 18 at 2:00 P.M. for the installation of a 10" water line from Tully Ave. at Madrone to Briggsmore Avenue at Winning Avenue. This bid was received from E. T. Haas Company in the sum of $2,247.50. He reported that the engineer's estimate for doing the work with city forces was $1,260 and by contract, $1,880, making the bid received 78% over the estimate for performing the work by city forces.

RESOLUTION NO. 57-109

A RESOLUTION REJECTING THE BID FOR THE INSTALLATION OF 10 INCH WATER LINE FROM TULLY AVENUE AT MADRONE AVENUE TO BRIGGSMORE AVENUE AT WINNING AVENUE AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Robinson Seconded by Hammond

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

ACCEPT BID OF LANZCO COMPANY OF SAN FRANCISCO FOR REMOVAL OF DWELLINGS AT 121 ROSS STREET AND 349 JAMES STREET 1-37

Mr. Ray reported on the two bids received on March 12, at 10:00 A.M. for the demolishing and removal of dwellings at 121 Ross Street and 349 James Street, for the widening of Ross Street to provide an extension of G Street to LaLoma Avenue. He recommended the acceptance of the low bid of $947 submitted by Lanzco Company of San Francisco.

RESOLUTION NO. 57-110

A RESOLUTION ACCEPTING THE BID OF LANZCO COMPANY OF SAN FRANCISCO FOR THE DEMOLISHING AND REMOVAL OF DWELLINGS AT 121 ROSS STREET AND 349 JAMES STREET (EXTENSION OF G STREET TO LALOMA AVENUE) AND AUTHORIZING EXECUTION OF CONTRACT FOR THE DOING OF THE WORK

Introduced by Hammond Seconded by Anderson

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

AUTHORIZE CALL FOR BIDS FOR NINE TRAFFIC SIGNALS (ONE WAY STREETS) 1-70

Plans and specifications were presented by Traffic Engineer Carmody for the installation of traffic signals at 11th and H Streets; 11th and K Streets, 11th and L Streets, and for the construction of Traffic Signals and Street Lighting at 17th and I Streets; 17th and H Streets; 14th and I Streets; Washington and I Streets; and 11th and Needham Avenue, and pedestrian actuated traffic signals at LaLoma and Santa Ana Avenues. All of these signals except the one to be located on Santa Ana and LaLoma, near Wilson School, were to be part of the one-way street program to be instituted in approximately 105 days from the date a contract for the work is executed. He estimated the total costs to be approximately $26,000 and recommended that the date of April 9 at 2:00 P.M. be set as the time for the opening of the bids.

The City Manager stated that the question had arisen of whether or not some further consideration might be given the original proposal--that I Street be two ways between 17th and Downey Avenue, in front of the Lincoln School and Episcopal Church. He suggested that a drawing of the area be presented to the Council members for their study before final action was taken.

Mr. Carmody stated that when the first plan was presented, he had considered that if this block was one way that it would present some problems in getting to and from the school and church. He pointed out that no great problem would occur if the block still remained as a two way street but he wanted to know if the Council wished to reconsider this plan. He recommended that the block be established as a two way street and later on after the one way street program has been established, it could be reconsidered in the light of the experience of the one-way street program. He stated that it would be an inexpensive and simple matter to convert the street later on if desirable.

The City Manager pointed out, after a general Council discussion and various questions had been raised, that the decision did not have to be made today but the staff wished it to be aware of the available alternatives.

Mayor Marks suggested that the Council members examine the location thoroughly and those Councilmen who desire to, can ask further questions and then the Council can act on the matter.

RESOLUTION NO. 57-111

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZE THE CALLING FOR BIDS FOR NINE TRAFFIC SIGNALS

Introduced by Robinson Seconded by Adams

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

DISCUSSION ON PURCHASE OF MACHINE TO REMOVE WHITE PAINTED LINES FROM STREET AREA 2-30

The Traffic Engineer reported on his investigations relating to the purchase of a grinding type machine which would remove the white painted lines from street areas. He pointed out that it was difficult to remove these lines by any other method. He estimated the purchase cost for the machine at $2000. He reported that the use of the machine, when the one way streets were established, would prove a benefit. Whenever lane lines or stop signs are changed on the streets, they must be painted over and this paint will wear off and cause confusion. Where traffic warrants the extra cost for traffic buttons, he stated, these will be used; for instance, at the 7th and B Street intersection. He stated that a more detailed report would be given to the Council on the machine at a later date.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON WATER LINE INSTALLATION FOR GREGORY GARDENS NO. 2 2-46

Plans and specifications for the installation of water lines in Gregory Gardens No. 2 Subdivision were presented for Council consideration by the City Manager who suggested that the date of April 8 at 2:00 P.M. be set as the time to open the bids.

RESOLUTION NO. 57-112

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN GREGORY GARDENS NO. 2 SUBDIVISION

Introduced by Anderson Seconded by Robinson

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

FINAL ADOPTION OF ORDINANCE NO. 154-C.S. RELATING TO BUSINESS LICENSE REGULATIONS - DEFINITION OF GROSS INCOME, ETC. 2-53

ORDINANCE NO. 154-C.S., entitled

"AN ORDINANCE AMENDING SECTION 6-1.101 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO THE LICENSING OF BUSINESSES, PROFESSIONS, AND TRADES"

introduced on March 6, 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: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 155-C.S. LEASE SPACE TO CENTRAL CALIFORNIA ART LEAGUE, INC. 2-56

ORDINANCE NO. 155-C.S., entitled

AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE CENTRAL CALIFORNIA LEAGUE, INC. RELATING TO THE RENTAL OF ROOM NO. 102 IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO

introduced on March 6, 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 Anderson

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

REPORT ON COST OF PAINTING AND SCREEN AT DEL WEBB FIELD 2-60

The City Manager reported that the estimates on the cost of the painting at the Del Webb Field, which would be necessary to do this year, were substantially higher than the staff had considered. He suggested a Council committee to work with the staff during the next week so that a report and recommendation could be brought back to the Council for action at the next meeting. Councilmen Arata and Merrill were appointed by Mayor Marks to confer with the staff and it was agreed that they should meet at the field Thursday, at 2:00 P.M.

SET DATE FOR PUBLIC HEARING ON APPEAL FILED BY JOHN QUARESMA FROM THE DECISION OF THE PLANNING COMMISSION DENYING HIS APPLICATION FOR THE RE-ZONING OF HIS PROPERTY 2-70

A letter was filed by John Quaresma, owner of a 10 acre parcel of property located on the southeast corner of Roseburg and Tully Avenues, notifying that he would waive the 40 day time limit provided in the municipal code and asking that the public hearing before the Council on his appeal from the Planning Commission's decision denying his request for the rezoning of this property from R-1 and R-3 to C-1, be set for April 24.

RESOLUTION NO. 57-113

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL OF DECISION OF THE MODESTO CITY PLANNING COMMISSION DENYING REQUEST OF JOHN QUARESMA FOR AN AMENDMENT TO SECTION 20 OF THE ZONING MAP TO RECLASSIFY FROM R-1 AND R-3 TO C-1 PROPERTY LOCATED ON THE SOUTHEAST CORNER OF TULLY AND ROSEBURG AVENUES

Introduced by Merrill Seconded by Robinson

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

The time set for the hearing was 8:00 P.M. April 24, 1957, in the Council Chamber.

ORDINANCE AMEND CODE RELATING TO CURFEW REGULATIONS 2-75

City Attorney Grimes reported that sometime ago the California District Court of Appeal rendered a decision which outlawed the Chico

curfew ordinance. Modesto's regulations were substantially the same, he stated, but by amending the code to define the act prohibited as "to loiter on a public street or in or about a public place", the same result is accomplished. He presented an ordinance which would amend the code in this regard, for Council consideration.

ORDINANCE NO. 157-C.S. entitled:

AN ORDINANCE AMENDING SECTIONS 4-7.201, 4-7.202, and 4-7.203 AND REPEALING SECTION 4-7.204 OF ARTICLE 2 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO CURFEW REGULATIONS IN THE CITY OF MODESTO

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

Introduced by Anderson Seconded by Arata

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

ACCEPT GRANT DEED AND DEED OF EASEMENT AND AUTHORIZE RECORDATION FROM NADINE SINGER-IMPROVE MILLER AVENUE, AND L. E. MACOMBER - WIDEN ALLEY IN BLOCK 715 2-100

RESOLUTION NO. 57-114

A RESOLUTION ACCEPTING GRANT DEED FROM L. E. MACOMBER AND WILHELMINA MACOMBER FOR THE WIDENING OF AN ALLEY IN BLOCK 715, CITY OF MODESTO

Introduced by Adams Seconded by Merrill

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

RESOLUTION NO. 57-115

A RESOLUTION ACCEPTING DEED OF EASEMENT FROM NADINE D. SINGER FOR THE IMPROVEMENT OF MILLER AVENUE

Introduced by Robinson Seconded by Anderson

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

HOLD OVER APPROVAL OF LEASES FOR RENTAL OF PARKING SPACES ON TENTH STREET PARKING LOT TO GRISWOLD AND WIGHT AND HOME FINANCE COMPANY 2-106

The City Attorney reported that the lease agreements had not yet been signed by the lessees and asked that the matter be held over.

REPORT ON BIDS RECEIVED ON DOWNEY HIGH SCHOOL SWIMMING POOL 2-107

The City Manager read a letter received from Dr. James H. Corson, Superintendent of Schools, notifying that the lowest bid received for the construction of a swimming pool at Downey High School was $55,236, the architect's fee would be $3,315 and the fees for inspections, etc., would approximate $2,875. If it is agreeable to the Council, Dr. Corson stated, the contract would be awarded to Dennis Pools, Inc., and the Council could determine later when and on what basis funds would be made available to

the Schools for the city's share of the costs.

Councilman Anderson raised a question---whether the city had agreed to pay a portion of the architect fee or inspection fees.

The City Manager pointed out that this was a point to be determined by the Council since it had not been specifically cleared, but that these charges could be considered a part of the cost of the pool.

In the general Council discussion, the following points were presented:

1. That usually these additional charges are considered a part of the cost of any construction;

2. That the total costs could be estimated at $61,426, including all costs, and the city had set a limit of one-half of the cost of the pool not to exceed $30,000;

3. That there were two things to consider, one the base bid and the other, the administrative overhead;

4. That the matter could be resolved on the definition of "costs" and the city had agreed to pay a certain amount on the cost of the pool;

5. That the city's participation in any other costs, than the bid cost, had not been discussed at any time previously; that the school was just as much in error as the city on this matter;

6. That by the action of the Council on this project, a policy would be established for future projects where joint participation was involved;

7. That the offer expressed by the city to the schools was that the city would pay one-half the costs not to exceed $30,000 for the facility, which would probably include everything.

MOTION

That the staff be instructed to notify the Modesto City Schools that the City of Modesto is willing to participate in the total cost of the pool, including architect fees, and all other incidental charges in the mount of one-half of the cost, not to exceed $30,000.

Moved by Merrill Seconded by Robinson Unanimously carried

It was agreed that the manner and time of making the funds available to the school be worked out administratively.

FURTHER CONSIDERATION OF CLOSING OF MYRTLE AVENUE AND PORTION OF ALLEY IN BLOCK 451 3-73

Mayor Marks declared the meeting open at 4:30 P.M. for further Council consideration on the proposed closing of Myrtle Avenue and a portion of the alley in Block 451 to permit the enlargement of church facilities for the Emanuel Lutheran Church.

At the request of the Mayor, the City Manager reviewed the status of the two matters; 1) the closing of the street and alley, and 2) the appeal filed by property owners of the decision of the Board of Zoning Adjustment granting a conditional use permit for the expansion. He stated that the public hearings had been held, as provided by the code, and closed,

and that the two matters were up for discussion and disposition, by the Council.

Councilman Hammond suggested that since the hearings had been closed that the Council, as a body, go out on the location to inspect the proposed project and that final action be withheld until after this field trip.

Mayor Marks, City Attorney Grimes, and Director of Public Works Ray cleared a misunderstanding raised by Councilman Merrill relating to the signs "Notice of Vacation" posted on the telephone poles in this area and the construction of the water line in Terminal Alley---that the legal notice had been ordered placed by order of the Council and the line being installed did not relate to the matters under discussion.

Councilman Anderson noted that Article 18, entitled "OFF-STREET PARKING REQUIREMENTS" of the Municipal Code, subsection 10-2.1802, provided that the number of off-street parking spaces required for "churches was one for each ten seats". Under this formulae the number of extra spaces which the city could require, he pointed out, would be the difference between the 180 seats in the present structure and the 300 seats in the proposed new structure, which would result in 12 additional spaces.

He pointed out that these extra parking spaces could be fitted onto their existing land and there would be no reason for closing of the street.

The City Attorney pointed out that Article 19 of the Municipal Code, Section 10-2.1904, defining the powers and duties of the Board of Zoning Adjustment, provided that "in granting any use permits or variances, the Board may impose such conditions as it deems necessary or desirable to protect the public health, safety or welfare." In handling church matters, the Board has felt that in church parking the one for 10 formula was low and in every church conditional use permit granted under this section, the amount required has exceeded this formula, under the authority contained in this section. He pointed out that a conditional use permit was a special privilege that is requested from the Board and it has the power to impose such conditions as it sees reasonable to carry out the purposes. He pointed out that Article 18 only established the minimum requirement which must be met. The Council has the power, he stated, to override the requirements set up by the Board.

Since most of the churches will be located in the residential areas, Councilman Anderson stated, where parking is not too great a problem, the parking requirements should not be higher than the regulations for parking in the commercial area where parking is limited.

The City Attorney pointed out that due to the fact churches are regulated by conditional use permits, the Board has the power to impose conditions. Whether these conditions should be higher or not is a policy matter for the Board of Zoning Adjustment first to determine and then the Council, if appealed.

Councilman Hammond pointed out that "everybody was in favor of churches" but they didn't want them located next to them because of parking conditions. He considered that the requirements established by the Board was to relieve the parking condition in a residential zone so that the churches would be compatible with the neighboring residents.

Councilman Anderson contended that churches should not be required to provide a great deal more parking than a commercial establishment, which by right of being in another section of the code, is not required to provide an excess amount of parking. He pointed out that in this instance, parking space was available on the Tidewater Southern right of way which could be made available to the church, by the railroad, and parking facilities at the Junior College could be used.

The City Manager pointed out the danger of overriding the conditions established by the Board on churches since it would "set a pattern" for other churches in residential areas. He considered that the city had an excellent system under which a church is considered as a special, separate problem. He pointed out that there had been many churches located throughout the city and parking is always a problem. The conditions on parking established by the Board for churches has helped the solution of the parking problem with the construction of a church in residential zones.

Councilman Anderson contended that the requirements established by the Board of Zoning Adjustment for this church were excessive.

At the request of Councilman Merrill, Mayor Marks asked if any member of the audience desired to say anything on the matter.

Mr. Charles H. Feltes, 437 Myrtle Avenue, challenged the legality of closing Myrtle Avenue, and deeding the land to the adjoining property owners.

The City Attorney stated that the Title Company had advised that the city had an easement on Myrtle Avenue and that the underlying property owners have the fee, that being the case upon abandonment, the street reverts to the underlying abutting fee owners.

Mrs. Merrill, owner of two houses on College Avenue, opposed the closing of the alley and the construction of the new alley along her property.

MOTION

That the Council withhold its decision until the Council as a body can go out and view the situation

Moved by Hammond Seconded by Merrill Unanimously carried

Rev. Segerhammer stated that the church considered that it should have adequate parking both for its own use and also as a protection for its neighbors and it was happy to provide the amount of parking required by the Board and shown on the sketch of the proposed expansion, copies of which had been distributed to the Council at the beginning of the discussion. He asked if it would be possible to use the two story building which the church had purchased in the rear of the church property for a Sunday School facility prior to the Council's decision on the two matters.

Since it would be necessary for the Council to take action on the appeal to permit this expanded use, the City Attorney pointed out that permit could not be granted to use the building until final action had been taken.

MOTION

That the matter be held over until 4:30 P.M., April 3, 1957.

Moved by Merrill Seconded by Anderson Unanimously carried

MAYOR READ LETTER SENT TO PASTOR OF TRINITY NAZARENE CHURCH 6-92

Mayor Marks read the letter which he had been authorized to send to the pastor of the Trinity Nazarene Church, which had been denied an appeal from the decision of the Board of Zoning Adjustment to construct a church building on Roseburg Avenue. He pointed out to Rev. Segerhammer that if the final decision of the Council was against the church expansion that there would be a possibility of selling the church property to another church with a smaller membership.

REPORT FROM CITY-COUNTY HEALTH OFFICER RELATING TO THE COMPLAINT FILED BY MR. AND MRS. ELMO WADE 7-05

A report filed with the City Manager by Dr. R. S. Westphal, Health Officer, on the complaint filed by Mr. and Mrs. Elmo Wade on the operation of the feed lots by the various slaughter houses located on Crows Landing, was read. Dr. Westphal reported on his visits and the city Sanitarian's visits to the area, and stated the operation was satisfactory and that the operators had promised to continue operating in a manner which should not produce a nuisance.

The City Manager stated that he had asked Dr. Westphal to so advise Mrs. Wade and offer to discuss any further problems which she might have.

FURTHER CONSIDERATION OF THE CLAREMONT HOTEL LEASE 7-20

Traffic Engineer Carmody reported that the present tenant in the Claremont Hotel section of the Goldberg building located on the northeast corner of 9th and I Streets was unwilling to part with his lease except for $15/20,000, to cover his investment, which the owner was unwilling to pay. This contingency will preclude the city's lease of the property for off-street parking facility, as the lease has approximately 4 years to run. Mr. Carmody stated he was still working on the possibility of leasing the property but at the present time conditions were not too favorable.

AUTHORIZE APPROPRIATION TRANSFER OF FUNDS FOR PAINTING NINTH STREET PARKING LOT CANOPY 7-32

RESOLUTION NO. 57-116

A RESOLUTION APPROVING APPROPRIATION OF $200 FROM RESERVE PARKING FUND TO PARKING FUND FOR REPAINTING THE NINTH STREET PARKING LOT CANOPY

Introduced by Arata Seconded by Anderson

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

CLEAR PROCEDURE FOR OBTAINING UNANIMOUS APPROVAL OF COUNCIL MEMBERS FOR CONSIDERATION OF ITEMS NOT ON AGENDA 7-43

Mayor Marks suggested that a procedure for Council consideration of items not on the agenda be cleared by the members and "spelled out" to avoid confusion in the future. He suggested, to which the Council concurred, for instance, that if a member desired to raise a matter relating to an appointment that he would say, "I desire to raise the matter of an appointment to such and such a commission, do I have the consent of the Council?" In other words, the subject of the matter to be considered must be specific and the member should not only ask for permission, but set forth his reason for asking. He asked the City Attorney, as parliamentarian of the Council, that he insist that this procedure be followed in the future at all Council meetings.

CITY MANAGER REPORTED DEATH OF FIRE MARSHAL DURWOOD C. TAYLOR 7-65

As a matter of record, the City Manager reported the death of the City's Fire Marshal, Durwood C. Taylor, on Friday, March 15, 1957. Mr. Taylor, he stated, had suffered a heart attack during a fire and died a few hours later at the Modesto City Hospital.

RESOLUTION NO. 57-117

A RESOLUTION EXTENDING SYMPATHY TO THE FAMILY OF THE LATE FIRE MARSHAL DURWOOD C. TAYLOR

Introduced by Adams Seconded by Robinson

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

RESOLUTION AUTHORIZING ONE-WAY STREETS ON SYCAMORE IN THE VICINITY OF GRISWOLD AVENUE 7-75

RESOLUTION NO. 57-118

A RESOLUTION DESIGNATING A PORTION OF SYCAMORE AVENUE NORTH OF GRISWOLD AVENUE AS A ONE-WAY STREET IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Merrill

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

RESOLUTION AUTHORIZING YIELD SIGNS ALONG LUCERN AND DOWNEY AVENUES 7-85

The Traffic Engineer recommended the installation of "Yield Right of Way Signs" on Lucerne Avenue and its intersecting streets, Johnson, Kimble, Melrose, Bodem, Auburn, Castle, Ramona, El Cajon, El Camino, Esgar, El Terino, and Hunter Avenues.

RESOLUTION NO. 57-119

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Robinson

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

He recommended the installation of "Yield" signs on Downey Avenue at High, James, Melrose, Newgate, Bodem and Harriett Streets, since this street was the direct route to the County Hospital.

RESOLUTION NO. 57-120

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Adams

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

APPROVE INSTALLATION OF TWO TELEPHONE BOOTHS ON TENTH STREET PARKING LOT 7-117

The Traffic Engineer reported on a proposal to install two telephone booths on the Tenth Street parking lot, and asked for Council approval. The City Manager suggested that the Council might consider it advisable in the future, to permit the installation of booths wherever it would be appropriate, after checking with the Council Parking Committee,

without formal Council approval.

MOTION

That the staff be authorized to enter into a memorandum of agreement with the Telephone Company on the basis outlined by the City Manager, after obtaining the approval of the Council Parking Committee, for the installation of telephone booths on parking lots.

Moved by Merrill Seconded by Hammond Unanimously carried

REPORT ON PROGRAM TO OBTAIN VOLUNTARY COMPLIANCE FOR IMPROVEMENT OF SUBSTANDARD BUILDINGS 8-7

The City Manager reported on the success of the city's program to obtain voluntary compliance for improvement of substandard buildings.

He read a report prepared by Chief Building Inspector Hermida and the late Fire Marshal Durwood Taylor covering period February 4 to February 28, which listed the owners and location of buildings which had been remodeled and constructed to include fire breaks or attic stops.

REPORT ON STATE LEGISLATIVE MATTERS 8-22

The City Manager reported on the following legislative matters:

1- SB2208 - relating to grade crossing allocation costs. This bill was before the Transportation Committee March 19. The city staff did some phoning on this bill and wired Senator Donnelly of the city's opposition to this proposal. Senator Donnelly voted against the bill in committee. However, the bill came out of the committee with a "do pass" recommendation, and is now before the Senate floor and then if passed, on to the Assembly.

The Council agreed with the City Manager's suggestion that Senator Donnelly's support of the city's position should be acknowledged, and authorized him to write a letter to him.

The City Attorney reported that the League was sponsoring an amendment to the bill which would eliminate cities and counties and leave the regulations applicable only to State Highways.

2- A program is before the legislature for the commitment, care and rehabilitation of alcoholics, as a state problem. The city's position is that this is a state responsibility.

3- Billboards: Communication from the California Roadside Council which outlines SB666 relates to freeways and scenic highways and limits the signs to specific roadside service establishments which are defined and permit the Division of Highways Director to determine where they are required. There is also a national program and all signs point to a big battle over billboards. There is an attempt to put into federal legislation prohibition against these signs. The communication sent to the Council from the Northern California Council of Outdoor Advertising oppose SB666. He reported that the County was taking some indirect action on this matter through zoning.

It was agreed that no action be taken by the Council on this bill, but that it be discussed at the City-County Committee meeting.

4- SB1502 Highways: provides that the state can put into highway agreements provisions for taking care of city streets, etc. leading into freeways. Sent out of Assembly Committee with a "do-pass" recommendation, which means that it will be on the floor of the Assembly soon.

REPORT ON STUDY FROM STATE ON FREEWAY IN CITY 8-105

The City Manager reported receipt of the basic statistical report from the State relating to the study on the freeway in the city. No analysis, as far as results are concerned, he stated, has been made. The State recommends that the engineering studies be made immediately in order to make the determinations from the report.

REPORT ON LAND OFFERED FOR SALE TO CITY ADJACENT TO JAMES MARSHALL SCHOOL FOR PARK PURPOSES 9-20

The City Manager reported that the city had received an offer to purchase a site lying immediately north of James Marshall School for park purposes. He suggested that someone from the Council be designated to work with the staff during the next week to check out the offer, and determine if the city is interested.

He reported on the funds available for the purchase of park sites and the purchases now under consideration. Due to the highly developed nature of the Maze Wren Park, he stated, the funds received from the state might be made available, in addition to the development of the other park at Franklin School, to assist in another west side park. A park in the general area of Marshall School is desirable, he reported, and the staff has done quite a lot of work on this program. Mayor Marks named Councilmen Robinson and Adams as a Council Committee to assist the staff as suggested by the City Manager.

REPORT ON MCHENRY AVENUE DRAINAGE COMMITTEE 9-60

As directed by the Council, the City Manager reported, specific recommendations on the McHenry Avenue area, as it pertained to drainage, have been prepared by the Department of Public Works for consideration:

1- No further work be done until an agreement has been completed with the state on the improvement of McHenry Avenue;

2- After this agreement has been executed the Public Works Department be directed to prepare plans and specifications for an improvement district covering the area bounded by Lateral No. 4, Lateral No. 3, Virginia Avenue and McHenry Avenue;

3- That plans include only the drainage lines and inlets and curbs and gutters;

4- The district be initiated by Council action when plans and specifications are sufficiently developed;

5- That limited work be done on other areas until it is determined whether the people in this district want drainage.

MOTION

That the staff be authorized to proceed on the basis outlined in the Director of Public Works' report.

Moved by Robinson Seconded by Anderson Unanimously carried

REPORT ON IMPROVEMENTS TO ELECTRICAL EQUIPMENT IN PUMP STATIONS 9-98

The City Manager reported on the electrical installation which had been done in the older pump stations of the city to bring up the water pumping facilities to meet the Board of Fire Underwriters' requirements for the No. 2 fire rating and to comply with the current codes and regulations.

ANNOUNCEMENT OF CITY-COUNTY MEETING WITH REQUEST FOR SUGGESTIONS OF SUBJECTS FOR DISCUSSION 10-10

It was agreed by the Council members that the subjects, "billboards" and a progress report from the county on the county road program, should be placed on the agenda for discussion at the next regular meeting of the Stanislaus City-County Committee meeting being held on Monday, March 25.

REPORT ON THE SERVICE PROGRAM 10-20

The City Manager reported on a continuing program throughout the city organization to assure thoughtful, courteous service to every person who comes in contact with Modesto's city government. This program includes 1) telephone training classes, 2) telephone calls after hours are relayed to the Police Department for answering, 3) skeleton crews are maintained in city offices during noon hours; 4) invitations are issued to call or visit the city offices whenever questions arise, and written invitations from the Mayor have been mailed weekly to 50 Modestans to urge them to attend Council meetings; 5) annual reports are mailed to every citizen; 6) a weekly city radio program is carried on three radio stations.

He reported that the program had been reviewed with representatives of the employees associations and they have taken it on again as a special project to help themselves to assure friendly courteous service to the people.

He suggested that "courtesy citations" be issued by the police officers to drivers who have been observed to exercise courtesy and thoughtfullness beyond the usual; that more thank-you letters be written to people in appreciation of outstanding cooperation or cooperative attitudes; and that the members of the Council and the citizens of the city suggest to the city employees, areas where they can improve public service and public relations.

ADJOURNMENT

MOTION

That the Council meeting be adjourned in honor to the late Fire Marshal Durwood C. Taylor

Moved by Anderson Seconded by Hammond Unanimously carried

The meeting was adjourned at 6:45 P.M.

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

The Council of the City of Modesto met in regular session this date at 7:30 P.M. 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, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Absent: None

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

Rev. Alan Goozee, pastor of the First Methodist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of March 6 and 13, and the same being available for public inspection and there being no objections, the minutes were approved.

REQUEST FROM MODESTO JUNIOR CHAMBER OF COMMERCE TO USE THE CITY'S PARKING LOT AT 15TH AND I STREETS FOR ANNUAL "ROAD-E-O" SAFE DRIVING PROJECT 1-25

A letter received from the Modesto Junior Chamber of Commerce was read requesting use of the city's parking lot at 15th and I Streets for its annual "Road-E-O" to be held on May 4.

City Manager Ross Miller recommended granting permit under the same conditions required in previous years---the Chamber hold the city harmless from and against any and all costs, damages, or liabilities and that the lot be cleared after and during the program and the program not interfere with its availability for parking purposes.

RESOLUTION NO. 57-121

A RESOLUTION GRANTING PERMIT TO THE MODESTO JUNIOR CHAMBER OF COMMERCE TO USE THE FIFTEENTH STREET PARKING LOT FOR ITS ANNUAL "ROAD-E-O" SAFE DRIVING PROGRAM ON MAY 4, 1957

Introduced by Robinson Seconded by Adams

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

LETTER FROM MODESTO CITY SCHOOLS RE: DOWNEY HIGH SCHOOL SWIMMING POOL 1-42

A letter was read from the Modesto City Schools notifying that the Schools would proceed at once on the construction of the swimming pool at the Thomas Downey High School and that the school staff had been asked to determine if there were any other aspects on the operation agreement which needed to be clarified before the pool was placed in operation. The letter was ordered filed by Mayor Marks.

LETTER FROM CHAMBER OF COMMERCE OF STANISLAUS COUNTY 1-47

A notice received from the Chamber of Commerce of Stanislaus County regarding Stanislaus County Water Festival Day to be observed in the County on Sunday, April 28th, was noted by the Council and ordered filed.

REFUSE REQUEST OF TRANSADTISE COMPANY TO OMIT THE BUS SCHEDULE ON THE BUS BENCHES UNTIL NEW ROUTES ARE ESTABLISHED IN CONFIRMATION WITH THE ONE WAY STREET SYSTEM 1-60

Mayor Marks obtained consent of the Council to consider a letter request filed by the Transadtise Company which had been received too late to be included on the agenda.

The Company requested permission to omit the schedule from the newly painted benches until new routes were established in confirmation with the one way street system.

W. R. Tomson, Director of the company, appeared in behalf of his request and outlined the plans for the repainting of all bus stop benches at one time, now located on city property.

After a general discussion, the request was denied by the Council for the following reasons that the general public was in the habit of using the bus schedules; the city was trying to encourage the use of the buses, and that it would be several months before the one-way system would be established and there would be a definite need for the bus schedule until this time when the new routes were established, that the ordinance would have to be amended before this permit could be granted since this was a stipulation when the franchise had been granted to this company.

MOTION

That the request filed by the Transadtise Company to temporarily omit the painting of the bus schedule on the bus benches be denied for the reasons outlined above.

Moved by Anderson Seconded by Adams Unanimously carried

Mr. Tomson reported that Mr. Kleinenbroich had already submitted a change of the bus routing to the Public Utilities Commission for approval.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS ON AIR CONDITIONING McHENRY LIBRARY 2-06

Plans and specifications for the air conditioning of the McHenry Public Library Building were briefly explained by Assistant Director of Public Works Roy Fredricksen. He reported that it was proposed to establish 8 units, six on the first floor and two in the basement Council Chamber, one directly in the rear of the Mayor's chair. Councilman Adams suggested that the bid call provide for the unit which will be established behind the Mayor's chair to have the lowest possible noise level to prevent disturbance during the Council meetings. It was agreed by the Council that the staff should investigate this possibility and if this type of equipment could be obtained that an addendum to the specifications be prepared for submission to the bidders.

RESOLUTION NO. 57-122

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR AIR CONDITIONING OF THE McHENRY PUBLIC LIBRARY

Introduced by Anderson Seconded by Adams

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

ORDINANCE RELATING TO CONVEYING ONE-HALF INTEREST IN MAGGI PROPERTY TO THE COUNTY OF STANISLAUS 2-55

ORDINANCE NO. 158-C.S., entitled

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO THE COUNTY OF STANISLAUS OF AN UNDIVIDED ONE-HALF INTEREST IN THE JOHN J. MAGGI PROPERTY ACQUIRED BY THE CITY OF MODESTO THROUGH CONDEMNATION PROCEEDINGS FOR AIRPORT EXPANSION PURPOSES

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

Moved by Arata Seconded by Adams

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

CONSIDER INTRODUCTION OF ORDINANCE PROHIBITING LOITERING ON THE PUBLIC STREETS AND PUBLIC PLACES 2-57

The City Attorney reported that he had prepared, at the request of the Police Chief, for Council consideration, an ordinance designed to provide means of preventing either adults or minors from loitering in or about public places or streets. He briefly reviewed the provisions in the ordinance for Council information. He cited instances which occurred in the city which would be regulated by this ordinance.

The City Manager pointed out that this ordinance would establish a legal basis to prevent or disperse gatherings of adults or minors which were obviously for no good purpose, or without a lawful purpose in mind.

Police Chief Neel stated that there was a problem, especially around drive-ins and 10th Street parking lots. The owners had asked for police help on numerous occasions to clear out groups who were doing nothing but hanging around creating a disturbance. In some instances, the owners have hired private officers but this has not solved the problem. Due to the limited police staff, he stated, the city is not in a position to place a police officer at these locations full time. Such an ordinance would be enforced by the Police Department personnel, he stated, with the utmost discretion to obtain the fullest kind of cooperation from the young people in the community.

He reported on the success of the department's program for curfew violations which he considered was the major factor in reducing the number of juveniles which have become involved in criminal offenses during the past year.

Objections to the ordinance presented by some of the Council members were that it would be too much regimentation; that it would depend too much upon the police officers themselves; that the ordinance would violate basic human rights, as defined in the constitution; that better enforcement of existing city ordinances and state laws would correct the situation without the adoption of this ordinance; that the ordinance could be limited to 18 years old or younger persons; that the Council should not adopt any type of legislation which would hinder the right of assembly; that a time limit be established in the ordinance; that this was the type of law which could be abused since both minors and adults were included; that there was a certain danger that is implied, in attempting to solve a specific problem by writing legislation which deprives people of other rights.

Police Chief Neel reported on police action taken to clear the park area from sleeping transients in front of the Southern Pacific Depot on Ninth Street at J Street, which was done under the State vagrancy statute. He stated that a considerable number of arrests were made but this was not covered by the provisions of the proposed loitering ordinance.

Mayor Marks stated that "we all are in fullest sympathy with the situation but there is a problem that perhaps in some other time and some other place, with some other different people that this (ordinance) could be used as a method to prevent the right of free assembly".

It was generally agreed by the Council that it recognized the problem but the introduction of the ordinance should be held over until the staff could assemble a report on the experience of other cities throughout the state on the same problem.

Councilman Arata considered that the policing of the "Tenth Street Drag" could be improved, and that the "dragging" should be stopped.

Chief Neel pointed out that it was not illegal to drive up and down Tenth Street and that unless someone was violating a traffic law, the police could not take any action, unless the driver is a juvenile, out after the curfew hour, 11:00 P.M. Many arrests of juveniles have been made, he stated, and the crime rate involving juveniles, has been materially decreased during the past year. He attributed this decrease to the curfew law enforcement. 1100 citations were issued for moving violations in February, which was almost 3 times the number for the same period last year. The accident rate on Tenth Street is practically "nil", about the only accidents involve people opening doors. There are usually 2 cars cruising in the area between 9 P.M. and 11 P.M. and when possible a motorcycle is used since it proves more efficient when the street is crowded. He considered that the problem of "dragging" was over emphasized, that there were a lot of kids who wished to ride up and down the streets.

Mayor Marks pointed out that the city should not make things too miserable for the youth in the community, as long as they were not breaking any laws. He pointed out that when the one-way street pattern was in effect it would tend to decrease the "dragging" since it would not be as interesting for the participants. He commended the Police Chief for the improvement in this situation.

Police Chief Neel reported on the "muffler" problem which irritated a number of people. The problem was created by the fact that the people who had been cited were not required to remove the muffler (pipes) from their cars---they pay the fine and keep the muffler. Up to the present time, when the Probation Office was in charge, he stated, any person under 17 was sent to the Police Department to correct the situation. However, many of the offenders are over 17 years of age. He stated that the control is now under the supervision of the courts, and these people 18 and over go to court and pay a bail, and are not required to make any changes whatsoever.

The City Manager suggested that the sale of these "pipes" be prohibited in the city. He suggested that the Judges be asked to require that the offenders brought before them be required to remove the pipes and not permit the car to operate illegally.

Police Chief Neel reported that the Police Department already had an appointment arranged with the Judges to discuss this problem. He stated that he recognized the Council's concern about the 10th Street problem but it was not as bad as it sounded. He stated that if the Council wished more policing and extra enforcement, that additional personnel and equipment would be needed. The town cannot be covered with the present personnel---"we are trying to police a town of really

70,000 people with a force that is perhaps large enough for 30/35,000 persons". He invited the Council members to ride with a patrol car for about four hours between 7 and 11 P.M. to see the situation first hand.

The Council generally agreed that the suggestion would afford the members an excellent opportunity to study the problem.

Police Chief Neel reported on the studies being made on the different types of radar equipment by the Police and Traffic Departments, before the final decision was made on the type to be purchased by the city.

MOTION

That the Council review this discussion at a later date after the staff has submitted a report on the experience of other communities on "loitering".

Moved by Hammond Seconded by Merrill Unanimously carried

The City Manager commented on the advantage of having a "loitering" ordinance, even if it was not used often, stating that it could be used to prevent difficult situations from developing.

HEARING ON PROPOSED REZONING OF SECTIONS 17 AND 19 OF ZONING MAP 4-72

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on recommendation submitted by the Modesto City Planning Commission, on the rezoning of the two separate areas from Residential Agricultural (R-A) to Single-Family (R-1) boundaries of which are set forth in the Commission's Resolution No. 374.

The City Clerk certified that the notice of the hearing had been published in the city's official newspaper, the Modesto Journal and Valley Citizen, on March 7, as required by the Municipal Code; that copies of the notice had been delivered to various homes in the areas and that no written protests to the proposed rezoning 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.

ORDINANCE NO. 159-C.S., entitled

AN ORDINANCE AMENDING SECTIONS 17 AND 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON

Introduced by Hammond Seconded by Robinson

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

HOLD OVER MATTER OF CONSIDERATION OF PURCHASE OF PROPERTY ADJACENT TO LIBRARY 4-100

The City Manager asked that this matter be held over since the Library Board had asked for additional information on the proposed purchase, before it makes a recommendation to the Council.

WITHDRAW SYCAMORE ADDITION FROM THE McHENRY DRY CREEK FIRE PROTECTION DISTRICT 4-106

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (SYCAMORE ADDITION)

Introduced by Merrill Seconded by Hammond

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

REPORT ON LEGISLATIVE MATTERS 4-110

The City Manager reported on the meeting called by Senator Burns in Sacramento, which Supervisor Bob Adams and he had attended, March 26. Senators and representatives from various northern areas were present and the state water problem was discussed. Time is getting tight, Southern California is pressing, Northern California representatives generally feel that this issue cannot move as fast as Southern California insists it must. If a constitutional amendment which jeopardizes the Northern area water rights is pushed through the Assembly, the Northern Senators feel that it can be blocked in the Senate. Mr. Miller stated that of the dozen or so senators who spoke at the meeting, most made a plea, "let us know what you think about this. We would like to hear from you". They recommended that the northern people stick together and assist in disseminating information on the water problem.

Mr. Miller reported that the constitutional amendment proposed relating to immediate possession of airport land in condemnation proceedings will be before the Senate Judiciary Committee on Monday, April 1, at 1:00 P.M. Senator Teel asked that the city be represented at this meeting.

The City Manager stated, to a question from Mayor Marks, as to what other action the city could take on the water rights problem, that a resolution from the Council stating its position would be helpful to Senator Donnelly and Assemblyman Brown. He was directed by the Council to prepare a resolution along the lines previously discussed by the Council and present it at a later meeting for Council approval.

City Attorney Grimes reported on the "railroad grade separation" proposed legislation. He stated that the League had prepared an amendment to SB2208 to take cities and counties out of the bill; however, a compromise has been proposed to provide for the allocation of some state money to a grade separation fund and then the cities would apply for these funds on a competitive basis to get it in relation to need. He stated that his own analysis of this compromise was that it was just a "sop" by dangling some free money in front of the cities eyes; that it is still taxpayers' money and it still gives the railroads a "free ride". It is pure expediency against principle and that in this case he supports the principle tha the Public Utilities Commission should continue to exercise its present power to allocate grade separation costs, based on fairness and equity as the facts develop in each hearing before the Commission. The League is requesting comments from the various cities as to whether they want to fight for the elimination of cities and counties from the bill or to go along with the compromise.

The City Manager urged that the city stand on the principle. Mayor Marks recommended that the city make its stand known to the League on the matter and Senator Donnelly and Assemblyman Brown.

MOTION

That the city make its stand on the matter to eliminate cities and counties from the bill, known to the League Board and the City Manager present it at the meeting of the League Board being held next week.

Moved by Anderson Seconded by Robinson Unanimously carried

The City Attorney reported that a bill had been presented in the Legislature to make zoning ordinances applicable to local governmental agencies, which is in question at this time because of the decision which was rendered by the Supreme Court last fall. It is reported, he continued, that the bill has been amended to exempt certain public utility operations from it. He recommended that the Council support this measure in its amended form to still make local zoning ordinance applicable to other local governmental agencies.

Councilman Anderson contended that the cities would have more power without this bill, as proposed with the amendment.

The City Manager suggested that Council action on the bill be withheld until after the League Board meeting and he would make a further report.

DISCUSS QUESTION OF PLACING M.I.D. POLES UNDERGROUND 5-97

Mayor Marks raised the question on the placing of power lines of the Modesto Irrigation District underground and asked what was being done within the city limits, and what affect it would have on keeping the city's fire rating down to No. 2.

The City Manager stated that the District was doing a substantial amount of work but he would make a check and report at a later date.

Mayor Marks stated that as far as he was concerned, if the district was proceeding on the program, that he would not need any further report.

CITY ATTORNEY REPORT ON FRANCHISE BILLS BEING CONSIDERED BY LEGISLATURE 5-105

The City Attorney reported on the meeting of the Franchise Committee of the League held in Berkeley last week. On the series of bills that would grant cities full rights in the franchise field, he stated, that as a member of the committee he had taken the position to support them. He asked if the Council wished to go on record supporting legislation, both constitutional amendments and statutory changes that would make it clear that cities have full rights in this field.

Mayor Marks considered that the Council had already gone on record in favor of this legislation in its previous discussion during the past years.

MOTION

That the Council indicate its position by approving the principle of granting full franchise rights to cities.

Moved by Anderson Seconded by Mayor Marks Unanimously carried

DISCUSS CONSTRUCTION OF BUILDING EXTENDING INTO TWO DIFFERENT FIRE ZONES 6-06

The City Manager reported that the warehouse building to be built by the Stanislaus Food Products Company in Block 78, at the corner of 12th and D Street would extend into two different fire zones, a portion in zone #3 and a portion in zone #2.

He read the letter from the Company requesting that the Council change the boundary line between these zones in Block 78 and 99 over to the northwest side of D Street so that the warehouse could be constructed similar to its other buildings in this area.

The City Manager reported that due to the short length of time available, since the request had been filed, it was not possible to determine why the fire zone No. 2 boundary had been extended past the D Street line for a distance of 100 feet instead of stopping at the street line.

Chief Building Inspector Hermida spoke briefly on the method used in establishing fire zones, and types of construction permitted in each fire zone. He pointed out that the new building proposed would have two four hour masonry walls, one on an existing building and the other facing D Street, on the two side walls approximately 200 feet long, the company plans to plaster the exterior of the walls but does not want to plaster them on the inside as would be required by the building code since more than one third of the building would be in the most hazardous fire zone.

The City Manager reported that he had not had the opportunity to check with the Board of Fire Underwriters on the effect it would have on the city's fire rating but had checked with the Fire Chief who was not sure why the boundary of the fire zone had extended 100 feet beyond D Street. He pointed out that it would be necessary for the city to amend the code in order to grant the company's request for a change in the fire zone.

Mr. Cecil Jones, speaking on behalf of the company, pointed out the company wished to know, prior to the construction, the cost of the building since it would cost approximately $4,000 extra to plaster the two interior walls.

The City Manager suggested that before any action was taken the Board of Fire Underwriters be contacted and a report be made to the Council. This should cause no delay as far as the architect was concerned since the plans would be the same except for the two interior walls. He stated that an ordinance could be prepared and presented next week for Council action, along with a report from the Board and other who might be interested as to the location of the fire zone boundary.

MOTION

That the City Attorney be instructed to prepare an ordinance for Council consideration at the next meeting, changing the fire zone boundary, and the staff to bring an additional report.

Moved by Anderson Seconded by Robinson Unanimously carried

The City Manager pointed out that until the ordinance was actually adopted, and effective, the fire zone would not be changed.

REPORT ON NEGOTIATIONS FOR PARK SITE ADJOINING GARRISON SCHOOL AREA 7-75

The City Manager reported on the progress of the negotiation, authorized by the Council, on the purchase of the Olaf Hansen property adjoining the Garrison School for park purposes. He reported on the special problems involved in the acquisition of the property--that the small acre area south of this property was the only parcel of land served by an irrigation line running along the border of the school property. When the land was purchased by the schools, they had been unsuccessful in buying the right to cut the water off and in the city's negotiation consideration had been given to 1) undergrounding the water line which would be involved in the park development and the proposed extension of Teresa Avenue, and 2) the owner is unwilling to yield the water right on any basis even if the city agreed to furnish the water, as an alternative. The prices asked by the owners are out of line with the city's appraised value and the staff considers that the best way to clear the

matter is to purchase both pieces of property, extend the street and dispose of the balance of the property. He stated that it appeared that condemnation proceedings would be necessary on both parcels.

The legality of using funds which had been secured from subdividers for park fees for the purchase of this property was briefly discussed. The City Attorney pointed out that the subdivision regulations appeared to preclude the use of the park funds for the purchase of the south portion if a portion was to be sold later. It was agreed that the staff work out the method of fund allocation for the purchases.

MOTION

That the City Attorney be instructed to prepare the papers for Council consideration at a later meeting to institute condemnation proceedings for the purchase of the two parcels

Moved by Merrill Seconded by Adams Unanimously carried

APPOINTMENT OF CHARLES BIRD AS DIRECTOR OF FINANCE 8-35

The City Manager obtained permission from the Council to bring up a matter not on the agenda---the appointment of a Director of Finance.

He reported on the city's endeavors to obtain a replacement for the position of Director of Finance which had been vacated in November by Fred L. Lawrence and which Charles Bird, Chief Accountant, had been temporarily filling. During the four months interval, Mr. Bird has demonstrated his ability to fill this position, Mr. Miller stated, and on this basis he had decided to appoint him as Director of Finance. One consideration, however, which must be cleared by the Council, is the salary range, which he believed should be revised downward to be more in line with some of the other department heads.

MOTION

That the appointment of Charles Bird as Director of Finance by the City Manager be approved and the preparation of a resolution setting a new salary range be authorized, as recommended by the City Manager.

Moved by Merrill Seconded by Anderson Unanimously carried

Mr. Bird expressed his appreciation for the opportunity to serve the city in this capacity.

The City Manager directed him to send to the Council copies of the schedule of budget hearings which would start Friday, March 29.

FURTHER REPORT ON OFFER OF PARK SITE NEAR JAMES MARSHALL SCHOOL 8-100

The City Manager reported that the Council Committee and staff had been working on the possibility of securing a site adjoining the James Marshall School but were in agreement that the matter should be held over for further consideration.

REPORT ON APPROVAL BY PUBLIC UTILITIES COMMISSION OF APPLICATION OF CITY OF MODESTO FOR WIDENING AND ALTERING THE TIDEWATER RAILROAD CROSSING OF GRANGER AVENUE 8-103

The City Manager reported redeipt of the Commission's approval and that the city would proceed on this basis.

TRANSFER ADDITIONAL INTERIM FUNDS FOR ADVANCE PLANNING 8-103

RESOLUTION NO. 57-124

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $908 FROM GENERAL RESERVE TO PLANNING DEPARTMENT, ADVANCE PLANNING DIVISION FOR SALARIES AND WAGES

Introduced by Merrill Seconded by Anderson

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

Informal word has been received, the City Manager reported, that the federal government had approved the joint city-county application for funds for this program.

FURTHER REPORT ON BALL PARK - PAINTING 8-123

Councilman Arata reported that the investigation of the Council Committee and staff indicated that the cost of repainting the Del Webb Field would exceed $1500. Due to the short time available before the baseball season starts, it would be impossible to call for bids as required by the Charter, he stated, and the committee recommended the city proceed with painting the field up to the sum of $1500 and that any additional work be done at the close of the season in the fall.

MOTION

That the staff be authorized to work with the Council Committee and proceed on the basis outlined and obtain informal bids on painting a portion of the field up to $1500.

Moved by Arata Seconded by Merrill Unanimously carried

CONSIDER PERIMETER SEWER AGREEMENT WITH LANCE AND CARROLL ELLIS IN GREGORY GARDENS SUBDIVISION NO. 2 9-17

The City Manager asked for and obtained permission to present a matter which was not on the agenda relating to the construction of a perimeter sewer along the south side of Gregory Gardens Subdivision No. 2.

Director of Public Works Ray reported on the informal bids received by the subdivider, Lance and Carroll Ellis, one-half of the cost, $4,565.60, to be paid by the city. The sewer is designed, he reported, so that future subdivisions could utilize it. He reported that the regular letter agreement had been prepared for execution by the City Manager upon approval by the Council.

The City Attorney pointed out since this involved an expenditure in excess of $1500, it would be necessary for the city to call for bids, and the subdivider to pay the city one half of the cost. The matter was held over for later attention.

REQUEST BY JOE'S TAXI FOR RELEASE OF ONE TAXI STAND 9-52

A request was filed by Joe Sequeria, operating Joe's Taxi, for permission to release the northern most taxi stand leased by him on Tenth Street at H Street.

MOTION

That the City Attorney be authorized to prepare the necessary

papers for the release of this stand for Council consideration.

Moved by Anderson Seconded by Robinson Unanimously carried

CLEAR PERCENTAGE OF COST TO BE PAID BY CITY FOR LOCAL FISCAL RELATIONS STUDY 9-70

MOTION

That the city's percentage of the estimated cost of $4,000 for the study and report to be undertaken by the County and cities concerning all fiscal relationships between local public agencies in the county, as set forth in Resolution No. 56-517, adopted by the Council on December 19, 1956, be started on the basis of the 1957-58 State's estimate of revenue, which would mean 52.5% and that it be adjusted later on the basis of the final costs.

Moved by Mayor Marks Seconded by Merrill Unanimously carried

Mayor Marks pointed out that it had been agreed in previous discussions with representatives from other cities, county, and the company proposed to make the study, that the maximum cost for the study would be $4,000.

The City Attorney pointed out that this limit had not been included in the resolution which had been adopted by the city and distributed to the various cities and county. Councilman Hammond considered that since the interpretation of the percentage was being cleared that the maximum amount of $4,000 should also be made clear, since the company had agreed to this contract price.

The City Manager stated that he would advise other interested parties by letter, that the City of Modesto was clear on the percentage of cost but not on the amount. Mayor Marks recommended that the City Manager call the county to clear the amount.

ACCEPT OFFER OF GEORGE HANSEN FOR RIGHT OF WAY ON TULLY AVENUE 9-100

Pursuant to referring the offer from George Hansen to negotiate with the city for the right of way at his store building, 429 Tully, to the staff for study and report, the City Manager reported that the cost for remodeling and cutting off the front of the building would be $16,701. Mr. Miller pointed out that this was in line with the Council's policy--that severance cost be assumed by the city. Mr. Hansen has filed a letter agreeing to accept this sum any time prior to June 30, 1957, and deed the right of way to the city, the City Manager reported.

MOTION

That the preparation of an agreement for Council approval along the lines cutlined by the City Manager be authorized, accepting the offer of George Hansen for the right of way

Moved by Arata Seconded by Merrill Unanimously carried

The City Manager stated that reallocation of funds to make money available for this purchase would be presented at a later date for Council approval.

GRANT PERMIT FOR ASSISTANT CITY MANAGER MASONHEIMER TO ASSIST YUBA CITY FOR ADDITIONAL CONSULTING SERVICE 10-5

MOTION

That Assistant City Manager Bill Masonheimer be authorized

to assist the City of Yuba City for a few days in working out its fringe area and civil defense problems.

Moved by Adams Seconded by Hammond Unanimously carried

The Council authorized Mayor Marks to write a letter expressing the city's desire to cooperate with them in any way possible.

REQUEST LEGISLATIVE ACTION TO INCLUDE CROWS LANDING ROAD IN STATE HIGHWAY SYSTEM 10-30

RESOLUTION NO. 57-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO REQUESTING STATE SENATOR HUGH DONNELLY AND ASSEMBLYMAN RALPH BROWN TO SPONSOR LEGISLATION TO INCLUDE CROWS LANDING ROAD IN THE STATE HIGHWAY SYSTEM

Introduced by Anderson Seconded by Merrill

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

The City Manager reported that the County had reaffirmed its position on this matter at the last city-county committee meeting.

DISCUSS PROPOSED NAVAL INSTALLATION AT CROWS LANDING AREA 10-40

Councilman Hammond, Chairman of the Council Industrial Committee, obtained the unanimous consent of the Council to consider a matter not on the agenda---the proposed Naval construction in the Crows Landing area.

He considered that this should be considered as an area-wide, instead of just a local, Crows Landing problem. He pointed out that the City of Modesto was vitally interested in any such installation and recommended that the Council request the staff to investigate and report at the next Council meeting as to all of the facts concerning the proposed installation extending the present facilities at the airport and the potential naval biological facility.

MOTION

That the staff be authorized to investigate and report to the Council the facts relating to the proposed extension of the present facilities at the airport at Crows Landing by the U. S. Navy and the proposed Naval Biological Facility, on the basis of the county and area good.

Moved by Hammond Seconded by Arata Unanimously carried

REPORT RECEIPT OF DEED TO THE CROW PROPERTY (HOTEL MODESTO) 10-67

City Attorney Grimes reported receipt of the deed on the Crow property. (Hotel Modesto)

REPORT FROM STATE BOARD OF EQUALIZATION ON ADMINISTRATION OF UNIFORM STATE SALES TAX 10-70

The City Manager reported receipt of a letter from the State Board of Equalization approving agreement for the administration of the uniform state sales and use tax for the city and county of Stanislaus, effective April 1, 1957.

REPORT ON TRAFFIC PAINTING 10-73

A report on traffic painting was noted by the Council.

REPORT ON COOPERATION ON DETECTIVE WORK 10-75

A report on the cooperation of the local optometrists with the police department in apprehending a burglar was noted by the Council. He stated that the Chief of Police had acknowledged this cooperation by individual letters expressing the city's appreciation.

REPORT BY HEALTH OFFICER ON IMPROVEMENT IN ARRANGEMENT OF WASTE DISPOSAL AT ANGELO'S MARKET 10-85

The City Manager reported that these arrangements had been improved and that the persons making the complaint had indicated their satisfaction and appreciation for the improvement.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Anderson Seconded by Adams 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: Adams, Anderson, Arata, Hammond, Merrill, and Mayor Marks
Absent: Councilmen: Robinson

Councilman Robinson arrived at 4:04 P.M.

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

Rev. Charles W. Foley, Jr. pastor of the Calvary Baptist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of March 20, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON ROTARY TYPE COMPRESSOR 1-10

Specifications for the purchase of an air compressor, which had been budgeted in this year's budget, were explained by Director of Public Works Marvin Ray, who suggested that the date of Monday, April 22, 1957, at 2:00 P.M. be set as the time for opening of the bids. Questions raised by the Council members relating to the proposed use of the equipment were answered by Mr. Ray.

RESOLUTION NO. 57-126

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE NEW ROTARY TYPE COMPRESSOR

Introduced by Adams Seconded by Robinson

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

ACCEPT BIDS FOR PIPE, VALVES AND FITTINGS 1-55

A tabulation of the 19 bids received for supplying pipe, valves and fittings, which had been opened on Monday, April 1, at 2:00 P.M. was considered by the Council. Mr. Ray reported on his recommendations for acceptance.

RESOLUTION NO. 57-127

A RESOLUTION ACCEPTING THE BID OF JOHNS-MANVILLE FOR 11,400 FEET OF EIGHT INCH ASBESTOS CEMENT PIPE (ITEM 2b)

Introduced by Hammond Seconded by Adams

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

RESOLUTION NO. 57-128

A RESOLUTION ACCEPTING THE BID OF UNITED STATES PIPE AND FOUNDRY FOR 9600 FEET SIX INCH CAST IRON PIPE (Item 1a)

Introduced by Arata Seconded by Robinson

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

RESOLUTION NO. 57-129

A RESOLUTION ACCEPTING THE BID OF WATER WORKS SUPPLY COMPANY FOR CAST IRON FITTINGS (Items 3 through 14)

Introduced by Anderson Seconded by Adams

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

RESOLUTION NO. 57-130

A RESOLUTION ACCEPTING THE BID OF LUDLOW VALVE MANUFACTURING COMPANY INC. FOR FURNISHING OF GATE VALVES (Items 15 through 18)

Introduced by Hammond Seconded by Robinson

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

AUTHORIZE INSTALLATION OF PERIMETER SEWER IN GREGORY GARDENS NO. 2 SUBDIVISION 2-26

As directed by the Council, the Director of Public Works presented plans and specifications for the construction of a perimeter sewer in the Gregory Gardens No. 2 Subdivision to be financed jointly by the city and Lance and Carol Ellis, Subdividers.

MOTION

That the Council approve the construction of the perimeter sewer in this subdivision as outlined.

Moved by Arata Seconded by Anderson Unanimously carried

RESOLUTION NO. 57-131

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE INSTALLATION OF PERIMETER SEWERS IN GREGORY GARDENS SUBDIVISION NO. 2

Introduced by Adams Seconded by Robinson

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

The time set for the opening of the bids was Monday, April 15, at 2:30 P.M.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR DIVERSION BOX AT SEWAGE TREATMENT PLANT 2-40

RESOLUTION NO. 57-132

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE INSTALLATION OF DIVERSION BOX AT SEWAGE TREATMENT PLANT

Introduced by Arata Seconded by Merrill

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

Bids to be opened at 2:30 P.M., April 22, 1957.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF SANITARY SEWER LATERAL IN EAST PORTION OF BLOCK 6077 (ORANGEBURG AND TULLY AVENUES)

RESOLUTION NO. 57-133

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE INSTALLATION OF SANITARY SEWER LATERAL IN EAST PORTION OF BLOCK 6077 (ORANGEBURG AND TULLY AVENUES)

Introduced by Anderson Seconded by Robinson

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

The time set for the opening of the bids was Monday, April 22, at 3:00 P.M.

FURTHER CONSIDERATION ON CLOSING OF PORTION OF MYRTLE AVENUE AND ALLEY IN BLOCK 451 2-55

Mayor Marks announced the meeting open for further Council discussion on the possible closing of a portion of Myrtle Avenue and alley in Block 451, after its field trip to inspect the area, and the appeal filed by property owners on the decision of the Board of Zoning Adjustment granting a conditional use permit for the expansion of church facilities at this location to the Emanuel Lutheran Church.

The first matter considered by the Council was the closing of the street and alley.

Councilman Anderson asked that Frank Young, Engineer from the Board of Fire Underwriters of the Pacific, who was present, answer certain questions he wished to raise regarding the closing of streets.

To Councilman Anderson's question--what effect, if any, would this street closure have on the reduction of the fire rating in the city, if it were combined with other street closures?

Mr. Young replied that by itself it would have no effect on the grading classification. However, if it was the indication of a policy which would be continued indiscriminately it could have an effect, for the simple reason that the basic problem is one of getting the fire apparatus from the station to the fire. Various standards are used to measure these things: the type of area or zoning to which the fire apparatus is responding, and distance from the station. The distance is not as important in a residential area as in a high value district. This also applies

to the closing of streets. If the street proposed to be closed is an arterial street, secondary street or collector street of major importance it would be more severe than if it was a small residential area and serving only a restricted district, as is this case in question. He suggested that in each street closure that the opinion of the Fire Department be secured and each case be reviewed individually and graded on its own merits. He discussed the recent closing of a portion of Sydney Street approved by the Council, and indicated his approval of the manner in which it was handled.

He stated that the closing of Myrtle Avenue, which served a limited area, would not be objected to by the Board at all and no deficiency would be charged against the city whatsoever. He stated that the grading schedule was not broad enough and fine enough in scope to measure this particular instance.

He pointed out that even if the city were to close off all of Sydney Street, leading into an involved high value industrial district, there would be no effect which could be marked precisely upon the grading schedule. However, he repeated---if this indicated a course of action which the City Council would take whereby large areas of the city would be blocked off, the street pattern changed, the methods of response of the fire department would be altered with possible changes required in the fire methods and the fire response--then those items would have to be measured.

Mayor Marks asked him if the possible closing of 11th Street between H and I Street would have any effect on the fire grading of the city. Mr. Young's reply was "yes". Fire Zone No. 1 or the core area is the section where the Board is most concerned in street changes, since it represents a congested, high value district with peculiar problems of building density. Mr. Young stated that since Fire Zone No. 1 represents such a considerable part of the fire protection problem, the Board concentrates a major part of its grading schedule on that area. The Board, of course, is interested in residential districts also but the hazard is considerably less in those areas and less in commercial areas which are isolated or spread out with considerable separations in them. He stated that the Board had reached the point in the growth of cities, where the commercial areas are being broken up by off-street parking regulations, with the result that the conflagration pattern is being measurably reduced, but correspondingly industrial areas are growing much larger, with a greater density of buildings and a concentration of values, so the problem is shifting from commercial into industrial area. The Board's grading schedule is not prepared to meet this contingency and it has to go back on the old way of doing things.

Councilman Anderson asked Mr. Young--how about closing several feeder streets into a main arterial street?

Mr. Young stated that the fire department was dealing with an emergency service, which in itself was peculiar, since the possible response of the fire department to a given area must be considered, at any given time under any sort of conditions. It is one thing to drive out to the city's residential tracts and comply with the speed limits and with the weather conditions for business or social purposes, but it is a different matter to take a fire engine out of the station and turn the red light and siren on and make a response to that same area, because the driver must ignore certain basic rules of safety when that response is made. At the same time, the men who are driving the fire apparatus possibly come from another residential district or area of the city and although they are familiar in general with the conformation of the blocks and peculiarities of each and every one, they are not precisely familiar with the result that they have to depend upon general knowledge. If these feeder streets are closed and constitute dead end streets, and if the fire department through mechanical or human error makes a wrong turn and finds itself in a dead end street, possibly 2 or 3 blocks away from the fire, it is a humiliating experience for them to have to make a U turn and lead all the apparatus around, and all the people who are following them, in a big circle and then go to the fire.

The City Manager pointed out that it had always been the policy to clear any street closures with the Fire Department, any interested groups, and finally with the Board.

Mayor Marks considered that the plan proposed by the Emanuel Lutheran Church which called for the closing of the street would be for the area and community good. The use of Stoddard Avenue to get onto College Avenue instead of Myrtle Avenue and Terminal Alley was a lot less hazardous, he stated.

The City Attorney noted that in the vacation and abandonment proceedings, which was done in accordance with the plan on file in the office of the City Clerk, it reserved from the vacation a permanent easement for public utility purposes along Myrtle Avenue, as was recommended by the Department of Public Works.

Councilman Anderson stated that he still felt that some of the requirements imposed on churches by the Board of Zoning Adjustment were excessive. Churches should not be required to furnish substantially more parking spaces than commercial establishments which have a large number of customers.

Councilman Hammond considered that churches should not be classed as "commercial establishments". He considered that the provision in the Municipal Code which permitted the Board to establish the requirements for churches was "very wise" since it was difficult for churches to locate in the community and be compatible with neighbors. The requirements set for this church would enchance the neighborhood from appearance standpoint and the small amount of street closed would not affect the traffic pattern in the area. The Board of Zoning Adjustment, he stated, has very wisely asked for additional parking over and above what commercial establishments would be required to furnish, since it would permit the parking of cars off the street and permit emergency vehicles to travel the street without danger to the general public.

RESOLUTION NO. 896-S.P.

A RESOLUTION CLOSING AND ABANDONING A PORTION OF MYRTLE AVENUE BETWEEN STODDARD AVENUE AND TERMINAL AVENUE AND A PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 451 IN THE CITY OF MODESTO

Introduced by Mayor Marks Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Robinson and Mayor Marks

Noes: Arata and Merrill Absent: None

RESOLUTION NO. 57-134

A RESOLUTION ACCEPTING GRANT DEED FROM EVANGELICAL LUTHERAN EMANUEL CONGREGATION OF MODESTO FOR ALLEY PURPOSES IN BLOCK 451, CITY OF MODESTO

Introduced by Robinson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

RESOLUTION NO. 57-135

A RESOLUTION REJECTING THE APPEAL TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO THE EVANGELICAL LUTHERAN EMANUEL CONGREGATION OF MODESTO TO EXPAND ITS CHURCH FACILITIES ON STODDARD AND MYRTLE AVENUES

Introduced by Robinson Seconded by Hammond

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

FURTHER CONSIDERATION OF REQUEST OF STANISLAUS FOOD PRODUCTS COMPANY FOR CHANGE IN FIRE ZONE BOUNDARIES 4-25

As directed by the Council, the City Manager reported on the request of the Stanislaus Food Products for a change of the fire zone boundaries. No logical reason for the establishment of the present boundaries of fire zone No. 2, extending beyond the D Street line a distance of 100 feet, was found, Mr. Miller stated, either locally or as far as the rating was concerned The Board has stated specifically that it would rather the line between zones would be either a street or an alley or some kind of natural or man-made barrier and not in the middle of a building, ownership or block, he stated.

Mr. Miller reported that a check had also been made on the buildings on the South side of D Street, between 9th and 14th Streets, since the fire zone ordinance had been in effect for 10 years, to determine whether any other property owners had been compelled to comply with the building requirements for fire zone No. 2. No record was found where this had occurred except where some of the owners on their own volition may have gone beyond the requirements. He pointed out that there were other locations throughout the city where partial blocks have been included in certain fire zones, but due to the short period of time available, no recommendation would be made for a change at this time but it is recommended by the staff that the fire zone No. 2 boundaries between Ninth and Fourteenth Street at D Street be changed to remove the partial blocks and the boundary be set at D Street.

The City Manager requested Mr. Young of the Board of Fire Underwriters to report on some of the problems faced by industries in this regard.

Mr. Young stated that it was the Board's recommendation, based upon a study made by the National Board of Fire Underwriter's, that the fire zones within a community be restricted to commercial areas, areas in which commercial activities already exist or is expected to exist in the future time. For this reason, he stated, the Board makes great use of the city's land use zoning ordinance which indicates the various areas where the city plans to extend commercial or industrial development. It is not the intention of anyone concerned with the fire protection problem to include industrial areas within the fire zones but the Board has a growing problem with the matter of expanding industry and with the increased areas and increased hazards within them, but this was not the particular problem before the Council today.

Mr. Young reported that he had discussed with Mr. Harold Pedersen, the newly appointed Director of Industrial Development of the Modesto Chamber of Commerce, the question of whether or not industry, if it were desirous of coming into an area, would make inquiry as to whether or not there were restrictions upon the area of the building that could be built or upon zoning that would apply. Mr. Pederson stated that industry would be interested in this because the concerns would not want to get into an area where there would be increased building costs, simply because of restrictive measures in the building code. Mr. Young stated that it was the Board's recommendation that the city review its entire fire zoning situation and take up fire zones in their proper place, as being a part of the entire development of a community, not only of the commercial area but the industrial and residential areas and that fire zones be provided where a problem of fire protection exists, such as congestion of buildings,

or wood frame buildings within that area or hazards of occupancy. For this reason, he stated, the Board suggested to the city that it also take into consideration the effect of off-street parking regulations upon reducing the conflagration hazard within these areas. After all of these things are considered in a study by the city, material changes will no doubt be made in the city's fire zones one and two. At the present time, Mr. Young continued, the Board would not like to see the city take Fire Zone 1 out of the city because there is a present problem, which will continue for a number of years to come, of congestion, high value and many old and relatively unsound buildings, not exactly standard buildings in all regards. If and until these buildings are removed, they will remain and remain in good use, for that reason Fire Zone No. 1 will be required for some time. In Fire Zone No. 2, those areas could be restricted considerably, he stated, in following along the lines discussed, in restricting them to commercial areas and excluding industrial areas and residential districts and considering off-street parking regulations in the developing commercial zones, there will be a number of changes required.

Mr. Young commended the city on its voluntary compliance program, where people voluntarily comply with the more restrictive regulations of the Code. The city could arbitrarily require these improvements, he pointed out, but it is a far better situation if voluntary compliance by an education program is practiced.

He pointed out that there were many situations throughout the state, where the fire prevention code and the building code are adopted and an inspector installed in office who really takes it upon himself to bring everybody into line. This proves very difficult and it almost always happens that this employee does not last in his position any longer than two years before his resignation is requested by the citizens, because he has not taken the time to educate the property owners and bring them around to the point of view that these things are being done for their own benefit and interest. In the fire prevention law, he stated, there is a problem in every community whereby the fire prevention ordinance is adopted but the fire prevention code is loaded with construction items which require the technical help of a trained engineer. The fire department is left in charge with the entire regulation of the code and very often it devolves upon the chief of the fire department to make the decisions regarding technical points and he is left without the assistance of a trained man. He pointed out that there was excellent cooperation in the City of Modesto between the building and fire departments but it could be possible sometime in the future that this cooperation would no longer exist, by change of personnel or administration. The Board asks, he stated, to consider this possibility if and when the fire prevention code was changed and assign the building official as a part of the fire prevention program and make it his responsibility to carry out his part of the fire prevention work.

The City Manager stated that the staff would like to study the whole fire zoning program with the Board and bring back to the Council a complete report on it, but at this time action is recommended on the request filed by the Stanislaus Food Products.

ORDINANCE NO. 160-C.S. entitled

AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO FIRE ZONES

was introduced and ordered printed and published by the following vote:

Introduced by Adams Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

The City Attorney pointed out that due to the publication date of the ordinance in the city's official newspaper that it would be impossible to finally adopt the ordinance until April 17.

The Council indicated its approval to Mr. Cecil Jones, representative of the company, that it would be in order to proceed on the building at once without waiting for the final adoption of the ordinance.

FINAL ADOPTION OF ORDINANCE NO. 157-C.S. CURFEW REGULATIONS 5-33

ORDINANCE NO. 157-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 4-7.201, 4-7.202, and 4-7.203 AND REPEALING SECTION 4-7.204 OF ARTICLE 2 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO CURFEW REGULATIONS IN THE CITY OF MODESTO"

introduced on March 20, 1957, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Anderson Seconded by Hammond

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

REPORT ON RECEIPT OF APPROVAL ON APPLICATION FOR FEDERAL PLANNING FUNDS 5-29

The City Manager reported that the city-county application for federal planning funds had been approved. Official confirmation of approval was received from Congressman McFall and Senator Knowland last week, he stated. Mayor Marks was authorized to write letters to them acknowledging their efforts and assistance in getting the application approved.

INTRODUCE HAROLD PEDERSON, INDUSTRIAL DEVELOPMENT DIRECTOR AND SET UP DATES FOR INSPECTION TOURS OF LOCAL INDUSTRIAL PLANTS 5-42

Harold Pederson, the newly appointed Industrial Development Director of the Modesto Chamber of Commerce, was introduced. It was agreed by the Council members that they would attend a series of inspection tours through the local industrial plants to be arranged by Mr Pederson. The date agreed by the members was to be arranged for each Wednesday afternoon beginning April 17, at 1:00 P.M. with a lunch followed by the tour until the time for the Council meeting at 4:00 P.M.

APPROPRIATION TRANSFER FOR PARKING LOTS 5-104

The Traffic Engineer reported that during the past years, 199 parking meters, costing $3,377, had been charged to the general fund but used on parking lots. He also reported that funds in the amount of $120 would be needed to purchase, manufacture and install 24 parking meter posts.

RESOLUTION NO. 57-136

A RESOLUTION APPROVING APPROPRIATION TRANSFER RELATING TO PARKING LOTS

Moved by Anderson Seconded by Merrill

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

AUTHORIZE CHANGE IN TAXI STANDS OF JOE SEQUEIRA, DBA JOE'S TAXI AT TENTH AND H STREETS 6-01

Pursuant to direction from the Council, the City Attorney presented a resolution which provided for the relinquishing of one of the two taxi parking stands by Joe Sequiera on Tenth Street at H Street.

RESOLUTION NO. 57-137

A RESOLUTION ESTABLISHING TAXICAB STANDS ON THE SOUTH SIDE OF TENTH STREET AT ITS INTERSECTION WITH G STREET AND H STREET IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 7942-N.S.

Introduced by Merrill Seconded by Arata

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

REPORT ON TRAFFIC STRIPE REMOVING MACHINE 6-07

The Traffic Engineer reported on his investigation on a traffic line removing machine to be used on the one-way street program when 41,000 feet of white lines would have to be removed. He recommended that the machine be rented on a per diem basis since the city's annual use would be so small after this program was effected, that the purchase could not be justified. He recommended that a machine be rented from Sacramento City on the basis outlined.

MOTION

That the staff be authorized to proceed on the basis outlined and recommended by the Traffic Engineer.

Moved by Merrill Seconded by Robinson Unanimously carried

ESTABLISH LOADING ZONES ON SOUTH SIDE OF TENTH STREET BETWEEN E STREET AND F STREET AND ON NORTH SIDE OF E STREET BETWEEN 9TH AND 10TH STREETS 6-30

RESOLUTION NO. 57-138

A RESOLUTION ESTABLISHING LOADING ZONES ON THE SOUTH SIDE OF TENTH STREET BETWEEN E STREET AND F STREET AND ON THE NORTH SIDE OF E STREET AND F STREET AND ON THE NORTH SIDE OF E STREET BETWEEN NINTH STREET AND TENTH STREET IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NOS. 5652-N.S. AND 8527-N.S.

Introduced by Merrill Seconded by Robinson

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

AUTHORIZE THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO (ROSEBURG BETWEEN CARVER ROAD AND McHENRY AVENUE) 6-36

RESOLUTION NO. 57-139

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Arata

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

ESTABLISH SPEED LIMIT OF 30 MILES ON LUCERN BETWEEN JOHNSON STREET AND COFFEE ROAD 6-45

ORDINANCE NO. 161-C.S. entitled

AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 153-C.S.

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

Introduced by Anderson Seconded by Robinson

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

CONSIDERATION OF POSSIBLE AMENDMENT TO CITY CHARTER 6-58

Councilman Anderson read a prepared statement relating to "rumors" which he had heard, that officers of the City of Modesto and city employees were participating in present city council elections and soliciting funds from city employees on behalf of one of the incumbent Councilmen. He considered that this violated city ordinances. These employees, he contended, had also participated in other local elections in the solicitation of funds and engaged in partisan political activities in elective offices which were non-partisan. He questioned whether the effectiveness of these officers might be reduced in their relationships with other political agencies and the city would be prejudiced by such conduct. He asked that the Council consider a charter amendment to broaden the scope to include all officers and employees of the city. He asked that a committee be appointed of Councilmen, not presently engaged in a campaign for reelection, to investigate these rumors and reports and consider corrective legislation, if necessary. This committee, he recommended, should be empowered to issue subpoenas in connection with its investigation.

Mr. Anderson stated, during the Council discussion of his proposal, that the scope of the charter was not broad enough "to his thinking".

The City Attorney read the charter provision relating to these matters, Section 1203, "Political Activities Prohibited", which provided "no person holding any position in the classified service shall take an active part in any municipal political election or contribute thereto in behalf of any candidate---".

Councilman Anderson considered that this section should be broadened to include the unclassified service also.

Mayor Marks stated that this would be a sign of weakness because the Council had a right to discharge employees which it had hired and to hire new ones. He stated that facts and not rumors should be considered by the Council.

The City Manager stated that if there were any questions relating to the action of those for which he was responsible he would be happy to have some facts laid before him. He stated that he had consistently advised and cautioned the people in the classified service from any such activity.

Councilman Merrill stated that if Councilman Anderson had rumors with regard to activities against the charter, although none of the Council

condone rumors, he would be remiss in his duties if he didn't bring them to the Council's attention. The Council should find out what the rumors are and stop them before they became vicious, since this was part of the Council's responsibility. Every member on the Council, he remarked, concur with the philosophy of the City Manager form of government, but if some of the rumors which Councilman Anderson has are a fact, they should be ferreted out and stopped immediately.

Mayor Marks asked Councilman Anderson if his request was to have included in that section of the charter, the appointive officers of the city also. Councilman Anderson stated "that is true". Mayor Marks repeated his previous statement that "if you don't like what your appointed officers are doing, get new ones". He pointed out that it would only take four votes of the members to do this.

The City Manager considered that there were two points to consider, 1) those employees appointed by the Council and 2) those which are appointed by the City Manager. The Department heads, he stated, are not under the classified service. The prohibition in the charter, he pointed out, goes to those in the classified service. He stated that he did not want anybody who he had appointed to engage in objectional activities. He stated, that he would personally like to see all of the department heads placed under the merit system as they are entitled to the same kind of assurance of continuing service as any other employee. Every public employee should be in a position where he could do his job and not be interfered with politically or be interfering politically.

Councilman Arata pointed out that in every election there were "all kinds of rumors".

Mayor Marks pointed out that he had heard rumors floating around at every election. These rumors are disgusting to all persons who are trying to do a good job for their community. "If there are any laws of this city being broken, everyone of us as Councilman Merrill says, ought to know about it and ought to investigate it. As far as I know, there are no laws being broken and I want to be able to say to somebody, if somebody wants to investigate it, if it is anybody covered by the merit system, you investigate them; the others, the department heads, apparently don't come under this."

The City Attorney stated, "that is correct. This section of the charter does not apply to those in the unclassified service, who are the City Manager, the City Clerk, the City Attorney, the City Auditor and the heads of the departments, and applies only to those who are in the classified service."

The City Manager stated that "if you or anybody else knows of any employee who is engaging in political activities, the charges should be made specific and I am responsible for their action and will take care of it." If they are doing this, he stated, (classified employees) they are in violation of the charter.

Mayor Marks stated that if there was anybody else who was responsible for this, then the charter is to be changed as Councilman Anderson suggested. He pointed out that nobody had broken any laws.

Councilman Anderson contended that this had to be ascertained.

Mayor Marks asked him if he knew of anybody in the merit system who had broken any of the charter provisions.

Councilman Anderson contended that there were provisions in the charter which covered everyone in the city employ. He asked the City Attorney to read the last paragraph of Section 1203 of the City Charter which provided, "No officer or employee of the City and no candidate for any city office shall, directly or indirectly, solicit any assessment, sub-

scription or contribution, whether voluntary or involuntary, for any municipal political purpose whatever, from anyone on the eligible lists or holding any position in the classified service."

Councilman Anderson stated that he had reason to believe that this was being done.

The City Manager asked him to state the names and "let's have at it". He pointed out that he was responsible for the actions of the people in the classified service and for those department heads which he appointed.

Mayor Marks stated that in line with the Council's policy, since this was new business, the matter should be held over for a week.

Councilman Anderson insisted that there be some discussion of the matter at this time.

Councilman Robinson stated that it was a problem which was serious enough that the whole Council would want to listen.

Mayor Marks stated that he was not going to appoint any committee on the matter---every member should listen to it. He asked Councilman Anderson if this matter had just been brought to his attention recently and if this was the reason he was bringing it up just a few days before the municipal election.

Councilman Anderson stated that it wouldn't have been brought to his attention if there wasn't an election.

Mayor Marks stated, "then if you are sure that this matter---then it is your duty to tell us who is concerned; but if it is just rumors at the present time, one week before election, to engage in prolonged conversation about gossip or rumor mongering is out of order, so if you have anybody specific, lay it on the table".

Councilman Anderson stated that "one of the items referred to the City Attorney, whether or not it was true, I could not say because he would have to answer that himself. As I understand from what has been told me, that relating to the effectiveness of officers being reduced as far as our dealings with other public bodies in this area----is it true, Mr. Grimes?"

Mayor Marks contended that the matter was new business, and it should be held over for further investigation until the next meeting, so that all of the members could have the opportunity of learning the facts that Councilman Anderson had assembled. He pointed out that Mr. Anderson's "facts" were based on gossip and rumor.

The City Manager pointed out that he had heard some "fat rumors" and some of them concerned Councilman Anderson himself. He asked if the Council wanted to establish as a matter of policy, a procedure of "officially recognizing and wringing out the rumors which float around the street corners and bars in this town, without a firm flat charge or statement of fact".

Mayor Marks contended that the Council should take action only on facts or signed statements and not rumors.

Councilman Arata considered that the matter be held over for a week.

Councilman Anderson stated that "he did not come up here to throw rumors around, but to make a suggestion to appoint a committee if necessary to investigate these rumors and find out whether they are true or not true".

Mayor Marks pointed out that Councilman Anderson had asked that the item be placed on the agenda relating to the amendment to the charter. He asked that any person who had any charges to make should come down to the Council Chamber and repeat the charges but until this occurs, the Council could not put themselves in the position of using gossip and rumor as weapons. He pointed out that rumors were floating around about himself and other members of the Council which were ridiculous.

Councilman Hammond stated that Councilman Anderson's approach to the matter was out of order. Gossip and rumors should not be brought to the Council without a bonafide statement of fact, with signatures and necessary papers. There should be immediate documentary evidence before any such statements are made. He considered that this matter should be tabled until the documentary evidence could be brought into the Council Chamber and discussed.

MOTION

That this matter be tabled until documentary evidence was filed.

Moved by Hammond Seconded by Mayor Marks

Councilman Anderson asked and the City Manager and Mayor stated that he should be the one who should bring in the charge, since he had brought up the subject.

Mayor Marks considered that the whole matter brought up by Councilman Anderson was a "cloak" to interject a political matter one week before election and discredit the staff of the city.

Councilman Hammond objected to the "flat" statement of the Mayor and stated that he considered Councilman Anderson's procedure was wrong.

Mayor Marks called the roll on the motion and Councilman Anderson was the only member who voted "no". Mayor Marks declared the motion carried.

GRANT REQUEST OF K. W. BREWER, 519 MENSINGER AVENUE, TO CONSTRUCT BLACK TOP DRIVEWAY 7-104

The Director of Public Works reported on the request filed by K. W. Brewer, to install a black top driveway from the property line at his residence located at 519 Mensinger Avenue, to the existing street surfacing on Mensinger Avenue. Mr. Ray recommended the granting of the request by the Council on a temporary basis upon the condition that it would be replaced with concrete driveway when curbs and gutters are installed in accordance with provisions of the Municipal Code.

RESOLUTION NO. 57-140

A RESOLUTION GRANTING REQUEST OF MR. AND MRS. K. W. BREWER TO INSTALL BLACKTOP DRIVEWAY FROM THE PROPERTY LINE AT 519 MENSINGER AVENUE TO THE EXISTING PAVEMENT ON MENSINGER AVENUE UNDER CERTAIN CONDITIONS

Introduced by Merrill Seconded by Arata

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

GRANT CURB CUT VARIANCE TO MODESTO FRUIT EXCHANGE AT ELEVENTH AND D STREETS 7-111

The Director of Public Works reported on the request filed by the

Modesto Fruit Exchange located at 11th and D Streets for a curb cut variance in respect to a driveway at its plant now being remodeled. The company is constructing a loading dock 108 feet in length and in view of the industrial uses in this area, he recommended that the variance be granted and the curb cut replacement fee be waived.

RESOLUTION NO. 57-141

A RESOLUTION GRANTING CURB CUT VARIANCE TO MODESTO FRUIT EXCHANGE AT ITS PLANT LOCATED AT 11th AND D STREETS AND WAIVING OF CURB CUT REPLACEMENT FEE

Introduced by Arata Seconded by Adams

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

HOLD OVER CONSIDERATION OF REQUEST OF E. VARNI FOR CURB CUT VARIANCE ON TRIANGULAR BLOCK BOUNDED BY SEVENTH, SIERRA DRIVE AND C STREETS 8-01

A request filed by E. Varni for a variance from the Municipal Code to permit the black topping of the driveways and parking areas of the triangular block bounded by Seventh, Sierra Drive and C Streets and to construct a black top driveway 138 feet in length, was considered by the Council. Mr. Varni waived the regular 5 day written notice provided by the Municipal Code and asked that this request be considered at this time.

Mr. Ray recommended that Mr. Varni's request be denied and he be required to install regular concrete driveways and curb and gutter around the C and Sierra Drive Streets, sides of the property. He also considered that two thirty foot driveways would permit adequate access to the property.

It was generally agreed by the Council, after a general discussion that the site should be inspected by the members before any action was taken.

MOTION

That action be withheld for a week until the Council had the opportunity to inspect the area.

Moved by Hammond Seconded by Robinson Unanimously carried

ACCEPT CONTRIBUTION OF $200 FROM MODESTO LIONS' CLUB FOR PLAY AREA CONSTRUCTION AT GRACEADA PARK 8-82

Director of Parks and Recreation Lowrey reported on the proposed project of enclosing a small children's playground area at Graceada Park with a raised concrete curb and filling in the surfacing under the play area with sand. The estimated cost of the project is about $200 and will eliminate a mud situation, wearing away of grass, eliminate some sprinkling and maintenance cost. The Modesto Lions' Club has investigated this project, he reported, and is ready to offer a contribution to the city to carry it out with city labor doing the work. He recommended the project. Carl Payne presented a check for $200 on behalf of the Modesto Lions' Club for the project at this time.

RESOLUTION NO. 57-142

A RESOLUTION ACCEPTING THE CONTRIBUTION OF $200 FROM THE MODESTO LIONS' CLUB FOR PLAY AREA CONSTRUCTION AT GRACEADA PARK AND EXPRESSING THE CITY'S APPRECIATION FOR THE CONTRIBUTION

Introduced by Merrill Seconded by Arata

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

Carl Payne reported that part of the labor would also be furnished by the club.

Mayor Marks was also authorized to write a letter to the club expressing the Council's appreciation of this action.

REPORT ON SEWER CONNECTION FEES ON CROWS LANDING INDUSTRIAL AREA 8-105

Director of Public Works Ray reviewed the background on various arrangements made by the city with the slaughter house operators on Crows Landing Road for the payment of fees for sewer service in this industrial area. At the meeting held with these property owners in December, 1956, he stated, it was proposed that the owners be charged a connection fee to the trunk sewer based on provision of the Municipal Code, such fees to be calculated on the basis of the width of each property involved by a depth of 150 feet back from the location of the trunk sewer. It was pointed out at this meeting, Mr. Ray stated, that this was an informal proposal which should be approved by the Council. Mr. Ray reported that this had been discussed with two of the three members of the sewer committee who had approved this proposal.

MOTION

That the staff be authorized to proceed on this basis.

Moved by Merrill Seconded by Robinson Unanimously carried

REPORT ON LEGISLATIVE MATTERS 9-15

The City Manager reported on his trip to Sacramento on Monday, April 1, to appear before a committee to support the bill introduced on airport condemnation by Senator Teel. The bill went out of the Senate Judiciary Committee with a "do pass" recommendation.

Copies of a statement which the City Manager had made at a meeting in Stockton on highway matters were made available to the Council members.

The City Attorney reported that the bill on the grade separation was amended in the Senate to eliminate its application to cities and counties.

The City Manager reported that the resolution on "water" was being prepared for Council consideration at a later date.

REPORT ON COMPENSATION INSURANCE DIVIDEND 9-37

Assistant City Manager Masonheimer reported on the compensation insurance dividend which the city would receive from the State Compensation Insurance Fund for the fiscal year 1955-56.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Hammond Seconded by Arata Unanimously carried

The meeting was adjourned at 6:15 P.M.

ATTEST: [signature]

 REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., 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, Anderson, Arata, Hammond, Robinson and Mayor Marks
Absent: Councilmen: Merrill

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

Rev. Alan Goozee, pastor of the First Methodist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of March 27, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM ASSEMBLYMAN RALPH M. BROWN RE: CROWS LANDING ROAD 1-20

A letter from Assemblyman Ralph M. Brown acknowledging receipt of the copy of the city's Resolution No. 57-125, concerning making Crows Landing Road a state highway, was read and ordered filed.

LETTER FROM M. C. ZECHOS RELATING TO VARIOUS COMPLAINTS 1-27

A letter from M. C. Zechos relating to various complaints was referred to the City Manager for investigation and report.

LETTER FROM STATE DEPARTMENT OF PUBLIC WORKS RE: OVERALL PLAN FOR FREEWAYS IN THE STATE 1-60

A letter from the State Department of Public Works, with attached copy of Senate Concurrent Resolution No. 26, relating to a study to be undertaken by the state to provide a basis for an overall plan of freeways and expressways in the state, was briefed by City Manager Miller.

LETTER FROM CHAMBER OF COMMERCE OF STANISLAUS COUNTY RE: LOCATION OF NAVAL TRAINING AND PERSONNEL DISTRIBUTION CENTER 1-70

A letter was read from the Chamber of Commerce of Stanislaus County relating to the negotiations on the selection of a site in Stanislaus County for the possible location of a naval training and personnel distribution center.

A copy of an enclosed resolution adopted by the Chamber was noted, endorsing the Navy's proposed plans and urging that the studies of the areas in Stanislaus County for the installation be continued and offering assistance in the furtherance of its studies. The Chamber asked that the Council pass a similar resolution, if after a study, it was in favor of the Navy plans.

A letter and a copy of the resolution adopted by the Modesto Chamber of Commerce essentially the same as the one adopted by the County Chamber which had been sent to the Council by Harold V. Pederson, Industrial Director, was also noted.

Councilman Arata suggested that the Council Industrial Committee be directed to confer with Industrial Director Pederson with regard to a specific site, as close as possible to the City of Modesto.

MOTION

That Mayor Marks be authorized to write a letter advising that the Council had referred [illegible] to the Council Industrial Committee which was working closely with the Chamber of Commerce of Stanislaus County, and Modesto Chamber of Commerce to get the center located in the "right place for all of the people".

Introduced by Arata Seconded by Hammond Unanimously carried

PETITIONS PROTESTING WIDENING OF MILLER AVENUE 1-110

Petitions filed with the City Clerk on April 9, signed by property owners along Miller Avenue, protesting to "any widening of this street or any plans for making it a collector street", were considered by the Council.

MOTION

That the City Manager be authorized to write a letter to the petitioners advising them of the city's plan for improving the street by setting back some of the curbs to meet state requirements so that gas tax funds could be used, that there was no proposal for changing the nature of the street, and suggest that a meeting be held with the protestants to explain the project.

Introduced by Robinson Seconded by Adams Unanimously carried

Plans are being prepared for the relocation of the house on the city's property on Miller Avenue purchased from Burchell Butts so that the property can be sold, Director of Public Works Ray reported.

GRANT PERMIT TO CALIFORNIA NATIONAL GUARD TO PARK TRUCK ON TENTH STREET PARKING LOT TO ADVERTISE DANCE 2-4

A letter from the California National Guard was read, requesting permission to temporarily park its jeep truck on the new uncompleted city parking lot on 10th Street between K and L Streets, April 11-13, to advertise its dance being held on April [illegible].

MOTION

That permit be granted as the lot was not yet in operation and the Council would not be setting a precedent and that the Guard check out arrangements with Traffic Engineer Carmody.

Moved by Robinson Seconded by Hammond Unanimously carried

REJECT BIDS FOR WATER LINES IN GREGORY GARDENS SUBDIVISION NO. 2 2-15

Copies of the tabulation of the bids, opened on April 8 at 2:00 P.M., for the installation of water lines in Gregory Gardens Subdivision No. 2, were distributed to the Council for consideration, by the Director of Public Works, who reported that the lowest bid submitted by W. M. Lyles Company, in the sum of $4,516.29, was 22% over the city's estimate for installation by city forces.

RESOLUTION NO. 57-143

A RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF WATER LINES IN GREGORY GARDENS SUBDIVISION NO. 2 AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Robinson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: None

ACCEPT BID OF INDUSTRIAL ELECTRICAL COMPANY FOR ITEM ONE ON TRAFFIC SIGNAL BID AND REJECT ALL BIDS RECEIVED ON ITEM TWO FOR TRAFFIC SIGNAL AT LALOMA NEAR THE WILSON SCHOOL 2-25

Tabulation of the bids received for the traffic signals, were considered by the Council. Traffic Engineer Carmody recommended that the low bid of $26,443 submitted by the Industrial Electrical Company for Item No. 1 covering 8 signals be accepted and that all bids received for Item 2, one traffic signal on LaLoma at Wilson School, be rejected. He stated that he would investigate the possibility of changing the design for this signal and report again.

RESOLUTION NO. 57-144

A RESOLUTION ACCEPTING THE BID OF THE INDUSTRIAL ELECTRICAL COMPANY FOR ITEM 1 OF BID CALL FOR EIGHT TRAFFIC SIGNALS AND REJECTING ALL BIDS RECEIVED FOR ITEM TWO FOR TRAFFIC SIGNAL INSTALLATION AT LALOMA AND SANTA ANA

Introduced by Arata Seconded by Anderson

Before the Mayor asked the Clerk to call the roll on the resolution he stated that on advice of private counsel that he considered it necessary to ask the City Attorney's opinion whether there was a violation of Section 1090 and 1097 of the California Code.

The City Attorney stated that December 14, 1955, the Council had established a policy with respect to these provisions which related to interest in contracts--"that each Council member was to be under a continuing obligation to disclose to the Council any direct or indirect interest which he might possess in any contract, sale, purchase, lease or transfer of real or personal property in which the city was a party, before any such transaction was consummated by the city and that in the absence of any such disclosure, it may then be assumed that no such prohibited interest exists."

Mayor Marks asked the Clerk to call the roll on the resolution at this time.

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

CLEAR MATTER OF TRAFFIC DIRECTION ON I STREET BETWEEN DOWNEY AND 17TH STREET 2-55 (One-way street system)

Further Council discussion was held on the traffic direction to be established on I Street, between Downey and 17th Streets in the one-way street system. Councilman Arata considered that if traffic in both directions was permitted, as set forth in the original plans, that it would cause confusion.

The City Manager pointed out the importance of clearing the matter prior to traffic signal installation since it would be necessary to make a change order if the one-way street pattern was to be extended to Downey Avenue. He pointed out that it could be changed to one-way pattern after a trial if the Council desired.

Mayor Marks asked Mr. Carmody which he considered the best plan for traffic on this one block area. He stated that in the over-all picture there was no question but that the one-way plan would be the best but the two-way system had been placed in the plan nine months prior since it was

considered that there might be some objections on the plan from this source. He pointed out that certain persons going to Lincoln School and the Episcopal Church might be inconvenienced if one-way traffic was established.

MOTION

That the staff be authorized to proceed on the basis of one-way traffic on I Street from 17th to Downey Avenue and to bring back the necessary documents for Council consideration to change the one-way street plan.

Moved by Robinson Seconded by Arata Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR CONSTRUCTION OF STREET LIGHTING SYSTEM FOR FIVE SUBDIVISIONS 2-103

Plans and specifications for the construction of street lighting systems in the Lundquist, Northgate No. 1, College DeVille, Ashford No. 2, and Gregory Gardens No. 1 subdivisions were presented for Council consideration, by the Director of Public Works who recommended that the bids be opened on Monday, April 8, at 2:00 P.M. in the City Clerk's Office.

RESOLUTION NO. 57-145

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF STREET LIGHTING SYSTEMS IN THE LUNDQUIST SUBDIVISION, NORTHGATE NO. 1 SUBDIVISION, COLLEGE DE VILLE SUBDIVISION, ASHFORD NO. 2 SUBDIVISION, AND GREGORY GARDENS NO. 1 SUBDIVISION

Introduced by Anderson Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

FINAL ADOPTION OF ORDINANCE NO. 158-C.S. CONVEY ONE HALF OF MAGGI PROPERTY TO THE COUNTY OF STANISLAUS 2-110

ORDINANCE NO. 158-C.S. entitled

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO THE COUNTY OF STANISLAUS OF AN UNDIVIDED ONE-HALF INTEREST IN THE JOHN J. MAGGI PROPERTY ACQUIRED BY THE CITY OF MODESTO THROUGH CONDEMNATION PROCEEDINGS FOR AIRPORT EXPANSION PURPOSES

introduced on March 27, 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, Anderson, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

HOLD OVER CONSIDERATION OF REQUEST OF E. VARNI FOR VARIANCE FROM CURB CUT PROVISIONS OF THE MUNICIPAL CODE 2-115

The City Manager reported that Mr. Varni had requested that this matter be held over for a week to clear certain matters.

AUTHORIZE PURCHASE OF SIGNS FOR ONE-WAY STREET SYSTEM 2-115

RESOLUTION NO. 57-146

A RESOLUTION AUTHORIZING THE PURCHASE OF SIGNS FOR THE ONE-WAY

STREET SYSTEM

Introduced by Adams Seconded by Robinson

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

The City Manager estimated the cost of the signs which were to be purchased from the California State Automobile Association and the labor costs on installation would be approximately $3,400.

RESCIND PORTION OF RESOLUTION NO. 57-136 AND AUTHORIZE TRANSFER OF FUNDS RELATING TO PARKING METERS 3-10

RESOLUTION NO. 57-147

A RESOLUTION APPROVING APPROPRIATION TRANSFER RELATING TO PARKING METERS AND RESCINDING A PORTION OF RESOLUTION NO. 57-136

Introduced by Anderson Seconded by Robinson

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

CONDEMNATION PROCEEDINGS RELATING TO OLAF HANSEN AND HENRY BASLE PROPERTY TO BE ACQUIRED FOR PARK AND STREET PURPOSES 3-21

As directed by the Council, the City Attorney presented for Council consideration resolutions which would authorize condemnation proceedings on the Olaf Hansen and Henry Basle properties for park and street purposes.

RESOLUTION NO. 57-148

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE A CERTAIN PARCEL OF REAL PROPERTY WITH IMPROVEMENTS THEREON IN THE CITY OF MODESTO TO BE USED FOR PARK PURPOSES

Introduced by Adams Seconded by Robinson

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

RESOLUTION NO. 57-149

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE A CERTAIN PARCEL OF REAL PROPERTY WITH IMPROVEMENTS THEREON IN THE CITY OF MODESTO TO BE USED FOR STREET PURPOSES

Introduced by Robinson Seconded by Anderson

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

RESOLUTION NO. 57-150

A RESOLUTION ACCEPTING GRANT DEED FROM JENNIE E. DUNHAM FOR 21 FOOT STRIP OF LAND ADJACENT TO OLAF HANSEN PROPERTY

Introduced by Anderson Seconded by Robinson

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

A RESOLUTION ACCEPTING GRANT DEEDS FOR THE WIDENING OF GRANGER AVENUE 3-49

RESOLUTION NO. 57-151

A RESOLUTION ACCEPTING GRANT DEEDS FROM RAMON EREDIA AND MARTHA R. EREDIA; MARY MARTINO; AND PETER F. HISCHIER AND IRMA MAY HISCHIER FOR THE WIDENING OF GRANGER AVENUE

Introduced by Robinson Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

HOLD OVER APPROVAL OF NEW AGREEMENT WITH WILBUR TWINING FOR OPERATION OF FAMILY CAMP AT PINECREST 3-50

The City Manager reported that this item was not cleared for Council action at this time but would be brought up at a later date.

SET DATE ON APPEAL FILED BY ANNA M. GROUND ON REZONING OF PROPERTY 3-55

An appeal, filed with the City Clerk on April 8, 1957, by Mrs. Anna M. Ground, to the decision of the Modesto City Planning Commission denying her application for the rezoning of her property in Block 350 to M-1, light industrial zoning, was read.

RESOLUTION NO. 57-152

A RESOLUTION SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY ANNA M. GROUND ON THE REZONING OF HER PROPERTY LOCATED IN BLOCK 350

Introduced by Robinson Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

The time set was May 1, at 4:30 P.M.

SET TIME AND PLACE FOR PUBLIC HEARING ON APPEAL FILED BY JOE MINENI, JR. TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION DENYING APPLICATION FOR THE REZONING OF LOTS 5 TO 25, INC. IN BLOCK 568

An appeal to the decision of the Modesto City Planning Commission denying application of Joe Mineni, Jr. for the rezoning from R-3 to C-1 lots 5 to 25, inc., in Block 568, which had been filed with the City Clerk on April 8, was considered by the Council. The City Clerk recommended that the date of May 8 at 8:00 P.M. be set as the time for the public hearing before the Council.

RESOLUTION NO. 57-153

A RESOLUTION SETTING TIME AND PLACE FOR PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY JOE MINENI, JR. ON REZONING OF PROPERTY LOCATED IN BLOCK 568

Introduced by Adams Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

STATEMENT BY MAYOR MARKS ON PUBLIC BUILDINGS 3-90

Mayor Marks read a report "Statement on Public Buildings", dated April 10, 1957, a copy of which is on file with the records of this meeting. He pointed out that this was new business and, according to the Council's policy, should not be acted upon at this meeting. He considered that the matter was of such vast importance to the community that the Council should function as a committee of the whole and the records should be cleared on the appointment of the previous committee on site selection and that this committee no longer function, since the site has been chosen. He stated that he was anxious that the suggestions offered by him in the report should receive the fullest public consideration to determine if there were "loop holes". Comments made by various Councilmen were:

Councilman Hammond: That each Council member receive copies of the report for their study during the week and recommendations on the proposed program be made at the next meeting.

Councilman Adams: That the members receive copies of the various reports on the Crow property for further review.

Councilman Arata: That additional data be presented to the members so that they can determine the feasibility of tearing the building down. He stated at the present time he was not "sold on demolishing the building" but he was in accord with a program for the construction of a first class building. He also considered that a study should be made on the possibility of locating the police station in the city hall building instead of building it next to the Fire Department headquarter station as proposed in the Mayor's statement. He stated that he was not thoroughly sold on the method of financing suggested by Mayor Marks--lease purchase, but facts were also needed on this before any decision was made.

Robert Adams, Chairman of the County Board of Supervisors, spoke briefly on the county's interest in the construction of the city hall, and outlined the proposed timing for the demolition of the old courthouse building and plans for the construction of the new Courts building on 11th Street. New quarters for the courts during the construction period must be arranged by June 1, he reported. The possibility of using the city's building purchased from the M.I.D., if the city did not plan to use it, has been previously discussed with some members of the Council and city staff, he reported, and the Board would like to have a definite answer from the city if this building could be used by the County during the interim period.

He reported on the Board's discussion with its architect on the possibility of the integration of the city and county facilities by a connection of the two buildings, either by an underground tunnel, overhead construction or the closing of 11th Street. He considered that this matter should be jointly considered not only from the planning standpoint, but the convenience of the general public. Mr. Adams stated that the county architect had advised that the street for the entrance to the Court building and the plans for integration of the two buildings, if this is to be done, must be determined within 30 days.

Mayor Marks remarked that he would favor an underground tunnel because of the effect the closing of 11th Street would have on the city's fire rating, and the traffic problems created. He pointed out the advantages of joint planning by the city and county on the two buildings. He considered that the further studies proposed by the Council on the construction and financing of the city hall would not preclude the consideration of leasing the old M.I.D. building to the county.

Councilman Arata concurred in the Mayor's objection to the possibility of closing 11th Street between H and I Streets as it would also break up the city's program for one-way street system and would be opposed by the downtown merchants. He considered it was up to the county to determine which would be the most feasible, the underground tunnel or an overhead

construction across 11th Street. He pointed out that the city needed additional space for its own departments and were presently paying rent for some of the offices and before the new city hall was completed it would be necessary to rent additional space. There should be sufficient compensation from the county to at least take care of other spaces which the city would be required to rent. He suggested that the Mayor appoint a committee to confer with a committee from the Board.

Mayor Marks asked if any member of the Council was opposed to the principle that 11th Street, between H and I Streets should remain open as a one-way street. All members concurred that the street should not be closed.

Mayor Marks considered that it would be far sighted for the county to establish its entrance on 11th Street, since the city planned to have its entrance on the same street.

Proposed methods for financing the city hall were briefly discussed by the Council members.

Supervisor Adams stated that the courts building would be available for use within 20 months after the execution of the contract. He estimated the county would need the M.I.D. building for approximately 26 months.

The City Manager reported that studies conducted on the possible use of this building by the city had resulted in the following tentative conclusions:

1- That the costs of making this building available for city use would be more than could be justified. Mr. Adams has indicated that these costs would not necessarily be prohibitive to the county since their needs are different. The City does need more room but some room closer to the present city hall at less cost and the staff cannot recommend that the city spend the money which would be necessary to use the building for city offices. He pointed out that the city could not economically use all the space since it would not be advisable to separate departments. He stated that the staff would prefer to get the limited amount of space that would be necessary a little closer;

2- That it is apparently suitable for the county, if they wish to use it;

3- That if this whole site is to be considered as a possible city hall site, then it may be possible that if a new building is to be built that part of it might overlap onto the lot and the building would have to be demolished. If any of this lot were to be used for a new building, then it should not be tied down for two years with the county.

Before any arrangements could be made with the county, he stated, the Council would need to clear this matter.

4- That the building be demolished and put into immediate use for parking. He estimated the monthly revenue at about $200 from parking.

Mayor Marks recommended that the city's architect be asked to come to Modesto next Tuesday to confer with the county's architect, who would be present at the Board meeting on that date so that the question---where on this property would a new city hall be put and would it interfer with the M.I.D. building----could be cleared.

The City Manager stated that if the construction of the city hall would not interfere with the leasing of the building to the County that he would recommend that it be done on the basis of a reasonable monthly rental.

Dennett Dam

At the suggestion of Supervisor Adams, the Council Dennett Dam Committee, composed of Councilmen Adams and Arata, was directed to confer with the Board's committee relating to the proposed construction of Dennett Dam.

It was agreed by the Council that the City Manager should try to make arrangements for Architect Pfleuger to be present at a special meeting of the Council at 3:00 P.M. Tuesday, April 16 to informally discuss the placing of the city hall building on the city property with the County's architect and members of the Board of Supervisors.

CONSIDER PROCEDURE FOR SELECTION OF ENGINEERING FIRM TO MAKE STUDY OF CITY AND PRIVATE WATER SYSTEMS 7-21

The City Manager reported that funds, for a survey of city and private water systems had been budgeted this fiscal year and considerable preliminary work had already been done by the city staff. Work to be done has been outlined and proposals requested and received from some of the engineering firms and the staff desires to consider with the Council the best means of determining the basis and the firm to do the work.

Mayor Marks appointed Councilmen Adams, Chairman, Anderson and Robinson as a committee to work with the staff on this project. He removed Councilman Adams from the Parking Committee and appointed Councilman Merrill to act in his place.

Councilman Arata left the meeting at this time.

CONSIDER CHANGING NAME OF SYCAMORE AVENUE BETWEEN BRIGGSMORE AND BOWEN AVENUE TO SHERWOOD AVENUE 7-45

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

AUTHORIZE TRANSFER OF FUNDS FROM GENERAL RESERVE TO TRAFFIC DEPARTMENT FOR TRAFFIC SIGNS 7-46

The City Manager reported on the investigation made by the staff on the purchase of radar equipment.

MOTION

That the radar equipment recommended by the staff be purchased for the sum of $1,499.26 including sales tax.

Moved by Anderson Seconded by Robinson Unanimously carried

RESOLUTION NO. 57-184

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1000 FROM THE GENERAL RESERVE FOR PURCHASE OF TRAFFIC SIGNS

Introduced by Robinson Seconded by Hammond

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

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR AIRPORT PAVING AND OILING 7-105

RESOLUTION NO. 57-155

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $305 FROM THE GENERAL FUND TO THE AIRPORT FUND FOR PAVING AND OILING AREA AROUND

NEW HANGAR (GALLO)

Introduced by Hammond Seconded by Robinson

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

PROHIBIT LEFT TURN MOVEMENT AT McHENRY AND MORRIS AVENUES 7-106

RESOLUTION NO. 57-156

A RESOLUTION PROHIBITING SPECIFIED TURNING MOVEMENTS AT THE INTERSECTION OF McHENRY AVENUE AND MORRIS AVENUE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 57-82

Introduced by Hammond Seconded by Robinson

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

RESCINDING RESOLUTION NO. 9708-N.S. RELATING TO INSTALLATION OF STOP SIGNS ON TULLY AND COLLEGE AVENUES 7-111

RESOLUTION NO. 57-157

A RESOLUTION RESCINDING RESOLUTION NO. 9708-N.S. ENTITLED 'A RESOLUTION AUTHORIZING THE INSTALLATION OF STOP SIGNS IN THE CITY OF MODESTO AND DESIGNATING TULLY AVENUE AND COLLEGE AVENUE AS ARTERIAL STREETS'

Introduced by Anderson Seconded by Hammond

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

CONSIDER CHANGE IN NAME AND COLORS FOR SMITTY'S CAB COMPANY 7-116

The Traffic Engineer reported that Hershel Lawrence had requested permission to gradually, over the next two years, change the name of his company from Smitty's Cab to City Cab Company and his cab colors to black and white. He outlined Mr. Lawrence's plans for accomplishing these changes, if approved by the Council.

MOTION

That the Council indicates his intention to grant the request and refer the matter to the staff for the preparation of the necessary papers to accomplish the change.

Motion by Anderson Seconded by Hammond Unanimously carried

APPROVE APPROPRIATION TRANSFER OF FUNDS FOR RADIO MAINTENANCE 8-15

RESOLUTION NO. 57-158

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $425 FROM THE GENERAL RESERVE TO THE FIRE DEPARTMENT FOR MAINTENANCE AND REPAIRS ON RADIO EQUIPMENT

Introduced by Robinson Seconded by Anderson

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

HOLD OVER ADOPTING POLICY FOR SALE OF LEAF MOLD 8-20

This matter was held over for further clearance at the request of the City Manager.

AUTHORIZE INITIATION PROCEEDINGS TO ANNEX McBRIDE PROPERTY TO CITY 8-21

The City Manager recommended the commencement of proceedings to annex the recently purchased McBride property to the city.

MOTION

That the staff be authorized to take whatever action is necessary to commence annexation proceeding to annex the real property purchased by the city from Willard McBride, et ux.

Moved by Adams Seconded by Robinson Unanimously carried

COMMEND REPRESENTATIVES OF RADIO AND NEWSPAPERS ON COOPERATION IN RECENT ELECTION 8-56

The City Manager commended the representatives from the radio stations and newspaper, who were present, on their excellent cooperation in reporting the recent city election.

FILING OF PROPOSED CAPITAL IMPROVEMENT PROGRAM REPORT 8-65

Copies of the proposed capital improvement program report for 1957-58 through 1962-63 prepared by the Modesto City Planning Commission, were distributed to the Council members.

REPORT ON STATUS OF LEASE OF A PORTION OF TENTH STREET PARKING LOT TO THE HOME FINANCE CORPORATION 8-75

The City Manager reported that the Home Finance Corporation had decided not to lease a portion of the Tenth Street parking lot.

He reported on improvements now underway and planned by the business concerns on Ninth Streets whose buildings adjoined the new parking lot, and that the Traffic Engineer had contacted some of the owners near other parking lots regarding improvements.

REPORT ON PROPOSED AGREEMENT FOR IMPROVEMENT OF McHENRY AVENUE 8-93

The City Manager reported that the agreement between the city and state for the improvement of McHenry Avenue was progressing satisfactorily as to form and time. The agreement would be on the basis that the city agrees that at no expense to the state, to acquire the necessary rights of way for the street widening and outfall sewer; to furnish to the state, prior to the call for bids, right of way certification that this is clear; to complete the design of and furnish construction plans and specifications and estimate of cost for the storm drainage system; to provide for the continued operation and maintenance of the storm drain system, after it is completed. The State would construct the storm drainage system down to McHenry Avenue to the point where it is already drained and over to the creek, to replace, as a result of the street reconstruction, now existing curbs, sidewalks, traffic signals and drainage structures; to construct a 64' street section in the 80' right of way between Needham and Griswold and a 4 lane divided 70' city street with a 6' medium in 86' right of way, between Griswold and M.I.D. Lateral No. 3, both with pertinent curbs and gutters, etc---as soon as funds were made available and that if the city does not get the rights of way, the state would not be obligated to proceed under this agreement.

The City Manager stated that it would be necessary for the agreement

to be executed before the rights of way were obtained. The Council generally agreed that the terms of the agreement as outlined by the City Manager were agreeable.

REPORT ON PROPOSED SIGNALS AT ORANGEBURG AND McHENRY AVENUES 8-115

The City Manager reported that the county and state had approved the proposed signals for the intersection of Orangeburg and McHenry Avenue on the basis of a fully traffic actuated signal at an estimated cost of $20,000, provided rights of way could be obtained by the city.

Mr. Miller reported that he had requested the Traffic Engineer to check with the state to determine if it might be more feasible from a standpoint of both service and economy to consider a semi-actuated traffic signal and signals at other locations along McHenry Avenue, and a further report would be submitted for Council action, within a week or two.

CONSIDERATION OF PROPOSED AGREEMENT FOR BRADY-WILEN SUBDIVISION 9-45

Roy Fredricksen, Assistant Director of Public Works, reported that the usual agreement had been prepared for execution by James Brady and Teresa Wilen, subdividers of the 10 acre Brady-Wilen Subdivision located outside and not contiguous to the city, south of T.I.D. Lateral, west of Crows Landing Road and one-half block from the city's main trunk sewer, now under construction. Upon annexation all city facilities would be provided, excepting water, and the subdivision would be developed according to city standards. The following questions have been raised by the subdividers, he stated, which must be cleared by the Council:

1- The subdividers propose to install a lesser type light than is required by the subdivision regulations. The approximate cost of the lights if completed to city standards would be $3300 and the city would be required to expend approximately $900 for fringe lights. These lights would not be turned on until the area was annexed to the city;

2- The subdividers propose that the park fee required by the city to be paid in full upon execution of the agreement, be spread over a period of time and that the fee be paid as the lots are sold.

Mr. Brady based his objections on installing lights in the subdivision at this time, as follows; that it would be sometime before the area could be annexed to the city and this would tie up their funds, which were needed to develop the area; that the lights would deteriorate over the period of years before the area was annexed; and the lights could not be turned on until the area was annexed. He asked for permission to install the type of lights which would be hung from wooden poles at the corners. He contended that the sale of the lots would be fast since the subdivision would be outstanding in this section of the community and the park fees would not be outstanding for a long period if he were permitted to pay as the lots were sold.

Councilman Robinson remarked that the light requirements had been established by the Council to raise the standards of the city.

The City Attorney, in answer to a Council question, stated that if the Council wished to modify the agreement requirements it would not be necessary to change the code to permit the lesser type lights since this subdivision was not in the city limits.

The City Manager pointed out that there was a substantial difference in costs between the two types of lights but if the Council made this exception, it would be the first time it had deviated from city standards on any subdivision. The staff is already proceeding with an analysis of this particular area, he stated, and it seems reasonable and feasible that

this subdivision be annexed very shortly. If this subdivision was developed under the county regulations, they would not be required to install street lights, he stated.

Mayor Marks pointed out the possibility that if subdividers found the expenses too high for developing an area outside the city under the city regulations they would put in septic tanks instead of using available city sewers. This breaking point could be on the lights and up to the present time there are no lights in this particular area.

To a Council question, the Director of Public Works outlined the difference in costs between the different types of lights, and the cost of installing the underground cabling without the standards.

The City Manager pointed out that the agreement provided for the posting of a bond to guarantee the light installation and that the funds were not paid directly to the city upon the execution of the agreement.

The Council generally discussed the question---should lights be required in subdivisions not contiguous to the city prior to annexation or should they be delayed until annexation.

Points brought out in the discussion were:

1- That the standards and luminaires could be delayed in order to spread out the costs as requested by the subdividers, but the construction of underground lines should be completed at the time of the development of the subdivision to save the costs of tearing up the streets afterwards.

Mr. Brady contended that it might be 10 years before annexation and the underground cable would be deteriorating in the meantime. He stated that the cable would not be installed in the street area but inside the curb area.

To a question from the City Manager, Mr. Ray stated that there would be no disadvantage to installing the underground cable without the standards except for the protection to the base. He estimated the cost of the standards and luminaires to be approximately one-third of the total cost of the installation of lights. He felt that deterioration to the underground cable would be minor.

2- That this requirement (installation of lights) had been required in all subdivisions in the past;

The City Manager recommended that as a matter of procedure and as a matter of fairness to other subdividers that the park fee be paid in the normal manner---before the agreement is approved by the Council.

Councilman Hammond pointed out that this subdivision was located in a section of the community that was not up to city standards and the Council should encourage any effort to improve the standards and still protect its program.

The City Manager stated that if the Council deviated from its requirements in this location, a pattern would be started for an entire new policy, and other requests for the same thing will be received from other areas in the community.

Councilman Hammond believed that if annexation was immediate it would be a different matter but that this area needed assistance at this time to encourage the type of construction now required in the subdivision requirements. If the city could be protected on its investment and give this encouragement to get a subdivision started, it should be done. He considered that at the time of annexation whether the lots were sold or not all of the money would have to be paid but prior to the time of annexa-

tion, if this money was pro rated out as the lots were sold, it would seem reasonable.

Councilman Adams suggested that since most of the subdivision requirements had been approved and proposed by the Planning Commission that if it was proposed to change the policy that the Commission should have an opportunity to study the matter.

Councilman Robinson objected to deviating from the city's established policy.

The City Manager stated that if this was done that a new policy would be established and if it was done for one subdivider it should be done for all. He suggested that on subdivisions outside and not contiguous, where annexation was indeterminate, the Council could establish a policy that standards would not be required until annexation. He suggested that the policy be established for all areas and not for this particular subdivision.

Mayor Marks suggested that he would rather have the light requirements left out entirely and not have any lights rather than disturb the park fee requirements. The lights could be installed upon annexation, guaranteed by the posting of a bond by the subdivider.

Mr. Ray suggested that since the staff was continually dealing with subdividers in all sections of the community that the Council consider the adoption of a general policy relating to subdividers outside the city limits which would grant them the option of installing the street lights at the time of subdividing or the posting of a bond with the city agreeing to install the lights upon annexation. The selection made by the subdivider could be included in the agreement which would be approved by the Council.

A general Council discussion was held on the question of whether this would be changing the Council's existing policy and whether the matter should be considered by the Planning Commission prior to the change. It was agreed that since this matter related to subdivisions outside the city and a contractual arrangement would have to be made, it could legally be done. The City Attorney stated that to an extent it was a deviation of standards which came to the Council from the Commission and which the Council had adopted as to standards of improvements.

The City Manager considered that it was a deferment rather than a deviation, since the standard improvements would be made ultimately at an additional cost to the subdivider, as well as the city on the perimeter lights. He did not consider it necessary to refer the policy back to the Commission because the question before the Council was not a change of standards but merely saying that this area did not need to put in the lights until it is annexed. He considered that the policy should apply to all areas and not to this particular area only.

The City Attorney brought up the possibility of a problem with the posting of the bond for an indefinite period which might create an expensive premium for the subdivider.

MOTION

That in cases where the subdivision is being developed outside the city and not contiguous to the city that if the subdivider wishes he may in lieu of the immediate installation of the lights put up a bond and enter into an agreement which will insure their installation within six months after the annexation is completed.

Moved by Hammond Seconded by Anderson

Before the vote was taken there was this further discussion.

Mr. Ray pointed out the importance of determining the method of payment at the time the agreement was executed by the subdivider. He pointed out that there might be increased inspection costs too, because of the nature of the work being changed.

Mayor Marks suggested, that since this was a new matter the staff be instructed to prepare a statement of policy and the Council could act on it next week along with an agreement with the subdividers, Brady-Wilen.

The City Manager pointed out that this would also permit the staff to check it out with the Commission during the week. The original motion was withdrawn and the following substitute motion was introduced.

MOTION

That the staff be instructed to bring back next week a resolution which would accomplish the policy set forth in the first motion and to bring back an agreement between the city and Brady-Wilen Subdividers, along the lines discussed.

Moved by Robinson Seconded by Mayor Marks Unanimously carried

It was noted by the Council that the park fees would be required in the usual manner and paid by the subdividers upon execution of the agreement.

FINANCIAL STATEMENT OF THE CITY FOR MONTH OF MARCH, 1957, FILED BY THE CITY MANAGER 13-60

Copies of this report were distributed by the City Manager to the Council members.

REQUEST TO INSTALL BANNERS FOR STANISLAUS COUNTY HORSEMEN'S ASSOCIATION ON THE STREETS FROM MAY 5 TO MAY [illegible] 13-66

Jack Young, President of the Association, requested permission to install banners across the city streets during this period. The matter was referred to the staff for handling, and if necessary to bring it back to the Council for further consideration.

ADJOURNMENT

MOTION

That this Council meeting be adjourned until 3:00 P.M. Tuesday, April 16, 1957, to consider the matter of city public buildings with the Architect and if he could not be present the Clerk adjourn the meeting.

Moved by Hammond Seconded by Anderson Unanimously carried

ATTEST: [signature]
REX E. GAILFUS, CITY CLERK

Adjourned Council Meeting

April 16, 1957

As provided by Section 2-1.01 of the Modesto Municipal Code, the meeting of the Council of the City of Modesto which had been adjourned on April 10, 1957 until 3:00 P.M. this date, to consider matters relating to the construction of the City Hall, was reconvened.

The Acting City Clerk called the roll and in the absence of all members of the Council, she declared the meeting adjourned at 3:05 P.M., under the authority contained in Section 2-1.07 of the Municipal Code, as amended by Ordinance No. 59-C.S.

ATTEST Irene M Collins
Acting City Clerk

Special Council Meeting

April 16, 1957

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.01 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 and for the purpose of voting upon an initiative ordinance authorizing the fluoridation of the Modesto municipal water supply, which had been consolidated with a Modesto City School District Bond Election, a Modesto City School District tax increase election, a Modesto High School District bond election, a Modesto High School District tax increase election, and a Modesto Junior College District bond election, which had been held on April 9, 1957.

The City Clerk called the roll and there were

Present: Adams, Anderson, Arata, Hammond, Merrill, Robinson and 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. 57-159

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION AND OF A SPECIAL SCHOOL DISTRICT BOND ELECTION, A SPECIAL SCHOOL DISTRICT TAX INCREASE ELECTION, A SPECIAL HIGH SCHOOL DISTRICT BOND ELECTION, A SPECIAL HIGH SCHOOL DISTRICT TAX INCREASE ELECTION, AND A SPECIAL JUNIOR COLLEGE DISTRICT BOND ELECTION, CONSOLIDATED THEREWITH, HELD ON APRIL 9, 1957

Introduced by Anderson Seconded by Robinson

Ayes: Adams, Arata, Anderson, Hammond, Merrill, Robinson and 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. 57-160

A RESOLUTION AUTHORIZING PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES FOR THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 9, 1957

Introduced by Merrill Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

RESOLUTION NO. 57-161

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,000 FROM THE GENERAL RESERVE FOR ELECTION EXPENSES

Introduced by Anderson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ADJOURNMENT

MOTION

That this meeting now in session be adjourned.

Moved by Adams Seconded by Hammond Unanimously carried

ATTEST: [signature]
City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 57-159

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION AND OF A SPECIAL SCHOOL DISTRICT BOND ELECTION, A SPECIAL SCHOOL DISTRICT TAX INCREASE ELECTION, A SPECIAL HIGH SCHOOL DISTRICT BOND ELECTION, A SPECIAL HIGH SCHOOL DISTRICT TAX INCREASE ELECTION, AND A SPECIAL JUNIOR COLLEGE DISTRICT BOND ELECTION, CONSOLIDATED THEREWITH, HELD ON APRIL 9, 1957

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 9th day of April, 1957, a general municipal election to elect three (3) Councilmen as members of the City Council for a full term of four (4) years, for the purpose of electing two (2) members of the Board of Education for a full term of four (4) years, and for the purpose of voting upon an initiative ordinance authorizing the fluoridation of the Modesto municipal water supply submitted to the qualified electors of the City pursuant to Section 1719 of the Elections Code of the State of California, and

WHEREAS, the Council of the City of Modesto duly ordered consolidated with said general municipal election a Modesto City School District bond election, a Modesto City School District tax increase election, a Modesto High School District bond election, a Modesto High School District tax increase election, and a Modesto Junior College District bond election, and

WHEREAS, said general municipal election and said consolidated special school bond and tax increase elections were held on Tuesday, April 9, 1957, 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 result of said elections.

2. That the whole number of votes cast at said consolidated elections was 14,452 votes.

"Exhibit A"

(a) That the total number of votes cast at said election in said City was 9,272 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 3,311 votes.

(c) That the total number of votes cast outside of the city limits of said city and outside said Modesto City School District and inside said Modesto High School District and said Modesto Junior College District was 1,869 votes.

3. That the total number of votes cast at said election on the following measures was:

(a) Proposed initiative ordinance 8,928 votes;

(b) Modesto City School District Bond Measure 12,088 votes;

(c) Modesto City School District Tax Increase Proposition 11,843 votes;

(d) Modesto High School District Bond Measure 13,751 votes;

(e) Modesto High School District Tax Increase Proposition 13,439 votes;

(f) Modesto Junior College District Bond Measure 13,771 votes.

4. 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:

CANDIDATES

COUNCILMAN

Special Consolidated Election Precinct No.	Merrill L. Adams	David L. Arata	Don D. Hammond	Geneva P. Cooley	Arthur Emerzian	William F. McDonnell	Scattering
1.	128	134	118	61	76	39	
2.	144	187	160	92	144	45	
3.	176	182	164	55	104	30	
4.	156	183	137	60	104	26	
5.	121	140	99	74	91	40	
6.	158	180	130	102	150	59	
7.	186	189	178	81	134	130	
8.	102	111	93	46	94	32	
9.	185	164	138	100	147	70	
10.	83	98	77	47	77	25	
11.	150	116	107	71	101	62	
12.	94	97	72	58	84	36	5
13.	134	135	98	79	149	68	
14.	170	163	121	113	154	87	
15.	110	147	83	64	133	53	
16.	131	112	94	77	109	43	
17.	210	207	188	70	98	53	
18.	127	175	95	73	148	41	

CANDIDATES

COUNCILMAN

Special Consolidated Election Precinct No.	Merrill L. Adams	David L. Arata	Don D. Hammond	Geneva P. Cooley	Arthur Emerzian	William F. McDonnell	Scattering
19.	119	106	109	50	84	70	
20.	298	228	251	101	151	139	
21.	248	226	236	66	145	122	1
22.	126	147	116	60	112	62	
23.	179	192	164	81	145	72	
24.	272	258	208	107	179	110	
25.	207	171	183	83	118	118	1
26.	147	136	143	100	107	85	
27.	193	193	148	90	145	58	
28.	174	175	153	97	134	53	4
29.	131	130	105	74	116	58	
30.	139	121	125	86	107	51	
31.	124	110	94	59	90	47	
32.	328	313	310	85	151	68	
33.	223	190	187	117	131	110	
34.	93	74	76	41	47	31	

CANDIDATES

BOARD OF EDUCATION

Special Consolidated Election Precinct No.	Ian W. Hardie	Richard A. Gaard	Homer W. Huxtable	Jean J. Knoles	Robert G. Stonum	Scattering
1.	134	31	22	122	76	
2.	188	50	15	146	93	
3.	203	34	15	131	90	
4.	153	40	12	106	75	
5.	127	43	19	93	74	
6.	189	45	18	142	110	
7.	210	72	24	184	112	
8.	94	31	12	70	72	
9.	193	56	24	150	95	
10.	101	31	18	54	59	
11.	128	41	7	102	89	
12.	104	32	12	71	60	3
13.	132	53	16	124	90	
14.	177	54	28	147	87	
15.	122	47	24	98	72	
16.	121	40	14	107	72	
17.	200	58	17	155	99	
18.	155	42	26	124	94	

CANDIDATES

BOARD OF EDUCATION

Special Consolidated Election Precinct No.	Ian W. Hardie	Richard A. Gaard	Homer W. Huxtable	Jean J. Knoles	Robert G. Stonum	Scattering
19.	122	32	22	124	59	
20.	262	99	27	259	125	
21.	257	78	23	233	115	
22.	136	41	12	144	72	
23.	192	73	13	178	103	
24.	273	60	39	236	135	
25.	195	62	24	219	73	1
26.	140	78	19	151	79	
27.	196	50	31	127	125	
28.	183	54	26	135	120	
29.	140	36	16	130	70	
30.	140	49	18	119	92	
31.	126	55	22	76	61	
32.	323	120	30	273	118	
33.	205	86	23	226	91	
34.	83	33	13	80	35	
35.	51	16	7	56	28	
36.	162	37	21	152	105	
37.	187	63	28	176	67	1
38.	159	46	13	133	75	

CANDIDATES

BOARD OF EDUCATION

Special Consolidated Election Precinct No.	Ian W. Hardie	Richard A. Gaard	Homer W. Huxtable	Jean J. Knoles	Robert G. Stonum	Scattering
39.	139	53	16	106	64	
40.	89	35	11	75	45	
41.	52	21	3	58	27	
42.	60	24	6	52	25	
43.	82	44	14	65	44	
44.	83	33	10	83	56	
45.	43	17	7	42	22	
46.	48	29	11	54	42	
47.	56	26	10	57	23	
48.	70	34	6	66	41	
49.	90	22	7	80	58	
50.	156	53	16	153	80	
51.	132	33	13	106	52	
52.	67	34	9	75	42	
53.	82	25	8	64	51	
54.	127	38	12	108	78	
55.	38	20	15	35	25	
56.	81	20	8	78	42	
57.	130	36	25	107	64	
58.	129	33	15	72	71	

CANDIDATES

BOARD OF EDUCATION

Special Consolidated Election Precinct No.	Ian W. Hardie	Richard A. Gaard	Homer W. Huxtable	Jean J. Knoles	Robert G. Stonum	Scattering
59.	14	8	2	11	13	
60.	108	38	12	77	48	
61.	139	44	12	98	54	
62.	164	38	12	104	68	
63.	100	39	19	59	42	
64.	101	28	18	61	66	
65.	156	40	13	79	56	
66.	75	38	5	48	37	

CANDIDATES	INSIDE ABSENTEE BALLOTS	OUTSIDE ABSENTEE BALLOTS	TOTAL VOTE
Merrill L. Adams	88		5654
David L. Arata	80		5570
Don D. Hammond	75		4835
Geneva P. Cooley	31		2651
Arthur Emerzian	40		4099
William F. McDonnell	19		2212
Scattering	-	--	11
Ian W. Hardie	102	10	8986
Richard A. Gaard	18	2	2891
Homer W. Huxtable	7	3	1075
Jean J. Knoles	55	6	7487
Robert G. Stonum	41	2	4646
Scattering	2		7

5. 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 17, 1957, 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 Constitution and laws of the State of California and the Charter of said City, to wit:

MERRILL L. ADAMS	COUNCILMAN for four year term
DAVID L. ARATA	COUNCILMAN for four year term
DON D. HAMMOND	COUNCILMAN for four year term
IAN W. HARDIE	MEMBER OF BOARD OF EDUCATION for four year term
JEAN J. KNOLES	MEMBER OF BOARD OF EDUCATION for four year term

6. That at said general municipal election the following proposed initiative ordinance was submitted to the electors of said City and that the number of votes given in said City for and against said proposal, exclusive of absentee votes, was as follows:

Initiative Ordinance Submitted to Vote of the Electorate		Total Vote "YES"	Total Vote "NO"
	Shall an initiative ordinance authorizing the fluoridation of the Modesto Municipal water supply, the text of which is set forth in Resolution No. 57-69, adopted by the Council of the City of Modesto on February 6, 1957, and on file in the Office of the City Clerk, be adopted?	3061	5751

7. That the number of votes cast in each precinct for and against said initiative ordinance was as follows:

Precinct	Proposed Initiative Ordinance	
	YES	NO
1	53	156
2	90	184
3	87	165
4	64	158
5	53	157
6	61	226
7	149	160
8	29	140
9	68	224
10	37	109
11	41	186
12	31	135
13	38	192
14	40	244
15	42	160
16	41	159
17	104	182
18	42	192
19	80	113
20	213	196
21	208	168
22	108	118
23	151	137
24	138	263
25	143	173
26	96	164
27	93	198
28	131	162
29	63	147
30	54	175
31	58	137
32	265	185

Precinct	Proposed Initiative Ordinance	
	YES	NO
33	157	181
34	33	105
TOTAL	3061	5751

8. That all absent voters' ballots cast in said City have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said proposed initiative ordinance is as follows:

ABSENTEE VOTE

Absentee applications filed	124
Ballots returned (total vote cast)	121
Votes rejected (ineligible)	1
Spoiled ballots	-
Ballots counted (regular)	120

Absentee Votes "Yes"	Absentee Votes "No"	Total Absentee Votes
46	70	116

9. That the total number of votes cast at said election for and against said proposed initiative ordinance submitted thereat, including the foregoing absentee ballots, was as follows:

Total Vote For	Total Vote Against
3107	5821

10. That less than a majority of all of the votes cast at said general municipal election on said proposed initiative ordinance were in favor of said ordinance, and that said ordinance was defeated.

11. That at said election the following City School District bond measure was submitted to the electors of the Modesto City School District, and that the number of votes given in said Modesto City School District for and against said proposal, exclusive of absentee ballots, was as follows:

Modesto City School District Bond Measure	Shall Modesto City School District of Stanislaus County incur a bonded indebtedness of Seven Hundred Thousand Dollars ($700,000.00) for the purpose of raising money for the following purposes (which are hereby united and shall be voted upon as one single proposition) to wit: (a) the purchasing of school lots; (b) the building or purchasing of school buildings; (c) the making of alterations or additions to the school building or buildings other than such as may be necessary for current maintenance, operation, or repairs; (d) the repairing, restoring, or rebuilding of any school building damaged, injured, or destroyed by fire or other public calamity; (e) the supplying of school buildings with furniture or necessary apparatus of a permanent nature; (f) the permanent improvement of the school grounds; and (g) the carrying out of the projects or purposes authorized in Section 18010 of the Education Code, to wit: providing sewers and drains adequate to treat and/or dispose of sewage and drainage on or away from each school property?	Total Vote "YES"	Total Vote "NO"
		7101	4863

12. That the number of votes cast in each precinct in said Modesto City School District for and against the bond measure was as follows:

Precinct	School District Bond Measure	
	YES	NO
1	117	86
2	153	124
3	135	107
4	153	86
5	98	98
6	138	146
7	207	98
8	69	96
9	161	126
10	90	53
11	104	113
12	85	68
13	98	124
14	131	149
15	106	102
16	88	108

Precinct	School District Bond Measure	
	YES	NO
17	176	112
18	105	128
19	141	54
20	324	87
21	296	84
22	146	75
23	187	106
24	219	178
25	220	95
26	141	118
27	137	148
28	165	129
29	130	81
30	122	97
31	126	66
32	343	114
33	238	96
34	75	60
35	54	28
36	174	86
37	181	110
38	146	87
39	152	57
40	98	38
41	49	38
42	49	54
43	82	75
44	91	71
45	40	51
46	45	66
47	42	58
48	56	76
49	78	70

Precinct	School District Bond Measure	
	YES	NO
50	139	115
51	112	72
52	88	50
53	70	63
54	131	86
TOTAL	7101	4863

13. That all absent voters' ballots have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said Modesto City School District bond measure is as follows:

ABSENTEE VOTE

Absentee applications filed	138
Ballots returned (total vote cast)	134
Votes rejected (ineligible)	-
Spoiled ballots	-
Ballots counted (regular)	134

Absentee Votes "Yes"	Absentee Votes "No"	Total Absentee Votes
84	40	124

14. That the total number of votes cast at said election for and against said Modesto City School District bond measure submitted thereat, including the foregoing absentee ballots, was as follows:

Total Vote For	Total Vote Against
7185	4903

15. That less than a two-thirds majority of all of the votes cast at said election on said Modesto City School District bond measure were in favor of said proposal, and that said proposal was defeated.

16. That at said election the following Modesto City School District tax increase proposition was submitted to the electors of the Modesto City School District, and that the number of votes given in said Modesto City School District for and against said proposition, exclusive of absentee ballots, was as follows:

Modesto City School District Tax Increase Proposition	Shall the proposed increase in the maximum tax rate from the statutory rate of ninety cents ($0.90) to the sum of One Dollar and Fifty-two Cents ($1.52) exclusive of bond interest and redemption, on each One Hundred Dollars ($100.00) of assessed valuation within Modesto City School District for a period of three years beginning July 1, 1957, and ending June 30, 1960, both days inclusive, be authorized?	Total Vote "YES"	Total Vote "NO"
		5913	5811

17. That the number of votes cast in each precinct for and against said Modesto City School District tax increase proposition was as follows:

Precinct	Tax Increase Proposition	
	YES	NO
1	98	102
2	125	149
3	127	117
4	127	102
5	84	113
6	120	158
7	165	135
8	50	108
9	119	158
10	81	61
11	77	133
12	68	83
13	79	135
14	111	165
15	87	115
16	70	120
17	155	130
18	90	138
19	111	82
20	269	136
21	244	122
22	119	92
23	160	127

Precinct	Tax Increase Proposition	
	YES	NO
24	195	200
25	185	124
26	122	134
27	113	167
28	131	154
29	115	89
30	102	115
31	97	88
32	304	147
33	195	140
34	63	70
35	42	38
36	130	124
37	148	139
38	130	100
39	129	76
40	86	49
41	36	48
42	41	60
43	67	85
44	81	76
45	32	55
46	31	81
47	37	59
48	47	83
49	64	83
50	128	[illegible]
51	95	[illegible]
52	63	66
53	61	73
54	107	[illegible]
TOTAL	5913	5811

18. That all absent voters' ballots have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said Modesto City School District tax increase proposition is as follows:

ABSENTEE VOTE

Absentee applications filed	138
Ballots returned (total vote cast)	134
Votes rejected (ineligible)	-
Spoiled ballots	-
Ballots counted (regular)	134

Absentee Votes "Yes"	Absentee Votes "No"	Total Absentee Votes
61	58	119

19. That the total number of votes cast at said election for and against said Modesto City School District tax increase proposition, including the foregoing absentee ballots, were as follows:

Total Vote For	Total Vote Against
5974	5869

20. That a majority of all the votes cast at said election on said Modesto City School District tax increase proposition were in favor of said proposition, and that said proposition was approved.

21. That at said election the following Modesto High School District bond measure was submitted to the electors of the Modesto High School District, and that the number of votes given in said Modesto High School District for and against said proposal, exclusive of absentee ballots, was as follows:

Modesto High School District Bond Measure		Total Vote "YES"	Total Vote "NO"
	Shall Modesto High School District of Stanislaus County incur a bonded indebtedness of One Million, Five Hundred Thousand and no/100ths Dollars ($1,500,000.00) for the purpose of raising money for the following purposes (which are hereby united and shall be voted upon as one single proposition) to wit: (a) the purchasing of school lots; (b) the building or purchasing of school buildings; (c) the making of alterations or additions to the school building or buildings other than such as may	7689	5937

be necessary for current maintenance, operation, or repairs; (d) the repairing, restoring, or rebuilding of any school building damaged, injured or destroyed by fire or other public calamity; (e) the supplying of school buildings with furniture or necessary apparatus of a permanent nature; (f) the permanent improvement of the school grounds; and (g) the carrying out of the projects or purposes authorized in Section 18010 of the Education Code, to wit: providing sewers and drains adequate to treat and/or dispose of sewage and drainage on or away from each school property?

22. That the number of votes cast in each precinct in said Modesto High School District for and against the bond measure was as follows:

Precinct	School District Bond Measure	
	YES	NO
1	113	85
2	154	125
3	129	111
4	145	87
5	99	99
6	128	152
7	198	100
8	66	98
9	155	129
10	85	54
11	96	114
12	79	72
13	91	127
14	121	153
15	100	102
16	81	110
17	169	114
18	105	125
19	137	53
20	313	90
21	287	85
22	133	85
23	179	114

Precinct	School District Bond Measure	
	YES	NO
24	218	186
25	217	96
26	129	128
27	127	156
28	161	126
29	132	79
30	115	97
31	119	70
32	335	121
33	227	106
34	75	58
35	47	29
36	161	93
37	171	114
38	142	88
39	151	54
40	97	40
41	45	43
42	47	54
43	68	79
44	89	73
45	37	52
46	41	70
47	41	53
48	50	80
49	79	63
50	134	114
51	101	79
52	83	48
53	66	64
54	116	97
55	45	41
56	78	50

Precinct	School District Bond Measure	
	YES	NO
57	116	76
58	71	100
59	7	25
60	90	77
61	117	81
62	97	142
63	74	75
64	83	73
65	80	122
66	47	81
TOTAL	7689	5937

23. That all absent voters' ballots have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said Modesto High School District bond measure is as follows:

ABSENTEE VOTE

Absentee applications filed	138
Ballots returned (total vote cast)	134
Votes rejected (ineligible)	-
Spoiled ballots	-
Ballots counted (regular)	134

Absentee Votes "Yes"	Absentee Votes "No"	Total Absentee Votes
79	46	125

24. That the total number of votes cast at said election for and against said Modesto High School District bond measure submitted thereat, including the foregoing absentee ballots, was as follows:

Total Vote For	Total Vote Against
7768	5983

25. That less than a two-thirds majority of all of the votes cast at said election on said Modesto High School District bond measure were in favor of said proposal, and that said proposal was defeated.

26. That at said election the following Modesto High School District tax increase proposition was submitted to the electors of the Modesto High School District, and that the number of votes given in said Modesto High School District for and against said proposition, exclusive of absentee ballots, was as follows:

		Total Vote "YES"	Total Vote "NO"
Modesto High School District Tax Increase Proposition	Shall the proposed increase in the maximum tax rate from the statutory rate of seventy-five cents ($0.75) to the sum of One Dollar and Thirteen Cents ($1.13) exclusive of bond interest and redemption, on each One Hundred Dollars ($100.00) of assessed valuation within Modesto High School District for a period of three years beginning July 1, 1957, and ending June 30, 1960, both days inclusive, be authorized?	6681	6638

27. That the number of votes cast in each precinct for and against said Modesto High School District tax increase proposition was as follows:

Precinct	Tax Increase Proposition	
	YES	NO
1	101	90
2	128	143
3	116	121
4	126	97
5	82	105
6	115	158
7	168	126
8	43	110
9	125	151
10	74	63
11	81	123
12	69	79
13	82	134
14	104	167
15	87	111
16	65	121
17	149	126
18	90	136

Precinct	Tax Increase Proposition	
	YES	NO
19	115	70
20	266	132
21	251	111
22	118	92
23	158	125
24	186	198
25	191	118
26	122	137
27	109	165
28	140	137
29	114	92
30	94	112
31	97	85
32	301	147
33	191	138
34	64	70
35	39	39
36	132	117
37	152	133
38	131	98
39	136	65
40	86	46
41	36	48
42	45	58
43	56	85
44	73	78
45	26	58
46	34	73
47	35	58
48	46	83
49	67	79
50	129	118
51	95	84

Precinct	Tax Increase Proposition	
	YES	NO
52	73	60
53	61	70
54	103	105
55	41	43
56	71	56
57	108	85
58	64	106
59	7	26
60	85	77
61	103	89
62	83	148
63	58	79
64	74	78
65	73	118
66	37	88
TOTAL	6681	6638

28. That all absent voters' ballots have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said Modesto High School District tax increase proposition is as follows:

ABSENTEE VOTE

Absentee applications filed	138
Ballots returned (total vote cast)	134
Votes rejected (ineligible)	1
Spoiled ballots	-
Ballots counted (regular)	133

Absentee Votes "Yes"	Absentee Votes "No"	Total Absentee Votes
61	59	120

29. That the total number of votes cast at said election for and against said Modesto High School District tax increase proposition, including the foregoing absentee ballots, was as follows:

Total Vote For	Total Vote Against
6742	6697

30. That a majority of all the votes cast at said election on said Modesto High School District tax increase proposition were in favor of said proposition, and that said proposition was approved.

31. That at said election the following Modesto Junior College District bond measure was submitted to the electors of the Modesto Junior College District and that the number of votes given in said Modesto Junior College District for and against said proposal, exclusive of absentee ballots, was as follows:

Modesto Junior College District Bond Measure	Shall Modesto Junior College District of Stanislaus County	Total Vote "YES"	Total Vote "NO"
	incur a bonded indebtedness of One Million and no/100ths Dollars ($1,000,000.00) for the purpose of raising money for the following purposes (which are hereby united and shall be voted upon as one single proposition) to wit: (a) the purchasing of school lots; (b) the building or purchasing of school buildings; (c) the making of alterations or additions to the school building or buildings other than such as may be necessary for current maintenance, operation, or repairs; (d) the repairing, restoring, or rebuilding of any school building damaged, injured or destroyed by fire or other public calamity; (e) the supplying of school buildings with furniture or necessary apparatus of a permanent nature; (f) the permanent improvement of the school grounds; and (g) the carrying out of the projects or purposes authorized in Section 18010 of the Education Code, to wit: providing sewers and drains adequate to treat and/or dispose of sewage and drainage on or away from each school property?	7486	6161

32. That the number of votes cast in each precinct in said Modesto Junior College District for and against the bond measure was as follows:

Precinct	School District Bond Measure	
	YES	NO
1	114	88
2	157	116
3	119	120
4	161	74
5	97	99
6	126	150
7	205	102

Precinct	School District Bond Measure	
	YES	NO
8	58	100
9	150	138
10	84	56
11	99	117
12	78	71
13	99	119
14	125	168
15	88	110
16	73	118
17	165	124
18	102	126
19	135	54
20	289	111
21	273	100
22	133	85
23	173	114
24	203	194
25	210	105
26	139	123
27	120	160
28	161	121
29	126	88
30	108	102
31	112	74
32	330	126
33	224	112
34	73	60
35	51	29
36	160	92
37	170	119
38	146	87
39	140	66
40	87	48

Precinct	School District Bond Measure	
	YES	NO
41	40	48
42	46	59
43	67	79
44	86	73
45	35	52
46	39	73
47	36	59
48	49	80
49	77	70
50	126	125
51	102	80
52	84	51
53	64	69
54	111	101
55	38	47
56	71	57
57	109	79
58	69	107
59	10	23
60	90	75
61	109	84
62	91	148
63	71	77
64	77	78
65	79	121
66	47	80
TOTAL	7486	6161

33. That all absent voters' ballots have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said Modesto Junior College District bond measure is as follows:

ABSENTEE VOTE

Absentee applications filed	138
Ballots returned (total vote cast)	134
Votes rejected (ineligible)	-
Spoiled ballots	-
Ballots counted (regular)	134

Absentee Votes "Yes"	Absentee Votes "No"	Total Absentee Votes
81	43	124

34. That the total number of votes cast at said election for and against said Modesto Junior College District bond measure submitted thereat, including the foregoing absentee ballots, was as follows:

Total Vote For	Total Vote Against
7567	6204

35. That less than a two-thirds majority of all of the votes cast at said election on said Modesto Junior College District bond measure were in favor of said proposal, and that said proposal was defeated.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of April, 1957, by Councilman Anderson, who moved its adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

NOES: None ABSENT: None

ATTEST: _____
REX E. GAILFUS, City Clerk

CLERK'S CERTIFICATE

I, REX E. GAILFUS, City Clerk of the City of Modesto, California, DO HEREBY CERTIFY that the foregoing resolution is a full, true and correct copy of a resolution duly adopted at a special meeting of the Council of said City duly and regularly held at the regular meeting place thereof on the 16th day of April, 1957, of which meeting all of the members thereof had due notice and at which a majority thereof was present; that at said meeting said resolution was introduced by Councilman Anderson, and was thereupon, upon motion of Councilman Anderson, seconded by Councilman Robinson, adopted by the following vote:

AYES; Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

NOES: None ABSENT: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in Book _____ of Minutes, at Pages _____ to _____, inclusive. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of the City of Modesto this 16th day of April, 1957.

Rex E. Gailfus

City Clerk of the City of Modesto, California

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, Arata, Hammond, Mayor Marks
Absent: Councilmen: Anderson, Robinson and Merrill

Councilmen Anderson and Merrill arrived at 4:06 P.M.

Councilman Robinson arrived at 4:26 P.M.

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

Rev. Lawrence G. Cruzen, pastor of the United Brethren in Christ Church gave the invocation.

APPROVAL OF MINUTES 1-5

Council members having received copies of the minutes of the Council meeting of April 3, 1957, and the same being available for public inspection, and there being no objections, the minutes were approved.

REPORT ON RESULTS OF THE ELECTION MADE BY CITY CLERK 1-10

A brief report on the result of the votes cast at the General Municipal Election held in the city and Modesto City School District on April 9, 1957, was given by the City Clerk. He stated that a copy of the resolution confirming the votes would be distributed to the Council members, County, and Schools, at a later date.

OATH OF OFFICE ADMINISTERED TO COUNCIL MEMBERS ELECTED AT THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 9, 1957 1-20

City Clerk Rex Gailfus administered the oath of office to Merrill L. Adams, David L. Arata, and Don D. Hammond, who had been reelected Councilmen for a term of four years, at the General Municipal Election held in the city on April 9, 1957.

Mayor Marks introduced Mrs. Elin Rasheff, who had responded to the Council's weekly invitation sent to citizens to attend the meeting, to see their government in action.

CHECK PROCEDURE FOR PRESENTING COMMUNICATIONS TO THE COUNCIL 1-55

Mayor Marks pointed out that there were 3 ways for presenting communications to the Council, 1) the City Clerk reading the communication, 2) the City Manager, or 3) the Mayor.

It was generally agreed by the members that the present procedure be continued, which is that in some cases, when the matter is technical, the City Manager should read or brief the communication and in other cases, when the matter is of general nature, the Mayor should continue reading the communications.

ELECTION OF VICE MAYOR OF THE CITY 1-67

MOTION

That Councilman Don D. Hammond be reelected as Vice Mayor of the City.

Moved by Arata Seconded by Merrill Unanimously carried

COUNCIL COMMITTEES TO STAND "AS IS" 1-80

There being no objections from members of the Council, it was ordered that all existing Council Committees should remain "as is".

COMMUNICATION FROM MODESTO CHAMBER OF COMMERCE RE: WATER IN STANISLAUS COUNTY 1-86

A letter from the Modesto Chamber of Commerce, together with a resolution relating to a survey on water uses necessary for the future of Stanislaus County, was noted by the Council.

City Manager Ross Miller reported that the resolution, which the Council had directed be prepared by the staff relating to the water problem, was under preparation and would be submitted for consideration shortly.

COMMUNICATION FROM NORTHERN CALIFORNIA CHAPTER CENTRAL CALIFORNIA CHAPTER ASSOCIATION GENERAL CONTRACTORS OF AMERICA, INC. RE: "THIS YEAR'S WAGE DEMANDS" 1-92

A letter from the Northern California Chapter, Central California Chapter of the Associated General Contractors of America, Inc. Joint Labor Relations Committee, regarding this year's wage demands was read in full by Mayor Marks, and ordered filed.

RESOLUTION FROM COUNTY RELATING TO CROWS LANDING ROAD 1-126

A copy of a resolution adopted by the Board of Supervisors of Stanislaus County "requesting the return of a portion of State Sign Route No. 13 to County control and urging inclusion of Crows Landing Road as a State Highway" was briefed and ordered filed.

ORAL REQUEST BY STANISLAUS COUNTY SOCIETY FOR CRIPPLED CHILDREN FOR STREET CONCESSION 2-06

The City Clerk reported that the Stanislaus County Society for Crippled Children and Adults, Inc. had orally requested permission to install concessions on the city sidewalks, which would include bottles for each state in the union for pedestrians to deposit contributions in its annual drive for funds on Saturday, April 20.

MOTION

That the administrative staff be authorized to grant permission annually to this organization to place concessions on city sidewalks during its drive for funds on the condition that the city be held harmless from any liability.

Moved by Merrill Seconded by Arata Unanimously carried

It was generally agreed by the Council that it would adopt similar motions for other organizations which put on annual drives, collections, etc., as they were presented so that it would not be necessary for the Council to take action each year, on these requests.

LETTER FROM HOWARD E. OLDS, CONDITION OF STREET 2-31

A letter was read from Howard E. Olds, 1122 LaLoma Drive, protesting to

(1) The installation of a street light on Santa Barbara, between LaLoma and Yosemite Boulevard, in Improvement District No. 5, since it was a "half street" as the property owners on the east had refused to deed the necessary 30 feet to make it a full street;

(2) that the traffic had increased materially over this half street during the past years which created a serious dust problem and the city had refused to maintain the street in the past---so why did it install a street light under these conditions;

(3) that he had been refused city permission to extend the curbs to the end of his property because this was a half street.

The City Manager stated that this street was one of a number of half streets throughout the city which created a real maintenance problem and that the staff would prepare a report for Council information on the problems created where only one half of the street was dedicated and improved. The City's policy has been that the property owners are required to give the right of way and to make the improvement on residential streets of this sort.

Mr. Ray reported that both Santa Barbara and Miller Avenues at this particular intersection, were half streets. He reviewed the Improvement District procedure which established the street lights and sewers in this area.

The City Manager pointed out that if the street light and sewer had not been installed at the time of the improvement district proceedings and the street had been developed as a full street later on that a serious problem would be involved also as is the case now on the development of the street.

Mr. Ray stated that the city could not issue a permit for curb, gutter and sidewalk when the street area was not dedicated, as is the case here.

The legal problem of why this area, which is being used as a street by the general public along Mr. Olds' property, could not be shut off by him was raised and it was agreed by the Council that this matter should also be checked by the staff, along with the other matters raised by Mr. Olds.

ORAL STATEMENT BY EDWARD KIELBERG RE: REASONS FOR LOCATION OF THE MOORE BUSINESS FORMS PLANT IN MODESTO 2-120

Edward Kielberg, local manager of the new branch plant constructed in Modesto by the Moore Business Forms in the East Modesto Industrial area, was introduced by Mayor Marks.

Mr. Kielberg spoke briefly on the reasons the company had decided to establish its plant in the Modesto area.

REPORT ON COUNCIL TOUR OF LOCAL INDUSTRIES 3-85

Councilman Hammond reported on the first of a number of tours of the Council to acquaint itself with the present industrial plant facilities in the community, which were being arranged by Industrial Director Pedersen. The plants of the Grange Company and the Stanislaus Mill and Manufacturing Company, were inspected, prior to the Council meeting, he reported.

LETTER FROM V. L. MATTESON RE: ESTIMATING ON PAINTING JOB AT BALL PARK 3-110

A letter was read from V. L. Matteson complaining on the manner in which the city had awarded bid on the painting of the ball park, without giving him an opportunity to bid. He enclosed a statement in amount $20.00 representing his expenses for submitting his original bid. He attributed the fact that he had not been contacted by the city on the second bid call, to an incident which had occurred on the golf course when he had been threatened with expulsion from the course by Golf Pro Silva, which action had been approved by Parks and Recreation Director Lowrey.

Mr. Lowrey reported that he had tried unsuccessfully to contact Mr. Matteson at least six times on the telephone to advise him of the revised plans on the park so that he could submit a new bid on the lesser amount, and due to the urgent nature of the project, since the ball season was so close at hand, the bid had been let and the work was being done at the present time by Douglas Vient, painting contractor. This new bid had been approved by the Council Committee before award was made, he stated.

Mr. Lowrey stated that he accepted the responsibility of not contacting Mr. Matteson regarding the new plans, but he had tried many times to do this by phone but had failed to notify him by letter. All contractors contacted on the painting, including Mr. Matteson, had been on the basis that they gave free estimates. If the painting at the park is completed later in the fall, he pointed out, there would be no reason why Mr. Matteson should not also bid on the job.

The Council agreed that it was an unfortuante circumstance that Mr. Matteson had not received official notification of the change in plans on the painting but due to the urgent nature of the work it had been necessary to proceed with the work without unnecessary delay.

Mr. Lowrey, Mr. Matteson and Golf Pro Silva spoke on the matter raised in the letter relating to the incident at the golf course, which related to the hiring of caddies by Mr. Matteson and his guest. The Council agreed that the statements made by Mr. Lowrey and Mr. Silva answered the charges filed by Mr. Matteson in a satisfactory manner, and that the matter should be dropped.

Mr. Matteson agreed that under the circumstances his statement for $20 for estimating on the original paint job would be withdrawn.

APPROVE AGREEMENT WITH LANCE E. ELLIS AND CAROL L. ELLIS FOR PERIMETER SEWER IN GREGORY GARDENS NO. 2 SUBDIVISION 5-74

RESOLUTION NO. 57-162

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LANCE E. ELLIS AND CAROL L. ELLIS FOR PERIMETER SEWER IN GREGORY GARDENS NO. 2 SUBDIVISION

Introduced by Anderson Seconded by Robinson

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

Mr. Ray estimated the city's share on the installation cost would be approximately $2,004.50.

ACCEPT BID OF WM. LYLES FOR INSTALLATION OF PERIMETER SEWERS IN GREGORY GARDENS NO. 2 SUBDIVISION 5-81

Copies of the tabulation of bids received at 2:30 P.M., April 15 for the installation of perimeter sewer in Gregory Gardens No. 2 Subdivision were distributed for Council consideration. Mr. Ray recommended the acceptance of the lowest bid of $4,009 submitted by W. M. Lyles Company.

RESOLUTION NO. 57-163

A RESOLUTION ACCEPTING THE BID OF W. M. LYLES COMPANY FOR THE INSTALLATION OF PERIMETER SEWERS IN GREGORY GARDENS NO. 2 SUBDIVISION

Introduced by Robinson Seconded by Arata

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

ACCEPT BID OF C. R. FREED FOR INSTALLATION OF COOLING SYSTEM IN THE MCHENRY PUBLIC LIBRARY 5-115

Copies of the tabulation of the six bids received for the installation of a cooling system at the McHenry Public Library, which had been opened at 2:00 P.M., April 15, were distributed for Council consideration. Assistant Director of Public Works Fredricksen recommended that the lowest bid of $2,635.50, submitted by C. R. Freed, be accepted.

RESOLUTION NO. 57-164

A RESOLUTION ACCEPTING THE BID OF C. R. FREED FOR THE INSTALLATION OF COOLING SYSTEM AT THE MCHENRY PUBLIC LIBRARY

Introduced by Adams Seconded by Merrill

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

FINAL ADOPTION OF ORDINANCE NO. 160-C.S. FIRE ZONES 6-05

ORDINANCE NO. 160-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO FIRE ZONES".

introduced on April 3, 1957, 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, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 161-C.S. ESTABLISH SPEED LIMIT ON CITY STREETS 6-07

ORDINANCE NO. 161-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 153-C.S."

introduced on April 3, 1957, 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 Hammond

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

ORDINANCE AMENDING TRAFFIC ORDINANCE 345-N.S. RELATING TO SIGNAL AT INTERSECTION OF 9TH AND B STREETS 6-10

ORDINANCE NO. 162-C.S. entitled

"AN ORDINANCE REPEALING SECTION 18 OF ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED, AND REPEALING ORDINANCE NO. 843-N.S. ENTITLED 'AN ORDINANCE PROHIBITING RIGHT TURNS BY VEHICLES AGAINST A RED OR STOP SIGNAL AT INTERSECTION OF 9TH AND B STREETS'"

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

Moved by Merrill Seconded by Arata

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

COUNCIL AUTHORIZE START OF PROJECT IN THE GRACEADA PLAYGROUND AREA PRIOR TO ADOPTION OF ORDINANCE APPROPRIATING DONATION FROM THE MODESTO LIONS CLUB 6-16

The Council indicated its approval of starting the playground area in Graceada Park prior to the introduction of an ordinance appropriating the donation of $200 received from the Modesto Lions Club.

MOTION

That the start of the work on the project be approved.

Moved by Merrill Seconded by Adams Unanimously carried

APPROVE APPROPRIATION TRANSFER FOR PAYMENT OF TAXES ON PROPERTY PURCHASED FROM WILLIARD K. McBRIDE 6-20

RESOLUTION NO. 57-165

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $80 FROM SPECIAL CAPITAL OUTLAY RESERVE FOR TAXES ON SANITARY LAND FILL AREA AND FUTURE PARK SITE (MCBRIDE PROPERTY)

Introduced by Arata Seconded by Adams

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

DISCUSSION ON POLICY ON DISPOSAL OF COMPOSTED LEAVES 6-20

Mr. Ray reported that the city had received an inquiry on the purchase of leaves stock piled in the city-county airport during the past two years. The Park Department has indicated that the city had no use for the leaves since they were not properly composted. Mr. Ray suggested that a resolution be adopted establishing a schedule of charges whereby these leaves could be sold.

The City Manager recommended the price of $1.00 for a five yard load and $2.00 for a 5/10 yard load, the purchaser be required to do his own loading; and the operation be under the supervision of the Public Works Department.

Mr. Ray pointed out that to properly compost these leaves would

not justify the labor expense, that the room required to properly turn the leaves was not available, and the city did not want to get into the business on a large scale since many times when these leaves were piled they were set on fire creating a smoke problem.

RESOLUTION NO. 57-166

A RESOLUTION ESTABLISHING POLICY ON SALE OF COMPOSTED LEAVES AND SETTING PRICE FOR THE SALE OF LEAVES

Introduced by Arata Seconded by Robinson

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

FURTHER DELAY REQUEST MADE BY E. VARNI FOR VARIANCE FROM CURB CUT PROVISION OF MUNICIPAL CODE 6-50

The matter of the request made by E. Varni for variance from curb cut provision of the Municipal Code on his property located at 7th, Sierra Drive and C Street was further delayed since Mr. Varni had not yet filed a letter agreeing to install a permanent curb within a year if this permit was granted, as he had indicated he wished to do. It was agreed by the Council that the matter be held over.

APPROVE AGREEMENT WITH WILBUR TWINING FOR OPERATION OF FAMILY CAMP AT PINECREST 6-50

The City Attorney presented for Council approval a new agreement with Wilbur Twining for the operation of the family camp at Pinecrest for a two week period in August, on the same basis as last year's agreement.

RESOLUTION NO. 57-167

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILBUR TWINING FOR OPERATION OF FAMILY CAMP AT PINECREST

Introduced by Anderson Seconded by Merrill

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

APPROVE APPROPRIATION TRANSFER OF $165 FROM PARKING FUND RESERVE TO TRAFFIC ENGINEER FOR UTILITIES 6-62

RESOLUTION NO. 57-168

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $165 FROM PARKING FUND RESERVE TO TRAFFIC ENGINEER-PARKING FOR UTILITIES

Introduced by Merrill Seconded by Arata

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

PROGRESS REPORT ON EXTENSION OF G STREET, BURNEY TO LALOMA 6-69

The City Manager displayed a map on the proposed extension of G Street, from Burney to LaLoma, and outlined the plans for improvement, including channelization. He reported that the two houses on Ross and James Streets were nearly demolished. The Council indicated its approval to proceed on the basis outlined by the City Manager.

REPORT ON TRAFFIC SIGNALS PROPOSED FOR YOSEMITE BOULEVARD 6-97

Plans proposed by the state for the installation of traffic signals on Yosemite Boulevard at LaLoma, the City Manager reported, provides that persons travelling south on Covena would be required to turn right only on LaLoma, which would in effect make it a four leg intersection instead of five and much simpler to signalize.

FURTHER REPORT ON SIGNALS AT McHENRY AND ORANGEBURG AVENUES 6-110

The City Manager reported further regarding the possibility of the installation of a series of fixed type of traffic signals on McHenry Avenue instead of one set of fully traffic actuated signals at Orangeburg. He stated that each fixed time signal would cost approximately $3500 and the one installation of a fully traffic actuated signal would cost approximately $15,000. Clearance with the state has not been effected as yet, he reported, and he asked that the matter be deferred for an additional week to see if some basis could be reached for the installation of a series of signals to be obtained for the same or less money.

The Council agreed to hold the matter over for a further week.

REPORT ON PROPOSED AGREEMENT WITH TIDEWATER SOUTHERN RAILROAD COMPANY ON THE TIDEWATER INDUSTRIAL TRACT 6-120

Terms of the proposed agreement with the Tidewater Southern Railway Company relating to the development of its 226 acres industrial tract located south of the city and outside the city limits, were briefed by the City Manager. He stated that no formal action was required at this time and if the terms of the contract were clear with the Council that it would be presented to the Company for its approval and then it would be brought back to the Council for final approval action. The Council indicated its approval of the agreement as outlined by the City Manager and transmittal to the Company for execution.

AUTHORIZE TWO HOUR PARKING LIMIT ON F STREET AT TWELFTH STREET 7-50

RESOLUTION NO. 57-169

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE SOUTH SIDE OF F STREET BETWEEN TWELFTH STREET AND THE ALLEY BETWEEN ELEVENTH STREET AND TWELFTH STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

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

RESOLUTION AUTHORIZING ERECTION OF YIELD RIGHTOF WAY SIGNS ON CERTAIN STREETS ENTERING MORRIS BETWEEN McHENRY AVENUE AND COFFEE ROAD 7-60

RESOLUTION NO. 57-170

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Anderson

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

FURTHER DISCUSSION ON AGREEMENT FOR DEVELOPMENT OF BRADY-WILEN SUBDIVISION 7-70

The City Manager reported that pursuant to Council direction, that the staff prepare and present a proposed agreement which would incorporate the policy which was indicated at the last Council meeting relating to the development of the Brady-Wilen Subdivision, investigations indicate that there would be difficulty in the subdividers obtaining the necessary performance bond to guarantee construction of improvements required by the City.

The City Attorney reported that he had checked with two insurance brokers and their companies had indicated that there was practically no possibility of getting a performance bond that would be based on an indefinite future date of completion of improvements such as would cover the installation of the street lights, six months after annexation. He was informed, he stated, that a surety company would no doubt require the subdivider to actually earmark the money and set it aside in a trust fund. If this would be required, the subdivider would be better off to post a cash deposit with the city.

The companies have indicated, the City Attorney reported, that a period of time between 18 months to two years from the execution of the agreement be the limit of time for which a bond could be written.

One suggestion which the staff wishes to check out, the City Manager reported, is the possibility of a specified date, for example the filing of the final map.

It was agreed by the Council and staff that during the next week the matter of the bonds and the furnishing of the sewer plans to the subdividers so that construction would not be delayed, be cleared so that the matter of the agreement could be resolved at the next Council meeting.

It was pointed out by Mr. Ray that if Mr. Brady secured bids on the sewers that it be subject to the execution of an agreement with the city.

The Council discussed accepting the agreement on the basis of two years, and with the provision that the City Manager could extend the agreement for six months periods, if necessary, and that as soon as it is possible to annex the subdivision that it be done and the lights installed at that time.

Councilman Hammond stated that the Council had agreed at its last meeting that if Mr. Brady provided suitable bond to insure the installation of the lights at the time of annexation that it would be satisfactory and that it was his problem to provide it and not the city's. The city should not be concerned until the bond is presented by the subdividers, then it must be sure the bond is bona fide and meets the city's requirements.

The City Attorney questioned whether Mr. Brady could procure a bond under this condition.

The City Manager suggested an early conference between the Director of Public Works, City Attorney and Mr. Brady, so that the matter could be cleared.

AUTHORIZE TRANSFER OF $1200 FROM GENERAL RESERVE TO FIRE DEPARTMENT 8-45

RESOLUTION NO. 57-171

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1200 FROM GENERAL RESERVE TO FIRE DEPARTMENT FOR FIRE ALARM EXTENSION

Introduced by Arata Seconded by Merrill

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

FURTHER REPORT ON POSSIBILITY OF LEASING M.I.D. BUILDING TO COUNTY 8-50

The City Manager reported that he had checked with the city's architect, Milton Pflueger, regarding the possibility of leasing the old M.I.D. building to the county. Mr. Pflueger stated that he could see no reason, from the location of a new city hall building problem, why the city could not lease the building to the county. A specific proposal for the leasing of the building by the county will be presented for Council consideration at a later date, he stated.

Since the county would be required to spend considerable money to remodel the building for its use, the City Manager reported, it would not be interested in leasing the building unless it was on a firm basis.

The Council indicated general agreement on the suggestion of the City Manager that he proceed to discuss a specific proposal for the leasing of the building to the county.

FURTHER CONSIDERATION OF CITY HALL MATTERS 8-66

It was agreed by the Council that no further discussion of city hall matters be held until copies of all the reports were made available to the members for their study.

APPROVE MOTION TRANSFERING FUNDS IN THE PUBLIC WORKS DEPARTMENT TO READJUST WORK PROGRAM 8-75

MOTION

That the interdepartmental transfers of $1200 from the Water Department, Capital Water line and hydrant extension, to Water Department, construction materials, and $2300 from the Sewer Department, capital, sanitary sewer extension to Sewer Department, equipment rental and construction materials, be approved.

Moved by Robinson Seconded by Adams Unanimously carried

CLEAR LETTER TO RESIDENTS OF McHENRY VILLAGE SUBDIVISION 8-90

The Council approved the sending of a letter, to residents in the McHenry Village Subdivision, copies of which had been previously distributed to each member, relating to the need for annexation to the city.

APPROVE AGREEMENT WITH GRISWOLD AND WIGHT FOR LEASING OF OFF-STREET PARKING SPACES ON TENTH STREET PARKING LOT 8-96

RESOLUTION NO. 57-172

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND GRISWOLD AND WIGHT FOR THE LEASING OF OFF-STREET PARKING SPACES ON TENTH STREET PARKING LOT

Introduced by Anderson Seconded by Robinson

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

Traffic Engineer Carmody reported that the groundbreaking ceremony on the new Tenth Street lot would be held at 10:00 A.M. Thursday, April 18, and invited the members to be present. Landscaping will be held up for approximately one month until the ground is treated, he stated.

ESTABLISH I STREET, BETWEEN DOWNEY AVENUE AND 17TH STREET, AS A ONE WAY STREET 8-110

RESOLUTION NO. 57-173

A RESOLUTION DESIGNATING I STREET BETWEEN DOWNEY AVENUE AND SEVENTEENTH STREET AS A ONE-WAY STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

AUTHORIZE NOTICE TO BE SENT TO COUNTY RELATING TO CANCELLATION OF HEALTH DEPARTMENT AGREEMENT 8-114

The City Manager reported that the existing contract between the city and county relating to the health department provided for the giving of a notice 60 days prior to cancellation. The new health department contract will be effective July 1, and it will be necessary to authorize the cancellation notice of the existing contract at this time.

MOTION

That the sending to the Board of Supervisors of a notice of cancellation of the existing contract between the city and county relating to health services as of June 30, 1957, be authorized.

Moved by Arata Seconded by Merrill Unanimously carried

LEGISLATIVE MATTERS 8-120

SB 244, Community Mental Health Services. The City Manager briefed a letter received by the Mayor from the League relating to this proposed bill. He recommended the city might indicate its position by letter to Senator Donnelly even though at this time it does not directly effect the city but might conceivably in the future.

MOTION

That the Mayor write a letter to Senator Donnelly and the League of California Cities indicating the city's interest in the adoption of this bill.

Moved by Merrill Seconded by Adams Unanimously carried

SB 863 (DESMOND) would give the Liquor Administrator authority to grant liquor establishments in the vicinity of churches, schools or playgrounds, the City Manager reported. Since this bill is moving along rapidly at this time, he stated, if the city wished to take any position, it should be indicated as soon as possible.

MOTION

That the city indicate its opposition on SB863 and Senator Donnelly and the League of California Cities and members of the Committee be notified of the position by letter.

Moved by Anderson Seconded by Merrill Unanimously carried

The City Manager reported that a number of bills were moving in the Legislature which goes toward the kind of traffic control program which the Council had already indicated it supported. In each of these cases, copies of the Council resolution are sent which indicate the Council's interest.

ACCEPT GRANT DEEDS 9-45

RESOLUTION NO. 57-174

A RESOLUTION ACCEPTING GRANT DEED FROM JOHN QUARESMA FOR WIDENING OF CECIL WAY AND NOTRE DAME

Introduced by Merrill Seconded by Hammond

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

RESOLUTION NO. 57-175

A RESOLUTION ACCEPTING GRANT DEEDS FROM ELINORE BERRY, FRANCIS J. SCANLON AND PAUL L. AND NORA M. LITTLE FOR THE WIDENING OF GRANGER AVENUE

Introduced by Arata Seconded by Hammond

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

CITY MANAGER ADVISE COUNCIL OF AVAILABLE PHONE SERVICE AT THE COUNCIL CHAMBER 9-72

The City Manager reported that arrangements had been made for phone service during Council meetings and that after the library was closed at 9:00 P.M., the Clerk would have a key for the office where the phone was located.

REPORT ON COST OF INSTALLATION OF WATER LINES ON BRIGGSMORE AND TULLY 9-76

Mr. Ray reported that the cost of the installation by city forces was $1246.82, which was $13.18 below the city's estimate, which had been given at the time the bids were opened.

The Council reaffirmed its request for an additional breakdown on the city's cost estimate on bid calls for comparison of bids received.

ORDINANCE AMENDING BUILDING CODE 9-110

The City Manager reported the various city codes were being checked with the industries involved and all new codes would be presented shortly for Council consideration. In the meantime, however, he stated, the Building Officials Conference approved cedar and redwood shakes on group F buildings in fire zone No. 3.

It is recommended, he stated, that the city's code be amended at this time to include this amendment to the Uniform Building Code since there is presently under construction a medical center on the corner of Bowen and College Avenues which wishes to install redwood shakes but in order to do this under the present city code, it would cost an additional $1000 to put something under the shakes.

ORDINANCE NO. 163-C.S. entitled

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE TO ADD SECTION 9-1.11.1 ENTITLED "ROOF COVERINGS"

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

Moved by Merrill Seconded by Anderson

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

NOTICE OF MEETING OF CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES BEING HELD IN OAKDALE, THURSDAY, APRIL 25, 1957 10-09

The Council members were reminded of this meeting.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Anderson Seconded by Adams Unanimously carried

The meeting was adjourned at 6:20 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Absent: None

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

Rev. Kaare Moe, pastor of the General Baptist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the adjourned meeting of April 16 and special meeting of April 16, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM JAMES H. CORSON, SUPERINTENDENT OF SCHOOLS EXPRESSING APPRECIATION FOR COOPERATION GIVEN BY CITY STAFF IN THE RECENT GENERAL MUNICIPAL ELECTION AND SPECIAL BOND ELECTIONS 1-57

The letter was read and ordered filed.

LETTER FROM TIDEWATER SOUTHERN RAILWAY COMPANY RE: NATIONAL ADVERTISING OF MODESTO INDUSTRIAL PARK 1-54

A copy of an advertisement to be published in a number of national magazines by the Tidewater Southern Railway Company advertising the Modesto Industrial Park was circulated for Council inspection.

LETTER FROM CONGRESSMAN JOHN J. McFALL RELATING TO LOCATION OF NAVY INSTALLATION IN STANISLAUS COUNTY 1-72

The letter was read by Mayor Marks. Councilman Hammond, Chairman of the Council Industrial Committee, to which this matter had been referred, reported that Industrial Director Pederson had reported that the project was progressing satisfactorily. Mayor Marks suggested that the Council Industrial Committee, in approximately 30 days, recommend to the Council the adoption of a resolution relating to this matter and that a copy of this resolution be sent to the Navy Department and Congressman McFall.

LETTER FROM CHAMBER OF COMMERCE RE: TOUR OF INDUSTRIAL AREA 1-97

A letter was read from the Modesto Chamber of Commerce inviting the Council members to attend a breakfast put on by the Modesto and Empire Traction Company, to be held at 7:30 A.M. Tuesday, April 30, Hotel Covell, to entertain the members of the annual tour sponsored by the Central Valley Empire Association of Fresno. A number of industrial editors of magazines and newspapers serving the west will be in the tour to learn more about the city's industrial potential and to visit some of the plants.

ACCEPT BID FOR ROTARY TYPE COMPRESSOR, DIVERSION BOX AT SEWER PLANT, AND INSTALLATION OF SANITARY SEWER LATERAL BLOCK 6077 1-114

Copies of the tabulation of various bids received for the new rotary type compressor, which had been opened at 2:00 P.M., April 22; Diversion Box, opened at 2:30 P.M.; and construction of sanitary sewer laterals, east portion of Block 6077, opened at 3:00 P.M., were distributed for Council consideration. The City Manager presented the recommendation of the Director

of Public Works that the low bids for the compressor, of $3,832.40, submitted by the Contractors Equipment & Supply Company of Fresno; the low bid of $1,780, on the diversion box, submitted by Ted Swinford; and the low bid of $1,979.15, submitted by Ted Swinford for the construction of the sanitary sewer laterals in Block 6077, be accepted.

RESOLUTION NO. 57-176

A RESOLUTION ACCEPTING THE BID OF CONTRACTORS EQUIPMENT AND SUPPLY COMPANY OF FRESNO FOR ONE NEW ROTARY TYPE COMPRESSOR

Introduced by Anderson Seconded by Hammond

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

RESOLUTION NO. 57-177

A RESOLUTION ACCEPTING THE BID OF TED SWINFORD FOR THE CONSTRUCTION OF DIVERSION BOX AT THE SEWAGE TREATMENT PLANT

Introduced by Robinson Seconded by Arata

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

RESOLUTION NO. 57-178

A RESOLUTION ACCEPTING THE BID OF TED SWINFORD FOR THE CONSTRUCTION OF SANITARY SEWER LATERALS IN THE EAST PORTION OF BLOCK 6077

Introduced by Merrill Seconded by Robinson

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

FINAL ADOPTION ORDINANCE NO. 159-C.S. AMEND SECTIONS 17 & 19 OF THE ZONING MAP 1-126

ORDINANCE NO. 159-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 17 AND 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON

introduced on March 27, 1957, and having been printed and published as required by the Charter, and coming on for final consideration was moved and adopted.

Moved by Robinson Seconded by Adams

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

APPROPRIATE ADDITIONAL REVENUE FOR EXPENDITURE DURING FISCAL YEAR 2-1

ORDINANCE NO. 164-C.S. entitled

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUE FOR EXPENDITURE DURING THE 1956-57 FISCAL YEAR AND ALLOCATING IT FOR CAPITAL OUTLAY PURPOSES

was introduced and ordered printed and published as required by the

Charter.

Moved by Merrill Seconded by Arata

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

FURTHER DISCUSSION ON REQUEST OF E. VARNI FOR CURB CUT VARIANCE 2-06

Director of Public Works Ray reported that pursuant to delaying action on the request of E. Varni for a curb cut variance from the municipal code for his property at 241 7th Street, so that the Council could inspect the location and so that Mr. Varni would have the opportunity to submit a proposal with regard to improvements at a future date, that Mr. Varni had not submitted the letter agreeing to install curbs and gutters on the other two sides of the triangular piece of property within a year if granted the permit for a variance and to blacktop the driveway and parking areas adjacent to C Street and Sierra Drive. He stated that the Department's recommendation was that the request be denied, and that if he installed regular concrete driveways and concrete curb and gutter around the C Street and Sierra Drive sides of the property, that two 30' driveways, one on C Street and one on Sierra would be sufficient to provide access to the parking areas.

In the general Council discussion, the following points were brought up:

1- That Mr. Varni's proposal for the property would improve the general area since it would prevent mudholes;

2- That this was a special case since there was little if any pedestrian traffic and it would not set a precedent for future requests;

3- That each individual case should be considered on its own merits and a Council decision made each time so that this would not be setting a precedent;

4- That due to the small area and peculiar shape of the property, that the installation of curbs and gutters would make it an island, which would make it detrimental to the property and serve no purpose;

5- That the curb line could be changed if necessary so that the installation of curbs and gutters would not be detrimental;

6- That the only available alternates, if the request was not granted, would be to deny the request and the property remain as is or curbs and gutters and concrete driveways be constructed where those driveways would be approved according to a code;

7- That if pedestrian conditions ever changed he could be required to install curbs and gutters and driveways according to city standards.

RESOLUTION NO. 57-179

A RESOLUTION GRANTING REQUEST OF E. VARNI TO BLACKTOP THE DRIVEWAY AND PARKING AREAS ADJACENT TO C STREET AND SIERRA DRIVE ON HIS PROPERTY LOCATED ON THE TRIANGLE AREA AT 241 SEVENTH STREET

Introduced by Merrill Seconded by Arata

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

FURTHER CONSIDERATION OF AGREEMENT ON BRADY-WILEN TRACT 3-01

The City Manager reported that the provisions of the agreement had been cleared at the staff level but the precise agreement was not yet completed for Council consideration. When this has been cleared by the proponents, he stated, the agreement will be presented for Council approval. The bond which has been discussed is a 18 months, extendable term.

HEARING ON APPEAL OF JOHN QUARESMA TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION DENYING HIS REQUEST FOR THE AMENDMENT TO SECTION 20 OF THE ZONING MAP 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 filed by John Quaresma to the decision of the Modesto City Planning Commission denying his request for an amendment to Section 20 of the Zoning Map to rezone his property located on the southeast corner of Roseburg and Tully Avenues, from R-1 and R-3 to C-1.

The City Clerk filed a certification that the notice of the hearing had been published in the city's official newspaper as required by the Municipal Code; copies of this notice had been mailed to the adjoining property owners; two letters protesting the rezoning had been filed and one letter addressed to the Planning Director requesting it be read at the hearing was filed by Jack A. Ulrich relating to his development plans for his shopping area on Roseburg Avenue.

Resolution No. 375, adopted by the Commission on February 26, denying Mr. Quaresma's request was read. It was determined by the Commission that:

1- Rezoning of the area is not required by public necessity, convenience or general welfare;

2- The proposed rezoning is not in harmony with the basic concepts of zoning; and

3- The proposed rezoning will not accomplish the purposes of the zoning regulations as expressed in Section 10-2.101 of the Municipal Code.

Letters received by the City Clerk protesting the rezoning were read at this time from:

Mrs. Thomas Coffee, 1238 Cecil Way
Mrs. H.F. Thornsbery, 1133 Mills Avenue

A copy of a letter sent to the Planning Director on February 5, by Jack A. Ulrich, Paul H. Smith and William Falger, owners of the commercial area on Roseburg Avenue at Virginia Avenue, protesting to the rezoning of the Quaresma property by the Commission, was read at this time, as requested in a letter to the City Clerk, from Jack Ulrich.

At the request of the Mayor, the City Attorney explained the law relating to the rights of Mr. Quaresma to appeal this matter to the Council.

Mayor Marks pointed out two matters to the audience, 1) the purpose of zoning, and 2) the purpose of rezoning.

At this time, Mr. Quaresma was permitted to present his arguments on the reason why he considered the decision of the Planning Commission should not be upheld by the Council. He distributed copies of a statement which he had prepared, entitled, "History of Intersection of Tully Road and Roseburg Avenue" to the Council members, a copy of which is on file with the records of this meeting, and read the report in full. He stated that he considered the rezoning of the area would be for the benefit of the greatest majority of the people. He reported on his spot check of the residents in trade area in this neighborhood and that he had secured 1,169

signatures to a petition requesting the Council to grant his appeal for the following reasons:

1- A shopping center in that location will be of great convenience to the undersigned;

2- The proposed zoning is wholly in harmony with the basic concepts of zoning and with the zoning regulations as expressed in the Municipal Code.

He filed the petition with the City Clerk at this time.

Mayor Marks took exception to a statement on page two of Mr. Quaresma's report which stated "The Council felt at that time, because the site was not ready for development that they would zone only the small parcel on each corner of the intersection." He pointed out that this was not a correct statement of the facts which had occurred in 1953, when the small parcels on the four corners of this intersection had been zoned commercial. He stated that the Council had not indicated at that time when Mr. Quaresma was ready to develop the southeast 10 acres they would then reconsider expanding the C-1 use to amore sizeable area to conform with present day needs, as was stated in the report, since the name of the property owner was not even known at that time. The Council did say at this time that it did not want to approve strip zoning but there was not the slightest imputation that the Council would enlarge that commercial area.

Mr. Quaresma distributed copies of a report prepared by Harold F. Wise Associates, dated January 16, 1957, entitled, "Market Study for a Neighborhood Shopping Center in Modesto, California", and read the report in full, a copy of which is on file with the records of this meeting. This study was also given to the Planning Commission, he stated, prior to the time it made its decision to deny the rezoning request.

Mr. Quaresma contended that up until the time the staff had made a report to the commission on his request, stores selling shoes, gifts, jewelry, photo supplies, children's wear, sporting goods, garden supplies, records, etc., had been suggested as possibilities in neighborhood shopping centers, but this report had stated that "this type of stores are not thought to be necessary in a neighborhood commercial zone". The staff had recommended to the Council, he contended, the present zoning ordinance which had been adopted in 1955, and this ordinance does include these specific uses.

He displayed and explained a site study map of the ten acre site which had been included in the Wise report and which showed the plan for commercial and residential development of the property. He contended that this was the best use of the property for the community good. He felt that this plan met the requirements specified in the zoning regulation, that the land be used for the "public health, safety and general welfare, and to provide economic and social advantages resulting from an orderly plan used of the land resources".

The next speaker was Nathan McVay, Attorney representing Mr. Quaresma, who contended that the Wise report was in harmony with the Planning Staff's report on the McHenry Avenue area. He pointed out that it might be difficult for the Council to grant the appeal since the Commission had denied the request for rezoning. He contended that the Commission had acted in accordance with the recommendation of Planning Director Smeath but in Mr. Smeath's recommendation of February 19, he had stated that "the staff had difficulty in making a clear recommendation concerning this zoning application and it is the staff's opinion that all of the existing commercial zoned property in the trade area lack some of the desirable location, size or development plans and characteristics of the Quaresma site, yet, if all of the existing areas are to be developed and used there will be no need for additional commercial zoning." Mr. McVay pointed out that a number of these areas were undeveloped at this time and since this was the case, that

there was a need for the additional development of the Quaresma property. Since a number of these commercial areas are not in a proper location or too small in area, there is a good possibility that they never will be fully developed, he stated, such as the Ulrich Shopping Center since it is located on a residential collector street instead of a truck route or main arterial street. Since the Quaresma area is ideally suited for a commercial area as far as location and size is concerned, Mr. McVay stated, he should not be precluded from developing it in this manner. The reason the petitions were filed by Mr. Quaresma was only to indicate to the Council the thinking of the people in the neighborhood and not to "browbeat the Council". He contended that if this area was rezoned to permit the construction of the buildings as planned by Mr. Quaresma it would increase rather than decrease the value of the surrounding area.

Robert Bienvenu, 1214 Cecil Way, acting as spokesman for those opposing the rezoning of the area, stated that their opposition was based on the facts that 1) the matter had thoroughly been investigated by the planning staff and Commission before it was unanimously denied; 2) that the burden of proof was not upon the opposition but they had assumed this burden at the two public hearings before the Commission. All of the reports filed with the Council tonight and the same arguments given by the opposition was presented to the Commission also and there hasn't been "one iota of new evidence introduced into the case" tonight, he stated. The opposition's position in the matter is that the fallacies and inaccuracies in the reports filed by Mr. Quaresma had been "taken apart at the two public hearings before the Commission; that it did not intend to get into any argument tonight on the facts since the minutes of the Commission's hearings would set forth these facts; that the Commission had been appointed by the Council to assume the authority and responsibility in these matters and the Council should show its faith in the judgment and integrity of this body which they had appointed; that if everytime any one appealed to the Council to a Commission's decision, the opposition should have to start from scratch again to list its reasons for opposing a matter, the Commission should be done away with, since it would be a "complete utter duplication". The only thing the opposition is asking the Council tonight, Mr. Bienvenu stated, is to uphold the Commission's decision.

9-35 Attorney Robert Nickerson, representing Jack Ulrich and the Ulrich Shopping Center on Roseburg and Virginia Avenue, explained their interests in the hearing now under consideration. These interests, he pointed out, had been outlined at the previous hearings held by the Commission, when Mr. Quaresma's request had been turned down. However, he stated, since the Council is not aware of the proposed plans for the development of the Ulrich Shopping Center, that he wished to briefly outline them for its information. His arguments----that the center was located in a good position, was that at the recent grand opening of the center, hundreds of persons visited the stores; that there was still 5 acres of this area which was undeveloped which could be used in the parking program after the plans which had been filed with the planning office were approved by the Commission. He outlined the proposed plans for the buildings and parking at this time. He reported that the center has already spent $25,000 to improve the area, which would provide the same services that Mr. Quaresma had planned to furnish. He stated on the matter of screening--the Ulrich center was screened on the east by the Tidewater railroad, on the north by Roosevelt School, and 2 streets on the west and south and there would be no problem of screening.

The most important point, Mr. Nickersen stated, for the Council to take into consideration, is that Mr. Wise did not take into consideration in his report, that the proposed plans of the Ulrich Shopping Center which had been formulated and presented to the Commission, would satisfy all of the needs of this area.

He pointed out that the buildings and the lumber yard and heavy industry that was located on the Ulrich Center at the time of the adoption

of the present zoning ordinance in 1955, was a valid non-conforming use which could have been continued in existence by these owners for some 20/25/30 years in detriment to the general area and yet in the public interest they agreed to forego their primary business and enter into the new business of a shopping center and this is the reason they have been deemphasizing the lumber business and building up the neighborhood shopping center. He displayed plans for the new buildings in the center.

Mayor Marks pointed out that since Mr. Quaresma had been permitted to display the plans of his center, that it would be only fair that this same privilege should be granted to Mr. Ulrich.

Mr. Nickersen pointed out that the railroad company adjoining the Ulrich Center would be an advantage since it would service the area, and there would be no worry on too much truck traffic in the surrounding residential area. He stated that there were present negotiations for a 16,000 sq. ft. super market in this area. He pointed out that the present residential area facing Mills Avenue was owned by Mr. Ulrich so there would be no problem of people from across the street because it could not only serve for residential use but could be used for additional parking.

He contended that the Ulrich Center would be developed properly and that there was a need for a commercial center in the area which could be taken care of satisfactorily by this construction and there would be no need to rezone another area as close as the Quaresma property.

The following persons spoke opposing the rezoning on the same basis outlined by Mr. Bienvenu:

Frank DeCamp, 1110 Notre Dame
Donna DeCamp, 1110 Notre Dame
Mrs. Robert Bienvenue, 1214 Cecil Way
Robert Carter, 1221 Perdue
Harvey C. Jensen, 1136 Cecil Way
Mr. & Mrs. Earl Pierceall, 1225 W. Roseburg
Mrs. H. Duckworth, 1114 Notre Dame
Roland Loeffler, 1417 Del Monte
Stephen Lewis, 1220 Cecil Way

Mayor Marks asked that in order to save time that those in the audience who were opposed to the zoning on the basis outlined by Mr. Bienvenu to raise their right hand. The majority in the large audience raised their hand. Mayor Marks then asked for the hands of those who were opposed for some other reason. None were raised.

Carl Christie, 1433 Oakwood Drive, stated that he was in favor of the proposed commercial zoning and the development of the shopping center as proposed by Mr. Quaresma.

Attorney McVay, in rebuttal, stated that he objected to the inference that Mr. Quaresma was building the center for speculation, since he was a permanent resident of the city and had already constructed some very fine homes in the area. Mr. Quaresma is sincere in his request and is asking for something that will be for the benefit of the public, he continued.

Mayor Marks pointed out that Mr. Quaresma has the right to speculate as much as he wants. The only thing the Council is to consider is--is this in the area and community interest.

Mr. McVay took exception to the argument advanced by Mr. Bienvenu that the Council was an appeal body. He contended that the Council was entitled to get the facts of the case and if the Commission had made a mistake, the Council could reverse the Commission's decision. The Commission, at the two hearings, he stated, were persuaded by the recommendation of the Planning Director. Mr. Smeath's recommendation "was not square with the facts he presented at other times when strip and spot zoning were

discussed." The facts Mr. Smeath gave the Commission indicate that this would be an excellent place for a shopping center. Mr. McVay considered that the Council should not be swayed by the fact that some kind of deal had been made at one time with the owners of the Ulrich Shopping Center to get rid of heavy industry at Roseburg and Virginia. He contended that none of the large food stores would invest money at the Ulrich Center because it was on a residential collector street and could not serve the shopping public at this location and this area would never develop as a satisfactory shopping center.

Councilman Hammond stated that he had studied the Planning Director's report on this case very carefully and basically the report indicates that the Quaresma site would have been suitable at one time but due now to the present area which is zoned commercial it would not serve the general community welfare to rezone this property. On the basis of this report, he continued, plus the fact that he considered when people built their homes near this area "they should know what they are going to be living next to and if this was planned for a shopping center, more "noise" should have been made about it five years ago."

Mayor Marks declared the hearing closed.

RESOLUTION NO. 57-180

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF JOHN QUARESMA TO AMEND SECTION 20 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 375 ADOPTED BY THE COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN THIS RESOLUTION.

Introduced by Hammond Seconded by Robinson

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

Mayor Marks declared a five minute recess at 10:00 P.M.

Mayor Marks reconvened the Council meeting at 10:05 P.M.

COMMENCE PROCEEDINGS TO ANNEX THE MCBRIDE ADDITION TO THE CITY 11-45

Resolution No. 383 adopted by the Planning Commission recommending the annexation of the McBride Addition to the city was noted.

RESOLUTION NO. 57-181

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 THE McBRIDE ADDITION, TO THE CITY OF MODESTO; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO FILE SUCH PROPOSAL WITH, AND SUBMIT SUCH PROPOSAL TO THE BOUNDARY COMMISSION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, FOR A REPORT THEREON AS REQUIRED BY LAW

Introduced by Merrill Seconded by Anderson

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

ACCEPTING DEEDS FOR WIDENING OF GRANGER AVENUE 11-53

RESOLUTION NO. 57-182

A RESOLUTION ACCEPTING GRANT DEEDS FROM E. G. SCOVEL AND RUTH A. SCOVEL AND JOHN E. HOCHSTATTER AND NONA HOCHSTATTER FOR WIDENING OF GRANGER AVENUE

Introduced by Adams Seconded by Arata

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

REPORT ON PROPOSAL FOR LEASING OF OLD M.I.D. BUILDING TO THE COUNTY 11-57

The City Manager reported that the Board of Supervisors had acted today, to authorize an offer to the city for rental of the entire old M.I.D. Building for the period of time which the county will require the building, approximately 2 years.

Councilman Arata pointed out that the city had purchased this property for off-street parking purposes and there might be a possibility when construction started on either a new city hall building or the remodeling of the existing building that some of the present parking area would be removed from public use. He recommended a further study be made on this possibility.

It is proposed, the City Manager reported, that the county make repairs and alterations to the building at their own expense; pay $300 monthly rental; and at the end of their lease turn the building back to the city as is. Any income from this building would be placed in the parking fund, he stated.

Councilman Hammond stated the Council should consider, in the leasing of the building, that the county is in dire need of facilities for its courts, because of the construction of its new building, and it might be possible that the city could sometime be in a similar bind.

The Council discussed the possibility of the staff drafting the rental agreement and also making a study on how much of the present off-street parking facility would be removed from public use and for how long a period of time, 1) if the current building was demolished, and 2) if a new building was constructed on the city property, and then reconcile the long range interest of the community with the short range necessity.

Mayor Marks pointed out that the city was concerned with the courts also and there was some obligation in this regard.

MOTION

That the staff be authorized to prepare the necessary legal documents and bring them to the Council for consideration and in the meantime assemble a report comparing the long range benefits against the short range necessity, as it would relate to off-street parking facilities.

Moved by Hammond Seconded by Mayor Marks Unanimously carried

The City Manager asked that the members check with the staff to be certain that the desired type of information was being assembled for Council information.

FURTHER REPORT ON TRAFFIC SIGNALS ON ORANGEBURG AND MCHENRY AVENUES 12-52

The City Manager reported that Traffic Engineer Carmody and he had

presented the city's views on the installation of traffic signals on Orangeburg and McHenry Avenue yesterday with representatives of the Stockton branch office of the State Department of Public Works, Division of Highways. These views will be checked out with the Sacramento office and a report will be made to the Council shortly on the matter.

DESIGNATE BUS LOADING ZONE ON WASHINGTON STREET 12-57

RESOLUTION NO. 57-183

A RESOLUTION DESIGNATING A BUS LOADING ZONE ON WASHINGTON STREET ADJACENT TO THE WASHINGTON SCHOOL IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Anderson

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

NEW CITY MANAGER OF CITY OF PLEASANTON INTRODUCED 12-59

The City Manager introduced Assistant City Manager Bill Masonheimer of the City of Modesto, the new City Manager of Pleasanton, as of June 1, 1957. All the Council members wished Bill success in his new undertaking. Mayor Marks stated, "We hate to lose you and it has been a real pleasure to work with you, and you have contributed no little bit to this community."

ESTABLISH NO PARKING ZONE ON NORTH SIDE OF GRAND AVENUE 12-72

RESOLUTION NO. 57-184

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON A PORTION OF THE NORTH SIDE OF GRAND AVENUE BETWEEN BURNEY AVENUE AND GROVELAND STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

SET DATE FOR HEARING ON CHANGING SECTION 17 OF ZONING MAP (KIRKPATRICK, FROM R-1 TO R-2) 12-92

Resolution No. 381-N.S., adopted by the Planning Commission on April 16, recommending to the Council the adoption of an amendment to Section 17 of Zoning Map reclassifying from R-1 to R-2, lots 1 to 7, inclusive, in Block 6717, located on Phelps Avenue, between College and Bowen Avenues, was noted. The Clerk recommended that the date of May 22, at 8:00 P.M., be set by the Council as the time for the hearing on this recommendation.

RESOLUTION NO. 57-185

A RESOLUTION OF THE MODESTO CITY COUNCIL SETTING DATE FOR A PUBLIC HEARING ON AN AMENDMENT TO ZONING MAP SECTION 17 (KIRKPATRICK PROPERTY)

Introduced by Anderson Seconded by Merrill

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

REPORT ON MEETING WITH PROPERTY OWNERS REGARDING IMPROVEMENT OF MILLER AVENUE 12-100

The City Manager reported that the Director of Public Works had met with the Miller Avenue property owners, who had filed a petition objecting to the street improvement proposed by the city, and that most of the questions were cleared. Any persons who still wished to raise questions had been invited to attend this meeting.

No property owners were present to raise any additional questions for the Council.

LEGISLATIVE MATTERS 12-105

The City Manager advised that the airport condemnation measure was through the State Senate, was presently being considered by the Assembly, and was progressing satisfactorily.

On the matter of the water program, he stated, at the city-county meeting the holding of a joint meeting was authorized when the city, county and irrigation officials from this area would meet with some of the representatives of the Legislature at Sacramento. Council members will be advised of the date of the meeting so that they can plan to attend if possible, he stated.

AUTHORIZE FUNDS FOR POLIO SHOT PROGRAM FOR SCHOOL CHILDREN 12-122

The City Manager reported that additional polio vaccine was now available, part from the March of Dimes and part from governmental agencies. The city staff has met with the schools and county health officer to review what would be required to go on a total program of immunization to cover essentially the school children in the Junior High Schools and 5th and 6th grades and K-8 groups total. It would take approximately $1200 for supplementary supplies in addition to the vaccine, he reported, covering needles, etc. to be financed jointly by the city and county. This could be financed within the city's present 1956-57 budget, he reported.

The Council indicated its approval of the program but questioned whether a precedent would be established, and whether the Schools should finance the additional expense.

The City Manager pointed out that the city had already been active in the program arranging the clinic, providing nursing service, etc. and that the city and county health departments had been providing the facilities in the past.

The question was also raised by the Council why shots were being furnished by the City free of charge.

The City Manager pointed out that the vaccine was given away free, 1) the money which the citizens pay to the March of Dimes is partly allocated for this program to get all the children vaccinated if they wish, 2) federal and state appropriations both have been made to furnish vaccine for this "first round"; now the balance of the vaccine is available and will be used for the children who desire it, if additional funds are made available for administering the 3,000 shots. The staff considers that this would be desirable and especially since it can be financed within the current budget, he stated.

MOTION

That the staff be authorized to proceed with the purchase of the additional equipment needed for the program, not to exceed $600.

Moved by Anderson Seconded by Mayor Marks Unanimously carried

ANNOUNCE PENDING MEETINGS 13-63

Mayor Marks reminded the Council members of the League meeting to be held in Oakdale, Thursday, April 25.

He also announced that the members had been invited to attend the Jumping Frog Jubilee by the Mayor of San Andreas, Sunday, May 26.

Mr. Masonheimer reminded the Council that May 1, would be "Youth in Government Day". He urged the members to attend the luncheon in the Fable Room to meet their counterpart.

REPORT ON CONDITION OF SHED AT CORPORATION YARD 13-65

The City Manager reported that one of the sheds at the corporation yard was falling down and if there were no objection or questions by the Council the building would be demolished. The Council concurred in this recommendation.

ADJOURNMENT

MOTION

That this meeting now in session be adjourned.

Moved by Adams Seconded by Anderson Unanimously carried

The meeting was adjourned at 10:45 P.M.

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

The Council of the City of Modesto met in regular session this date at 4:00 P.M., 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: Anderson, Arata, Hammond, Merrill, Mayor Marks
Absent: Adams and Robinson

Councilman Robinson arrived at 4:09 P.M. and Councilman Adams at 4:03 P.M.

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

Rev. Kaare Moe, pastor of the Central Baptist Church, gave the invocation.

APPROVAL OF MINUTES 1-15

Council members having received copies of the minutes of the Council meeting of April 10, 1957, and the same being available for public inspection, and there being no objections, the minutes were approved.

PETITION REQUESTING THE BUILDING OF A SWIMMING POOL AT ROOSEVELT PARK ON ORANGEBURG AVENUE 1-20

A petition signed by 24 persons requesting "the building of a city owned and operated swimming pool at Roosevelt Park on Orangeburg Avenue, north of the new Roosevelt School", was considered by the Council. The Council ordered that the petition be referred to the staff to study and report, after checking with the Schools to determine if they would be interested in participating by placing the pool at the Roosevelt School or the new high school proposed in this general neighborhood.

PETITION REQUESTING CLOSING OF CALIFORNIA AVENUE TO TRUCKS 1-40

A petition signed by 33 persons requesting that the Council close California Avenue from H Street to Franklin Avenue to all trucks, was considered by the Council.

City Manager Ross Miller reported that a number of protests had previously been made to the city on activities relating to the new trucking terminal, which was established outside the city on California Avenue, but using the city's residential streetsto get to and from the terminal. He reported on the meeting recently held with representatives from the county and the company. The problem was approached on the following basis: 1) the county is considering the possibility of changing the zoning and while it would not eliminate the operation, it would limit it as a non-conforming use, and 2) the owner was contacted and asked, because of the problems created, it might be willing to relocate its facility. The company was unwilling to indicate it would do this.

City Attorney Allen Grimes reported on the legality of the company using city streets which had not been designated as truck routes. He pointed out that if going to and from the terminal they were actually going to service the trucks or pick up or deliver goods, this was permitted by the traffic regulations, as long as the trucks travel as far as possible over a city truck route.

The City Manager stated that one of the questions discussed between the city and county was---if the city established a new truck route, would it be hampering, instead of assisting, the county in its endeavor to resolve the problem.

MOTION

That the matter be tabled until the County has had an opportunity to solve the problem.

Moved by Hammond Seconded by Merrill Unanimously carried

The City Clerk was directed to advise the petitioners of the Council action and indicate that the city was willing to work with them and the county to resolve the problem.

LETTER FROM DOWNTOWN MERCHANTS ASSOCIATION - ROY F. RESS 1-116

Mayor Marks obtained Council approval to read a letter which he had received from Roy F. Ress of the Special Events Committee of the Downtown Merchants Association which had arrived too late to be placed on the agenda. The Association had adopted a slogan to be used in promoting the downtown area---DOWNTOWN MODESTO HAS EVERYTHING! WIDEST SELECTIONS--614 BUSINESSES, and asked permission to paint the slogan DOWNTOWN MODESTO HAS EVERYTHING on the back of the signs located on the off-street parking lots.

In response to a question from the Council, the City Attorney replied that Section 9-6.19 of the Modesto Municipal Code prohibited the placing of signs on City property.

Councilman Anderson recommended that the Association obtain the consent of some of the property owners of buildings in back of the parking lots and place the sign on them, where they would be visible to the general public.

MOTION

That the Mayor be authorized to notify the Association that Section 9-6.19 of the Municipal Code prevented the use of the city's off-street parking signs on the lots and suggest they contact the property owners of the buildings in back of the lots, as suggested by Councilman Anderson, for the use of these signs.

Moved by Arata Seconded by Robinson Unanimously carried

REJECT BIDS RECEIVED FOR LIGHTING SYSTEMS IN FIVE SUBDIVISIONS 2-25

Copies of the tabulation of the one bid received for the installation of lighting systems in five subdivisions which had been opened on Monday, April 29, at 2:00 P.M. were distributed for Council information. Director of Public Works Ray stated that the bid of $11,578.63, received from the Industrial Electrical Company exceeded the city's estimate of $8,306 to do the work with city forces by 39.4%.

RESOLUTION NO. 57-186

A RESOLUTION REJECTING THE BID FOR THE INSTALLATION OF LIGHTING SYSTEMS IN CERTAIN SUBDIVISIONS AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Hammond Seconded by Robinson

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

FINAL ADOPTION ORDINANCE NO. 162-C.S. RIGHT TURNS AT NINTH STREET AND B STREET 2-48

ORDINANCE NO. 162-C.S., entitled

AN ORDINANCE REPEALING SECTION 18 OF ORDINANCE NO. 345-N.S.

ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, AND REPEALING ORDINANCE NO. 843-N.S. ENTITLED, 'AN ORDINANCE PROHIBITING RIGHT TURNS BY VEHICLES AGAINST A RED OR 'STOP' SIGNAL AT INTERSECTION OF 9TH AND B STREETS

introduced on April 17, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Robinson Seconded by Adams

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

FINAL ADOPTION ORDINANCE NO. 163-C.S. "ROOF COVERINGS" 2-50

ORDINANCE NO. 163-C.S., entitled

"AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE TO ADD SECTION 9-1.11.1 ENTITLED "ROOF COVERINGS"

introduced on April 17, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Anderson Seconded by Adams

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

ACCEPT DEMOLITION AND REMOVAL OF DWELLINGS FROM LANTZCO CORPORATION 2-60

The Director of Public Works reported that Lantzco Corporation had satisfactorily completed its contract for the removal and demolition of dwellings located on Ross and James Street and recommended the acceptance of the work, payment of amounts due and recordation of notice of completion with the County Recorder.

RESOLUTION NO. 57-187

A RESOLUTION ACCEPTING THE DEMOLITION AND REMOVAL OF DWELLINGS LOCATED ON ROSS STREET AND JAMES STREET FROM LANTZCO CORPORATION AND AUTHORIZING RECORDATION OF NOTICE OF COMPLETION

Introduced by Robinson Seconded by Arata

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

ORDINANCE AMENDING SEWER SERVICE CHARGES 2-65

The City Manager reported that, as directed by the Council, the staff had met with the Council Sewer Committee to discuss proposed amendments to the domestic sewer service charges. An ordinance has been drafted for Council consideration, he stated, which sets forth a separate fee schedule for property owners who have not yet availed themselves of the sewer facility. He outlined the proposed fee schedule as it related to residential users who were not yet connected to the sewer, and the method to be used to determine the fees for commercial users not using city water.

The recommendation of Director of Finance Bird in his report to the City Manager of May 1 that---bills should be prepared for the 44 commer-

cial users retroactive to the time when they were first subject to sewer service charges (90 days after lines were made available) was briefly discussed. Mr. Bird stated that bills had not been sent out to these 44 users but bills had been sent to 87 residential users who were over two months delinquent at the present time.

The City Manager stated that a letter had been drafted by the staff which, subject to Council approval, would be sent to the persons now delinquent, which would point out to them that the Council had taken into account the fact that they were not using the sewer, and had approved the change in rate.

The City Manager pointed out that the commercial establishments, which had not been billed, were liable for the charge under the Municipal Code, 90 days after the sewer was installed, but through error bills were not sent.

The Council generally agreed that it would be necessary to make the charges retroactive to the period prescribed in the Code, 90 days after the sewer was installed, to be fair to other users who had been paying on this schedule, and that a letter be sent to these delinquent accounts carefully explaining the situation.

Mayor Marks pointed out that there were two separate problems to be considered, 1) adoption of the ordinance relating to the fees as recommended by the Council Sewer Committee, and 2) the policy to be established on the billing of the commercial establishments. The City Attorney explained the provisions of the proposed ordinance proposed to be effective June 1, 1957.

ORDINANCE NO. 165-C.S., entitled

AN ORDINANCE AMENDING SECTION 5-6.102 AND SUBSECTIONS (a) AND (c) OF SECTION 5-6.206 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE CHARGES

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

Moved by Adams Seconded by Robinson

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

MOTION

That bills be sent to the commercial users along with a letter of explanation since it was the law that these delinquent bills should be collected.

Moved by Anderson Seconded by Arata Unanimously carried

HEARING ON APPEAL FILED BY ANNA GROUND TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION TO REZONE PROPERTY ON TUOLUMNE BOULEVARD 3-53

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the appeal filed by Anna Ground with the City Clerk on April 8, 1957, to the decision of the Modesto City Planning Commission denying her request for an amendment to Section 32 of the Zoning Map to reclassify from Single-Family Zone (R-1 and Neighborhood-Commercial Zone (C-1) to Light Industrial Zone (M-1) lots 28-38, inc., in Block 305, located on the north side of Tuolumne Boulevard between 7th Street and Calaveras Avenue

Resolution No. 378 was adopted by the Commission on March 26, denying Mrs. Ground's request on the basis that the change was not required by public necessity, convenience and general welfare for the following reasons:

1- The design of the freeway within this area is not as yet firm, and therefore, creates problems regarding land use and circulation;

2- As changes will occur within the freeway-railroad area, recommendations regarding rezoning cannot be made until studies can be prepared showing considerations of future land use and circulation;

3- The property can be developed for a number of uses, in addition to lumber yards, during the period before precise zoning for future best use can be determined; and

4- Approval of this application would be on an individual property basis rather than on an area need basis.

The City Clerk reported that the notice of this hearing had been published in the city's official newspaper as required by law; notices were mailed to property owners in the area on April 23; and that no written protests had been received.

Mayor Marks asked Planning Director Smeath to report whether or not there were any different conditions existing presently that were not clear at the time of the Commission's decision.

Mr. Smeath stated that the only difference was that the Department had now received a map from the State Division of Highways which indicates its latest proposal for development of the freeway in this area, indicating which houses are proposed to be taken by them, and the location of streets. This map, Mr. Smeath stated, is different from the map previously sent by the state to the Traffic Engineer, Planning Department and the City Manager. He pointed out that it had not yet been approved by the city to be a part of the freeway agreement program. It also indicated, he stated, the taking of a number of houses and the leaving of some other which the Commission and staff had not considered and this fact might influence this decision. The map was displayed for Council information.

Attorney George Mellis spoke on behalf of Mrs. Ground, outlining the reasons for the filing of the appeal, and displayed a large photograph of the area surrounding the Ground property, indicating the existing types of businesses. He considered that the rezoning of the property as requested would promote the general welfare of the community. He pointed out that

1- A lumber yard had been continuously conducted at these premises since 1928 by the Ground's;

2- It would bring a new industry to the city since Mrs. Ground had entered into a contract of sale on the property to the Collins Electrical Company of Stockton, who planned to move their headquarters in this location if it could be rezoned to M-1, which would add a new payroll to the city;

3- There would be no change in the type of operation if it was rezoned and the sale concluded to Collins Electrical Company;

4- The state is presently proposing, as indicated by the map on display here, to have egress and ingress facilities in front of this property, and it will isolate the area and if allowed to remain would become a blighted area since it could not be used for business or residential purposes;

5- The area along Seventh Street starting at G Street in a southerly direction is presently being used for industries (M-1) and the rezoning requested will aid in the city's economical growth, making a better and finer community;

6- It was an opportunity to keep this area on the west side from becoming a blighted area.

Mr. Smeath pointed out again that the state map on display was unapproved by the city, was for study and design purposes only, and had not been presented to the city officially.

The following residential property owners protested to the rezoning of this property on the basis that it would depreciate the value of their homes:

Joe Dezanni, 202 Sierra Drive

Mr. and Mrs. Nathan Falkin, 113 Calaveras (referred to petition filed with the Commission signed by 51 persons opposing the rezoning, which had been made a part of the file referred to the Council in this case)

John Crescini, 109 Calaveras

Mrs. Falkin pointed out that if this rezoning was approved, that it would also permit the rezoning of the Beard property in this area, which is now vacant and on which the residents had already protested against the establishment of a truck terminal.

Mr. Falkin considered that there might be a possibility at a later date of rezoning this property M-1 but at the present time, there were many home owners in the immediate vicinity.

Mayor Marks referred to the report made for the city by Stanley Ott, Planning Consultant, who pointed out the possibility that the area between the railroad tracks and the new freeway, might be zoned M-1.

In the rebuttal, Attorney Mellis pointed out that the homes on Calaveras Street had been built after the Ground Lumber Company had been operating at its present location for many years and that there would be no change in operations by the new occupant proposed, Collins Electrical Company, and there would be no big factory, as some of the protestants had pointed out, since the requested zone would not permit this type of operation. He pointed out that some of the signers of the petition resided in Tuolumne Avenue area and their homes would be purchased by the state, as proposed in the new map.

Mrs. Falkin pointed out that the city had not yet signed the freeway agreement and it might be 10 years before the freeway was constructed.

Mayor Marks declared the hearing closed.

Alternatives available to the Council on the appeal were cleared by the City Attorney at this time.

The City Manager pointed out that before the Council made its final decision on the appeal, the staff should like to have an opportunity to study the map carefully with the state and Planning Commission as to what is proposed as it affects the city other than the zoning and to make a report to the Council before the state proceeds on the basis of the map.

Councilman Hammond suggested that the Council must assume that the highway is going to be a reality and as soon as the figures that the Advance Planning Staff has assembled together with figures of the planning staff, some recommendations be made as to what would happen to this area between the freeway and 8th Street.

Mayor Marks asked the Planning Director to notify the petitioners who opposed this rezoning that the new map filed by the state would be on display in his office for their inspection.

Councilman Adams stated that he was interested in obtaining a new industry for the city and questioned if the Council delayed action on the appeal whether it would affect her sale to Collins Electrical Company. Mr. Mellis stated that if the delay was too long, there was a possibility of losing the new industry for the city.

RESOLUTION NO. 57-188

A RESOLUTION CONTINUING THE MATTER OF THE APPEAL OF ANNA GROUND TO THE DECISION OF THE PLANNING COMMISSION ON THE REZONING OF HER PROPERTY ON TUOLUMNE BOULEVARD AND ASKING FOR A FURTHER REPORT FROM THE COMMISSION AND WITHHOLDING ANY DECISION UNTIL THIS FURTHER REPORT IS RECEIVED.

Introduced by Anderson Seconded by Merrill

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

The City Attorney pointed out that there was a 40 day limitation from the date of the hearing within which this matter must be decided.

ANNUAL YOUTH IN GOVERNMENT DAY

The City Manager introduced the following Youth in Government Day officials who proceeded to the platform and stood behind their prototypes: Mayor Lauren Locey, Councilmen: Bob McCusker, Richard Corson, Bob Beyer, Jerry Ebie, Ronald Ursini, Gary Hoagland, City Manager Stanley Stewart, City Attorney Ray Horn, and City Clerk Dan Johnson.

Chairmen of the following committees were also introduced: Police Department, Ronnie Rhyno; Fire Department, Clifford Sharar; Traffic Engineer Department, Ervin Rifenburg; Public Works Department, Harold Crumply; Finance Department, Albert Moore, Parks and Recreation Department, Tom Norquist; and Planning Department, Roy Austin.

MAYOR MARKS RECESSED THE COUNCIL MEETING AT 5:14 P.M.

Mayor Locey called the meeting to order and the City Clerk called the roll. All of the Councilmen were present.

The City Manager called on the various chairmen to give a report on the activities of their departments and recommendations for improvements.

Motions were introduced, seconded and carried that each report be accepted, and that recommendations be carried out.

It was moved, seconded, and carried that the Youth in Government Day officials express their appreciation for the time, interest and information given to them by the city staff, Council members and Mayor Marks.

The meeting was adjourned by Mayor Locey at 5:57 P.M.

Mayor Marks reconvened the Council meeting at 6:00 P.M. following the adjournment of the Youth in Government Day activities.

FURTHER CONSIDERATION OF BRADY-WILEN SUBDIVISION AGREEMENT 10-1

The City Manager reported that this matter had not yet been cleared for Council action.

APP VE CONTRACT WITH STATE FOR CIVIL DEFENSE PUMPER 10-03

RESOLUTION NO. 57-189

A RESOLUTION APPROVING RENEWAL OF AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA OFFICE OF CIVIL DEFENSE FOR THE TEMPORARY TRANSFER OF VEHICULAR EQUIPMENT (Fire Pumper)

Introduced by Merrill Seconded by Anderson

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

GRANT PERMIT TO HARRY CROW TO STORE PERSONAL PROPERTY IN THE OLD MODESTO HOTEL FOR ONE ADDITIONAL MONTH FROM MAY 1 10-5

A letter was read from Harry Crow asking permission to temporarily store the remaining personal property owned by the Crow family, and still in the old Modesto Hotel building, for one additional month, beginning May 1, 1957.

MOTION

That the request be granted to Mr. Crow to store the personal property for the additional one month, on the provision he hold the city harmless from any loss, damage or liability arising out of the use of the building.

Moved by Anderson Seconded by Robinson Unanimously carried

FURTHER CONSIDERATION OF LEASING OF THE OLD M.I.D. BUILDING TO STANISLAUS COUNTY 10-12

The City Manager reported that, as directed by the Council, the staff had prepared a lease agreement in draft form for Council consideration between the city and county for the leasing of the old M.I.D. building. The staff had also checked parking matters as requested by the Council, as follows:

1- If the Modesto Hotel building was to be remodeled, as it stands, it would possibly be necessary to take out one row of parking along the building for whatever period of time it was necessary to work on the exterior of the building. This would probably be for a limited period of time and depend upon what space could be made available for materials and how difficult it might be to handle them from the other side because of the excavation. The inside work could probably be done without the use of these parking spaces.

2- If a new building was built it would probably require more use of the area, depending upon its location on the site.

3- The possibility of obtaining extra parking space close by in case it was needed, was checked. Space next to the State Board of Equalization office on 11th Street between G and H Streets could be obtained.

Councilman Arata pointed out that the funds used in the purchase of the M.I.D. building had been from the Parking Fund account. He asked if it would be possible to transfer the amount of the purchase price from some other funds, if the building was leased, so that the parking committee could proceed on providing parking at another location. The city is not in the rental business, he contended, and this property was purchased for, first, additional city offices, and second, for parking purposes.

Funds could be transfered, the City Manager stated, if the Council wished.

Councilman Hammond agreed that the property had been purchased for parking, yet at the same time, in as much as it was not suitable for city offices due to the cost of repairs, and since it had not been the city's intention to put it into parking until such time as the city hall matters were settled, and recognizing and evaluating the county's need against the city for the building, the long term gain for the community would be best served by making the building available to the county. He considered that the parking situation was in such a condition that the city could "ride this thing out" in that area.

A general discussion was held on the length of term the city should agree to lease the building and the following points were brought out:

1- Term of two years with a provision that the lease could be renewed for a term of 12 months, on a month to month basis, pending completion of the building;

2- The County would not be interested in spending funds for improvement of the building unless it could be assured use until such time as the Court Building was ready for occupancy;

3- That as soon as the new Court Building was ready for occupancy, the city should terminate the lease, with a maximum beyond which the lease would not go;

4- That the courts had to work in conjunction with the jails, city offices, and city police force. All of the other offices which the courts must work with are situated within the general area of the M.I.D. building. The extra costs for transportation would have to born by the tax payers, if the courts were too far from this location. Because of the nature of the transactions at the courts, the M.I.D. building was ideally located.

It was agreed by the Council that no consideration be given to filling up the excavation along the Hotel Modesto property until the final plans for the City Hall were made, either for the remodeling of the present building or the building of a new city hall.

The fact that it would be at least nine months to one year before the plans for the city hall were finalized, was discussed also. That there was a need for additional parking in this particular area but the need by the county was paramount to the city's need for parking, was discussed.

It was generally agreed by the Council members that the term of the lease should be for two years and if at the end of this time the county still needed the building for a short term, one month, six weeks or so, the city would be reasonable and permit the extra time on the lease.

MOTION

That the Council indicate its willingness to lease the building to the county and instruct the staff to work out the terms for Council consideration.

Introduced by Mayor Marks Seconded by Robinson

Mayor Marks declared the motion carried.

MOTION

That the maximum term of the lease be established at 2 years,

beginning June 1, 1957, and the building be returned to the city sooner if the County Court building was completed for occupancy.

Moved by Hammond Seconded by Adams

Mayor Marks declared the motion carried.

Other terms discussed and approved were:

Rental fee of $300 per month; County to use the building to house the county courts and related functions; City to retain title to all improvements; County to have the right to make any desired improvements without submitting plans and specifications to the city; County to have the right to remove personal property, fixtures, etc.; operation, maintenance and repair to be at county's expense; county to have the right to terminate the lease any time upon 30 days notice, city to have the right to terminate 30 days after the Courts Building was ready for occupancy.

Councilman Arata affirmed his position that this property was purchased with parking funds and it should be used for parking.

FURTHER REPORT ON PROPOSED SIGNALS AT ORANGEBURG AND McHENRY AVENUE 12-41

The City Manager reported that additional counts were being made at this intersection but in the meantime the state was proceeding with the project in order to reserve the funds so that it would be possible to install the proposed actuated type of signal if the Council so desired.

RESOLUTION AUTHORIZING NO PARKING ZONE IN ALLEY BEHIND TENTH STREET PARKING LOT 12-45

RESOLUTION NO. 57-190

A RESOLUTION ESTABLISHING A NO PARKING ZONE IN THE ALLEY BETWEEN NINTH AND TENTH STREETS AND K AND L STREETS IN THE CITY OF MODESTO

Introduced by Arata Seconded by Hammond

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

AUTHORIZE INSTALLATION OF YIELD SIGNS ON STODDARD AVENUE 12-52

RESOLUTION NO. 57-191

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Robinson

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

Traffic Engineer Carmody reported on the intersections at which the signs would be installed.

REPORT ON PROGRESS OF CHANGE IN LEGISLATION TO ALLOW 25 MILE PER HOUR ZONES 12-59

The City Manager reported "we think we are gaining on this matter and we are working with the state legislature on it".

APPROVE EXTENSION OF LEASE WITH STANDARD OIL COMPANY AT AIRPORT 12-61

RESOLUTION NO. 57-192

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANDARD OIL COMPANY

Introduced by Robinson Seconded by Anderson

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

The City Manager reported that this was a renewal of the lease for facilities at the city-county airport for an additional term of one year, beginning May 11, 1957.

LEGISLATIVE MATTERS 12-70

The City Manager reported that he was sufficiently clear on the pending legislative matters to proceed without Council direction at this time.

SUMMARY REPORT ON CITY HALL CONSTRUCTION, FINANCING 12-70

The City Manager reported that the Youth in Government Day had prevented the conclusion of the report, but it would be forthcoming very shortly.

Councilman Arata considered that the Council should put up for vote the question of a bond issue to build the new city hall. The financing of the building would be "painless as far as the property owner was concerned" since revenue from the sales tax could be earmarked to retire the general obligation bonds. Money could be made available under this program at interest rates of approximately 3¼% or a little higher, and this rate would be approximately 5 or 6% if financed by other methods. Savings to the tax payers of approximately $500,000 in 20 years would be afforded if financed by the general obligation bonds.

Mayor Marks stated he would certainly agree with this recommendation if the facts indicated the city's debt limit would permit this type of financing.

The City Manager reported that all the facts indicate that there was no more economical way to finance a building than by general obligation bonds. In the staff's report, he stated, information would be given on the amount needed to ammortize the bonds by this means. Less money would be needed each year under this method than has been put in the city hall so far, including a police building. Both of these buildings will be included in the staff's report because both of these can be furnished without any burden that has not already been assumed, without any increase in taxes and it can be done without any great effort or hardship. In view of the desperate situation which exists in both the City Hall and Police building, the city should start the buildings as promptly and economically as possible. There is no way to match the interest rate obtainable on a general obligation bond program, he stated.

Mayor Marks pointed out since the time he had brought up the proposal for financing the city hall, he had been doing some investigation and agreed with Councilman Arata's suggestion on the financing of the program.

The City Manager stated that the city was in excellent shape and financing of both the buildings under this method would not approach the city's limit. Finance Director Bird stated that the city's debt margin as of June 30, 1956, was $3,700,000.

Councilman Arata stated that the people "could be thinking about this proposal" in the meantime.

PRESENTATION OF ANNUAL REPORT 12-110

Copies of the annual report, which was also a summary of the activities during the past six years since the City Manager form of government has been in force, were distributed to the Council members by the City Manager.

ADJOURNMENT 12-116

MOTION

That the meeting now in session be adjourned.

Moved by Merrill Seconded by Arata Unanimously carried

The meeting was adjourned at 6:45 P.M.

ATTEST: Rex E. Gailfus, City Clerk
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: Anderson, Arata, Hammond, Robinson and Mayor Marks
Absent: Councilmen: Adams and Merrill

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

Rev. George Miller, pastor of the Four Square Church, gave the invocation.

APPROVAL OF MINUTES 1-10

Council members having received copies of the minutes of the Council meetings of April 17 and 24, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MRS. CLARA NELSON RE: RENTING OF PARKING SPACE ON NEW TENTH STREET PARKING LOT 1-15

This letter was referred to City Manager Ross Miller for checking with the Council Parking Committee.

Councilman Merrill arrived at 7:35 P.M.

LETTER ANNOUNCING THE RESIGNATION OF ROY FREDRICKSEN, ASSISTANT DIRECTOR OF PUBLIC WORKS OF THE CITY OF MODESTO 1-22

Mayor Marks and the City Manager both expressed their regrets at the resignation and wished Mr. Fredricksen success in his new undertaking of starting his own engineering business.

MOTION

That Mayor Marks be authorized to write a letter to Mr. Fredricksen expressing the city's appreciation for his excellent work as Assistant Director of Public Works.

Moved by Robinson Seconded by Arata Unanimously carried

AUTHORIZE PURCHASE OF POLIO VACCINE 1-55

John Tatoyan representing the Modesto Jr. Chamber of Commerce appeared before the Council, to report that the wholesale drug suppliers refused to supply the vaccine for the polio program except on receipt of a specific purchase order from the city, or sponsoring organization, or money in payment of purchase. The effectiveness of the program, he stated, depends upon the administering of the first two shots to the children before schools are dismissed and these shots must be given a month apart. Funds will be received from New York headquarters by next week but one week's delay will jeopardize the timing of the program, especially in the rural schools which are closed earlier than the city schools. He asked that the council consider the following alternatives, 1) place an order for the vaccine immediately so that it would arrive in 2 days and immediately upon receipt of the check in a couple of days from the National Foundation, in the amount of $6300, then the city would be reimbursed by the local chapter; 2) authorize the City Manager, without waiting until the next Council meeting, to immediately order the vaccine upon receipt of the check, 3) wait for receipt of the funds.

The City Manager pointed out that there was presently funds in the

current fiscal budget of the Health Department which could be used for the purchase and replaced upon receipt of the funds from headquarters.

Dr. Kimberly of the city schools spoke briefly on the polio program and pointed out the importance of the time factor involved.

It was generally agreed by the Council that alternative No. 1, outlined by Mr. Tatoyan, would be in the community interest.

RESOLUTION NO. 57-193

A RESOLUTION AUTHORIZING THE PURCHASE OF POLIO VACCINE FROM PARK DAVIS AND COMPANY IN THE SUM OF $6300 AND AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER AND PAYMENT UPON RECEIPT OF VACCINE.

Introduced by Robinson Seconded by Merrill

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

APPROVE PLANS AND SPECIFICATION, CALL FOR BIDS ON WATER LINE TO SERVE MODESTO INDUSTRIAL PARK 2-34

Director of Public Works Ray presented by Council consideration, plans and specifications for the installation of a water line to serve the Modesto Industrial Park area and proposed that the date of May 27, at 2 P.M. be set as the time for the opening of the bids.

RESOLUTION NO. 57-194

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF WATER LINE TO SERVE THE MODESTO INDUSTRIAL PARK AND AUTHORIZE CALL FOR BIDS

Introduced by Merrill Seconded by Robinson

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

FURTHER DISCUSSION ON LEASE AGREEMENT FOR RENTAL OF THE OLD M.I.D. BUILDING TO THE COUNTY 2-40

Mayor Marks reported receipt of a petition signed by 15 merchants operating in the general neighborhood of the old M.I.D. building, protesting to the use of the building by the county since it was purchased for "parking only" and urging that the building be demolished and the property used for public parking.

Mayor Marks and Councilman Robinson considered it to be for the good of the community to lease the property to the county for its courts during the construction period of the new county court building.

The City Manager reported that Traffic Engineer Carmody had offered a suggestion, which had not yet been cleared by the Council parking committee----that for a minimum expense the basement area of the old hotel could be made available immediately for parking and used until needed for construction of the city hall.

This suggestion was briefly discussed by the Council members but several objections were offered. Councilman Hammond, Chairman of the committee reported that a meeting would be held on May 17 and one of the matters for consideration would be this suggestion.

Councilman Arata contended that there were other satisfactory locations near the courthouse which could be used by the county, and since the city purchased the property with parking funds, it should be used for this purpose. He proposed that the Council delay final consideration of the lease until the Council Parking Committee could consider it along with

the possibility of using the excavated area for parking.

To a question raised by Robert Bomberger, from the audience, the Council pointed out that the rental revenue, if the lease was approved, would be credited to the parking fund.

MOTION

That the lease agreement be held up until the parking committee could consider it in the further light of the petition filed protesting the leasing of the building.

Moved by Merrill Seconded by Arata

Before a vote was called on the motion, Mayor Marks submitted a substitute motion as follows:

MOTION

That an ordinance be introduced approving the leasing of the building to the County for temporary use for the courts, on the basis that the courts must have dignity and the county has been proceeding on this with some degree of good faith and on the basis of being a downtown merchant who would be affected by the leasing of the property.

Moved by Mayor Marks Seconded by Robinson

The City Attorney reminded the Council of the time element involved on the adoption of the ordinance if the lease was to be effective as of June 1, 1957.

Mayor Marks asked the clerk to call for a vote on the substitute motion.

Ayes: Hammond, Robinson and Mayor Marks
Noes: Anderson, Arata and Merrill

Mayor Marks declared the motion defeated since the charter required that four affirmative votes must be received.

The Clerk called the vote on the original motion.

Ayes: Anderson, Arata and Merrill
Noes: Hammond, Robinson and Mayor Marks

Mayor Marks announced that the motion was defeated.

Councilman Hammond stated that due to the urgency in the matter that the Parking Committee would meet as soon as possible to make its recommendation on the lease agreement and parking in the excavated area.

HEARING ON THE APPEAL FILED BY JOE MINENI FOR THE REZONING OF PROPERTY ON DOWNEY AVENUE 3-105

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the appeal, filed by Joe Mineni, Jr., on April 8, 1957 with the City Clerk, to the decision of the Planning Commission denying his application on March 26, which had been filed on February 25, 1957, to reclassify from R-3 to C-1 the following described property:

Lots 5-25, inclusive in Block 568, City of Modesto being located on the north side of Downey Avenue between McHenry Avenue and Johnson Street.

The findings of the Commission and the result of vote of Resolution No. 377 denying the application was reviewed by the City Manager. The Commission determined that the rezoning was not required by public necessity, convenience and general welfare because:

1. There is at present sufficient undeveloped commercial land within the area of the proposed rezoning;

2. The development of businesses on the north side of Downey may create undesirable traffic patterns due to the one way street plan;

3. The rezoning would contribute to string business development.

The appeal to this decision, filed by Joe Mineni with the City Clerk, was read at this time.

An affidavit from the City Clerk was read stating that the notice of the public hearing on the appeal had been published in the city's official newspaper, the Modesto Journal and Valley Citizen on April 18; that notices had been mailed to all property owners in the area and that no written protests had been filed.

Attorney Cleveland Stockton appeared in behalf of the applicant, Mr. Mineni, and reviewed the history on the applications for the rezoning of this property, which he stated, started as far back as 1951. He contended that the findings of the Commission, at the time the application for rezoning was denied were not correct because:

1. The homes located on the properties involved were old, outdated, and large and no longer suited for their original purpose, residences;

2. The fact there is other property in this area zoned C-1 but not used for this purpose could not be used as a ground for denial as a portion of the property in the Mineni application would be put to immediate commercial use;

3. This property would be a "residential island in a commercial Zone", if not rezoned C-1;

4. The traffic problem would not be increased if the property was zoned C-1 because if this area was used for multiple family purposes as permitted under the present zone there would still be traffic problems;

5. The depth of the property was equal to some of the area on McHenry Avenue which was zoned C-1 and there was sufficient depth to warrant the rezoning.

He considered that it would be in the best interest of the community to rezone the property as C-1 and asked that the Council overrule the denial of the Commission.

Bob Bomberger reported that he was involved in the real estate transaction at the time Mr. Mineni purchased the property and that he had purchased it for a specific purpose -- to place his real estate office at this location. They both had been under the impression, Mr. Bomberger stated, that the Commission agreed to rezone the property but at the time Mr. Mineni started to build, he was denied a building permit to use the property for office purposes. Mr. Bomberger considered that Downey Avenue, from McHenry to Scenic Drive should be zoned commercial, to be used for professional offices. He stated that an additional zoning classification which would allow occupancies between R-3 and C-1 zone for professional offices only would be desirable.

J.U. Simmons, 133 Downey Avenue, and Mrs. Margaret Annear, owners of property in the area under consideration, spoke in favor of the rezoning, as well as Mrs. C.L. Wooten, 229 Downey Avenue, whose property was located in the adjoining block.

Attorney Carlos Badger, representing the estate of Esto Broughton, opposed the rezoning on the basis that there was sufficient commercial property in this area already; it would increase the traffic on the street, the immediate use of two of the properties in this area for commercial purposes would make it less attractive to the remaining property owners who want to reside in their homes as long as possible. He asked that the decision of the Commission be upheld.

At the request of Mayor Marks, Planning Director Smeath reviewed the reasons why this area had been zoned R-3 at the time of the adoption of the present zoning ordinance in 1955. He also reviewed the basis upon which the Commission had unanimously denied Mr. Mineni's application. He pointed out once this property was zoned as C-1 or C-2 then any C-1 or C-2 use could go onto the property.

Councilman Arata stated that as suggested by Mr. Bomberger that if an additional classification could be added to the zoning regulations which would permit a zone for professional buildings it would be very helpful. Mr. Smeath reported that a number of changes in the Municipal Code were being proposed for Commission consideration shortly which could include this suggestion. He considered that the number of zones was a policy matter to be decided by the Council and Commission. He pointed out that the R-3 zone was a very broad zone, which permitted not only homes but many other uses even a motel, with a conditional permit. He pointed out that at the public hearing before the Commission two property owners in this area owning a total frontage of almost 50% protested to the rezoning.

Attorney Badger reported that there were 2 property owners with a total frontage of 224 feet, out of the 7 protesting the rezoning, being Katherine McClure, et al, and the estate of Esto Broughton, and the Methodist Church parsonage, with a 50 ft. frontage has taken no position in the rezoning.

Those in favor of the rezoning, he continued, only own approximately 175 ft. frontage in the area.

A general discussion was held on the contention of Attorney Stockton that the Commission had previously approved the Mineni property for C-1 zoning but through error it was not referred to the Council for the rezoning but held up for a number of years before it was finally zoned R-3 in 1955 when the present zoning ordinance was adopted. The City Manager offered to clarify this if the Council wanted to go back that far. Councilman Hammond considered that the Council should conduct the hearing upon the basis of the facts as they now stand, to which the Council concurred.

In rebuttal Attorney Stockton questioned the frontage figures given by Attorney Badger of those owning property opposing the rezoning; that the Commission's finding on the traffic problem had no basis since R-3 zoning permitted uses which could cause a worse traffic problem than the proposed commercial uses on the two areas which would be immediately developed in the area; that a super-market could not be built due to the limited area for parking; and that there was too much noise in this area for continued use of the area for residential purposes which would cause the area to depreciate.

Mr. Smeath wished the records to show that he was not proposing that a motel be built in this area but that under the R-3 a motel could be erected with a conditional use permit.

Mayor Marks declared the hearing closed.

Councilman Hammond stated that on the basis of the discussion held in 1955 on the advisability of leaving Downey Avenue as a buffer to protect the northern residential area, plus the fact there will soon be a traffic change in this area, plus the fact that C-1 zoning opens up the gate to many undesirable uses he would oppose the rezoning requested.

RESOLUTION NO. 57-195

A RESOLUTION AFFIRMING THE RECOMMENDATION OF THE PLANNING COMMISSION IN DENYING THE APPLICATION OF JOE MINENI, JR., FOR THE REZONING OF THIS AREA

Introduced by Hammond Seconded by Robinson

Ayes: Hammond, Robinson and Mayor Marks
Noes: Arata, Anderson and Merrill

The City Attorney declared that the resolution failed because it did not receive a majority vote.

RESOLUTION NO. 57-196

A RESOLUTION OVERRULING THE DECISION OF THE PLANNING COMMISSION DENYING THE APPLICATION OF JOE MINENI, JR., FOR THE REZONING OF THIS AREA AND REQUESTING A FURTHER REPORT FROM THE PLANNING COMMISSION AS REQUIRED BY SECTION 10-2.2114 OF THE MUNICIPAL CODE AND SUSPENDING THE DECISION OF THE COUNCIL IN THIS MATTER UNTIL SUCH TIME THE PLANNING COMMISSION RENDERS A FURTHER REPORT

Introduced by Anderson Seconded by Arata

Ayes: Anderson, Arata and Merrill
Noes: Hammond, Robinson and Mayor Marks

The City Attorney declared that the resolution lost for lack of a majority vote and the matter was still before the Council and goes over until the next meeting.

Mayor Marks declared a five minute recess at 9:25 P.M.

Mayor Marks declared the meeting reconvened at 9:30 P.M.

REPORT ON PROPOSED ORDINANCE TO PROHIBIT LOITERING ON PUBLIC STREETS 8-119

The City Manager reported that further studies, on the proposed ordinance to prohibit loitering on public streets, indicate the city should not proceed with its adoption at this time. Further analysis, he reported, indicates that the desired enforcement may possibly be accomplished with existing state laws. It was agreed by the Council that the matter be given no further consideration.

CONSIDER PROCEDURE FOR CLEARING BUSINESS LICENSE REVISION 9-10

The City Manager reported receipt of the final draft of the business license report from the League, which had been multilithed for distribution to Council members, members of the Citizen Committee, and other interested parties for study. He pointed out, that it would be urgent at this time, to set up a schedule for considering the report along with the city's proposed ordinance if the revised business license ordinance was to become effective as of July 1, 1957, as recommended by the Committee, based on the fact that there would be a credit involved which would be difficult to administer if the change was made after the beginning of the fiscal year.

The City Attorney pointed out the difficulties involved, due to the limited time available, and the length of the report and proposed ordinance, to work out an ordinance which would be agreeable to all business concerns and the Council. From the point of view of drafting he stated, it was not reasonably possible to do a satisfactory job and have it by July 1, but the program should progress as rapidly as possible. The only reasonable alternative would be to schedule the effective date as July 1, 1958. He pointed out that this would not mean any loss of revenue--since

the basis of the revised ordinance was one of equity.

In the general Council discussion the following points were brought out:

1. That everybody should be given a chance to participate in the consideration of the revised ordinance;

2. That the city should not work on the assumption that it need to wait for another year before the ordinance could be effective, although there would be administrative problems, but the Council should proceed as rapidly as is possible to determine the proper business tax in equity to everyone and at that time the decision could be on the effective date;

3. That copies of the model ordinance be made available to the Citizen's Committee to clear and after its study a report be submitted to the Council.

The City Attorney pointed out that all the previous hearings were held on a specific draft, based on what the city had it its business license but revised and put in a suggested form. This draft was studied by the committee and business concerns involved and the testimony produced at these hearings was based on this draft. He concurred in the suggestion that the work proceed and when completed and an ordinance put into proper shape, the proper effective date then could be determined. He suggested that in drafting legislation to accomplish this, the city adhere basically to the present fundamental draft but the Citizen's Committee and Council modify it and incorporate such suggestions of the League that they may consider advisable.

MOTION

That the revision of the business license ordinance proceed as rapidly as is reasonably possible and after an approved draft is completed that the effective date be determined.

Moved by Hammond Seconded by Robinson Unanimously carried

REPORT ON LETTER OF COMPLAINT FILED BY M.C. ZECKOS, 1050 W. Roseburg 9-125

Police Chief Noel reported on the letter referred to him by the Council for investigation which had been filed by M.C. Zeckos relating to various complaints. Mr. Zeckos, who was in the audience, agreed to leave the matters in the hands of the Police Chief for correction.

CLEAR LETTER TO BE SENT TO STATE DIVISION OF REAL ESTATE RELATING TO THE FURNISHING OF WATER BY THE CITY TO THE LOTS IN THE MONTGOMERY VILLAGE NO. 2 SUBDIVISION WHEN PROPOSED AGREEMENT BETWEEN THE SUBDIVIDER AND THE CITY HAS BEEN EXECUTED AND APPROVED BY THE COUNCIL 10-62

The City Manager reported receipt of a request from Harold Schulenberg, of the Security Title Insurance Company, asking the City, in order to complete Frank J. Francek's report on his subdivision to the State Division of Real Estate, to indicate in a letter its willingness to furnish water service to the Montgomery Village No. 2 Subdivision, located outside the city. He pointed out that the Council had previously indicated its intention to furnish sewer service. He read the proposed letter to the State for Council information.

MOTION

That the sending of the letter as read by the City Manager be approved.

Moved by Arata Seconded by Hammond Unanimously carried

REPORT BY COUNCIL COMMITTEE ON PARK PROPOSALS 10-75

Councilman Robinson reported that the Council park committee had arrived at a value to be offered the owner of a 6½/acre site adjoining the James Marshall School which could be used for a neighborhood park. However, he reported the owner had not been contacted as yet and a further report and recommendation would be submitted at the next Council meeting.

He reported that the committee considered the offer submitted for a park site on the south side of Tuolumne River and agreed that the site was poorly located for park purposes and the offer should be rejected at this time.

MOTION

That the offer of the park site on the south side of Tuolumne River be rejected and the owners be so advised.

Moved by Hammond Seconded by Arata Unanimously carried

NOTICE OF EXPIRATION OF THE AGREEMENT WITH CHESTER NATTINGER & COMPANY RELATING TO ANNUAL AUDIT OF CITY RECORDS 10-91

The City Manager notified the Council of the expiration of this agreement on June 30, 1957 which had been written for 3 fiscal years beginning July 1, 1954.

MOTION

That the City Manager be instructed to prepare a new agreement for a 3 year term for Council consideration.

Moved by Merrill Seconded by Arata Unanimously carried

REPORT ON REQUEST FOR BRIDGE ACROSS M.I.D. LATERAL NO. 3 AT SYCAMORE AND SHERWOOD AVENUES 10-107

The City Manager reported that the Planning Commission had considered the request filed with the Council that a bridge be constructed across M.I.D. Lateral No. 3 at Sycamore and Sherwood Avenues. Mr. Smeath reported on the studies made by the Planning Staff and reported to the Commission. This study was approved by the Commission and ordered sent to the Council for action. The recommendations were:

1. Widening of McHenry Avenue north of Lateral No. 3, as well as widening south of Lateral No. 3, which is already planned, should be completed before any vehicular bridge construction over M.I.D. Lateral No. 3 should be undertaken;

2. Construction of a four lane Tully Road Bridge over M.I.D. Lateral No. 3 should be completed along with the street widening scheduled for an early date.

3. A footbridge should be constructed as early as possible.

4. A vehicular bridge will be necessary later for circulation between neighborhoods and should be located at Joaquin Street.

In order to preserve the neighborhood patterns south of M.I.D. Lateral No. 3, a bridge should not be built on Sherwood Avenue. Such a location would intensify problems of the area south of this lateral.

The Commission and staff considered, Mr. Smeath stated, that the construction of a bridge on lateral No. 3 at either Enslen or Sycamore (Sherwood) would mean a long through traffic street from north of Briggsmore into Needham which would pile up and eventually be a four lane street problem. The studies show that McHenry and Tully could carry all of the

traffic when they are both developed as four lane streets. Since there is a distance involved, it is felt that there should be a bridge and the best location would be on Joaquin Street, which would ultimately, after this area is completely developed, tie into Granger Avenue. If Northern Boulevard is fully developed as an east and west street as recommended by the Commission and staff, then there would be a place for dispersion of all traffic north of the canal which could travel either east or west and onto Sycamore, Enslen or other streets.

Mr. Smeath reported that the staff and Commission were in general agreement that Briggsmore and Northern Boulevard be continued on the two sides of the lateral to meet with Prescott Road, where the state plans to construct an interchange with the freeway. The County is also proposing a road which will connect with the freeway at this location and proceed southward to the Tuolumne River at a location where a new bridge would be built. He pointed out that some of the subdividers north of lateral No. 3 have considered that there is a need for a crossing of the canal without going to McHenry or College Avenue. It is recognized, that at the proper time there should be another vehicular crossing. The staff and Commission both feel, he stated, that a foot bridge should be constructed across the canal for school children.

Russell Briggs, subdivider, spoke on the need of an additional crossing between the Tidewater tracks and McHenry Avenue. If this bridge is not built at this time, he stated, the foot bridge should be constructed at an early date for the protection of the children going to and from school, with the construction of the vehicular bridge at a later time at a location most advantageous to everyone concerned.

The City Manager stated that a further report would be made to the Council on the pedestrian problem, since some action seems to be indicated. Mayor Marks asked that an estimate of the cost of the foot bridge be included in this report.

MOTION

That the staff be instructed to look into both of these phases, foot bridge and vehicular bridge, and bring back a report to the Council.

Moved by Anderson Seconded by Hammond Unanimously carried

City Manager Miller asked if the Council was clear---if the bridge was to be built it should be at some location farther to the west and not at the Sycamore-Sherwood location, as recommended by the Planning Commission.

Mayor Marks stated to include in the report the best location where it would serve the most people in the area.

It was agreed that copies of the studies be sent to the Council and the change in the name of Sycamore Avenue to Sherwood Avenue, between Briggsmore and Bowen Avenues, be deferred.

AUTHORIZE EXTENSION OF AGREEMENT WITH HARRY JENKS FOR CONSULTING SERVICES TO JUNE 30, 1958 11-119

RESOLUTION 57-197

A RESOLUTION APPROVING EXTENSION OF AGREEMENT WITH HARRY JENKS FOR CONSULTING SERVICES TO JUNE 30, 1958

Introduced by Merrill Seconded by Anderson

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

ACCEPT GRANT DEEDS FOR WIDENING OF GRANGER AVENUE 12-02

RESOLUTION NO. 57-198

A RESOLUTION ACCEPTING GRANT DEEDS FOR WIDENING OF GRANGER AVENUE FROM L. PAUL HUDELSON AND ELEANOR L. HUDELSON; CARL E. HEERMAN AND SALLY J. HEERMAN; AND C.A. BARHAM AND GERALDINE BARHAM

Introduced by Arata Seconded by Hammond

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

PROGRESS REPORT ON REQUEST OF CALIFORNIA FRYER FESTIVAL COMMITTEE FOR USE OF LEGION PARK ON JUNE 15 FOR ANNUAL FESTIVAL 12-06

Assistant City Manager Masonheimer reported on the progress being made in the plans for use of Legion Park for the annual California Fryer Festival being held on June 15. Additional parking space is being made available, Mr. Cutting, chairman of the committee reported, the serving area will be extended, and additional barbecue pits built.

REPORT ON CITY HALL CONSTRUCTION AND FINANCING 12-25

Council members indicated they wished to further study the reports "summary of information about city hall and police buulding costs and financing" and "Average Annual Cost to Pay Principal and Interest in 20 years or 25 years", submitted by the City Manager, before any further discussion.

REPORT ON IMPROVEMENTS PROPOSED FOR GROUND OBSERVER CORPS TOWER 12-42

MOTION

That the repair of the stairs and the road leading to the Ground Observer Corps tower and pump station be approved.

Moved by Anderson Seconded by Robinson Unanimously carried

The City Manager stated that these repairs would be made prior to the Ground Observer Corps' Fifth annual celebration being held shortly.

GRANT REQUEST TO CONSTRUCT RETAINING WALL IN SIDEWALK AREA 12-45

The request of J.M. Alexander, 220 El Rio, for a permit to construct a retaining wall in the LaSombra sidewalk area was considered by the Council. A diagram of the proposed plan was displayed and explained by the Director of Public Works. He stated that in view of peculiarities of terrain and existing construction at this location, it is recommended that permit be granted on the basis that it would be a revocable encroachment.

RESOLUTION NO. 57-199

A RESOLUTION GRANTING A REVOCABLE PERMIT TO J.M. ALEXANDER TO CONSTRUCT THE ENCROACHMENT ON THE PUBLIC RIGHT OF WAY IN ACCORDANCE WITH THE BLUEPRINT ON FILE IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS UNDER CERTAIN CONDITIONS

Introduced by Robinson Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes; None Absent: Adams

REQUEST FOR REFUND ON OVERPAYMENT OF BUSINESS LICENSE FEE BY RANDIK PAPER COMPANY 12-72

Director of Finance Bird summarized the requests filed by Randik Paper Company for refund of overpayment of business license fee. The

requests were based on the fact that the company had paid a 2 mill license fee on its wholesale sales through error as follows:

July 1, 1951 through December 31, 1953	$1,203.04
January 1, 1954 through September 30, 1956	2,088.56

The claims have been audited by the city, he stated, and determined to be in order.

The City Attorney stated that after studying the matter carefully he believed that the City Council does not have the authority to authorize refund for any period in excess of two years [illegible] because of the applicable statute of limitation. He recommended that it authorize a refund of the overpayment as computed by the Director of Finance covering the years 1955-1956 and reject the remainder of the request for reimbursement.

The Council discussed the statute of limitations applicable to the company claim as compared to the city's right to recover taxes which is for a 3 year period. Since the company's claim was based on the 3 year period, Mr. Bird stated, he could not state at this time the actual amount which could be refunded on a two year period.

RESOLUTION NO. 57-200

A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF THE OVERPAYMENT OF LICENSE FEE AS COMPUTED BY THE DIRECTOR OF FINANCE TO THE RANDIK PAPER COMPANY FOR THE YEARS 1955 and 1956 AND REJECTING BALANCE OF THE CLAIM

Introduced by Robinson Seconded by Anderson

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

NOTICE OF REGIONAL PLANNING CONFERENCE ON MAY 9-10 13-27

Notice of the Regional Planning Conference being held in Modesto on May 9 and 10 was noted by the Council members.

MAJOR CITY STREET REPORT 13-31

A report on the major city street projects proposed for 1957-58 was presented by Director of Public Works Ray.

MOTION

That the summary of the project statement proposed for submission to the Division of Highways, State Department of Public Works to cover reallocation of funds available for this year and the allocation of funds for next year for major city street projects be approved.

Moved by Robinson Seconded by Anderson Unanimously carried

Mr. Ray pointed out the report showed an available balance of $46,309.48, which could be allocated to the most urgent project later and an amended agreement be sent to the state for approval. A memorandum of agreement would be sent by the state to the city on the projects listed in the report before the funds could be utilized, excepting those which are included in the city's existing agreement.

REPORT ON LETTER FROM HOWARD E. OLDS RELATING TO STATUS OF SANTA BARBARA STREET 13-66

The City Manager distributed copies of a report to the Council members on the questions raised by Howard E. Olds in his letter of recent date relating to the status of Santa Barbara Street at Miller Avenue, which is presently developed as a half-street. If the Council members

have any questions after reading the report, these can be cleared at the next Council meeting.

LEGISLATIVE MATTERS 13-70

Mayor Marks reported that Senator Regan had advised that it would help if the City of Modesto joined the Northern California Water Rights Protective Association. He asked the City Manager to obtain additional information on this matter.

The City Manager reported receipt of a letter from the City of Albany asking for support of Assembly Bill No. 1156 which amends Section 477 of the Health and Safety Code, which would provide for the placing on the Health taxes in each county on the same basis of library taxes so that the taxes would be levied only in those areas where the service is rendered. The League is in support of the bill and the staff considers that it is fair and equitable and recommends that the Council support the bill, he stated.

MOTION

That Assembly Bill No. 1156 be supported and that letters be sent the city's representatives asking for their aid and support of this measure.

Moved by Robinson Seconded by Anderson Unanimously carried

was read
A letter from the City of Southgate urging the City of Modesto to write to its assemblyman asking support of Assembly Bill 1212 relating to civil defense and disaster preparation. The City Manager recommended support of this bill, since in major areas of the state there is insufficient assistance on civil defense.

Mayor Marks recommended that additional investigation of the proposed bill be made during the week before any Council action was taken.

ADJOURNMENT 13-115

MOTION

That this Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried.

The meeting was adjourned at 10:50 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 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: Anderson, Hammond, Robinson and Mayor Marks

Absent: Councilmen: Adams, Arata and Merrill

Councilman Adams arrived at the meeting at 4:02 P.M.
Councilman Arata arrived at the meeting at 4:11 P.M.
Councilman Merrill arrived at the meeting at 4:30 P.M.

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

Rev. Donald Weston, pastor of the Bethel Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of May 1, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

ADDITIONAL PETITION REGARDING CONSTRUCTION OF SWIMMING POOL AT ROOSEVELT PARK 1-15

City Manager Ross Miller reported receipt of this additional petition with 14 signatures and suggested that it be referred to the staff for report.

MOTION

That this additional petition be referred to the staff to be considered along with the one previously filed with the Council.

Moved by Robinson Seconded by Anderson Unanimously carried

LETTER FROM MODESTO BAND INC. REQUESTING USUAL APPROPRIATION OF $1200 IN THE 1957-58 CITY OF MODESTO BUDGET 1-21

This letter was referred to the staff to be considered at budget time by the Council.

INVITATION FROM STANISLAUS COUNTY SOCIETY FOR CRIPPLED CHILDREN AND ADULTS, INC. FOR COUNCIL MEMBERS TO ATTEND DEDICATION SERVICES OF ITS BUILDING, SUNDAY, MAY 26, 1957 AT 4:00 P.M. 1-35

This letter was read and ordered filed.

LETTER FROM WM. J. SILVA, JR. RE: CONTINUED OPERATION OF THE GARAGE AT 1116 H STREET 1-40

Mr. Silva stated that in reference to a statement made by one of the City Councilmen, as quoted in the Modesto Bee, that the garage should be purchased by the County, he wished to clarify this fact that the Wm. J. Silva Co. garage at 1116 H Street was still continuing in business and that "at the present time the sale of this building was apparently a suggestion by some other person".

Mayor Marks was authorized to call Mr. Silva to clear the suggestion which had been made by one of the Council members as a possibility at the

time the leasing of the old M.I.D. Building was discussed.

FINAL ADOPTION NO. 165-C.S. SEWER SERVICE CHARGES 1-57

ORDINANCE NO. 165-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-6.102 AND SUBSECTIONS (a) AND (c) OF SECTION 5-6.206 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE CHARGES"

introduced on May 1, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Robinson Seconded by Adams

Ayes: Adams, Anderson, Hammond, Robinson and Mayor Marks

Noes: None Absent: Arata and Merrill

ORDINANCE AUTHORIZING THE ACQUISITION OF GEORGE HANSEN PROPERTY FOR WIDENING OF TULLY AVENUE 1-59

As directed by the Council, City Attorney Allen Grimes presented for Council approval, an agreement between the city and George Hansen for the acquisition of property from George Hansen for the widening of Tully Avenue, and an ordinance which would authorize the acquisition. Terms of the agreement were briefly outlined by Mr. Grimes.

ORDINANCE NO. 166-C.S., entitled

"AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM GEORGE HANSEN FOR USE FOR MUNICIPAL PURPOSES"

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

Moved by Anderson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

APPROVE AGREEMENT WITH COUNTY RELATING TO A STUDY OF THE TAX STRUCTURE OF LOCAL AGENCIES 1-102

The City Manager presented this agreement, which had been prepared in line with previous Council discussions. The city's share of the cost of the survey would be an amount not to exceed $2,100, if the agreement is approved, the City Manager stated. Terms of the agreement were outlined for Council information.

RESOLUTION NO. 57-201

A RESOLUTION APPROVING AGREEMENT WITH STANISLAUS COUNTY RELATING TO A STUDY OF THE TAX STRUCTURE OF LOCAL AGENCIES

Introduced by Anderson Seconded by Mayor Marks

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

RESOLUTION NO. 57-202

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,100 FROM THE GENERAL FUND FOR COST OF STUDY OF THE TAX STRUCTURE OF LOCAL AGENCIES TO MISCELLANEOUS UNCLASSIFIED SPECIAL SURVEYS

Introduced by Arata Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

HOLD OVER REPORT ON PARK SITE ACQUISITION NEAR JAMES MARSHALL SCHOOL 2-10

This matter was held over at the request of Councilman Robinson, Chairman of the Council Committee to assist the staff on this matter.

REQUEST FROM CALIFORNIA RELAYS COMMITTEE THAT ANNUAL CONTRIBUTION OF $750 BE PLACED IN THE CITY'S 1957-58 BUDGET 2-15

This letter was read and ordered referred to the staff for consideration by the Council, when the budget was discussed.

REQUEST BY MODESTO COUNCIL OF CHURCHES FOR USE OF MANCINI BOWL FOR SUMMER SERVICES 2-41

The City Manager suggested that in considering this request that the Council proceed on the same basis as in the past---these services would be permitted with the limitations previously approved by the Council for the use of this facility---that the services be limited primarily to music and with special attention that a portion of the program would apply to children. He pointed out that this was the basis upon which the use of the Bowl was authorized for Easter Sunrise services. He suggested that the staff be authorized to handle it each year without bringing it up for Council consideration, unless there was some different conditions.

Rev. Weston stated that he would be opposed to the city accepting any bequests in the future if the holding of religious services would be prohibited in any facility constructed with these funds. He recommended that the restrictions on the use of Mancini Bowl be eased.

The City Attorney explained the provisions of the will of Mrs. Marghuerita Monotti who had left approximately $10,000 to be expended for facilities for the children in Graceada Park, and the ruling of the Court which permitted the expenditure of the funds for the construction of Mancini Bowl under certain conditions.

Rev. Weston recommended that the city return the money to Mrs. Monotti's heirs so that Mancini Bowl could be used as the Council sees fit and without any restrictions for religious, commercial or political meetings.

RESOLUTION NO. 57-203

A RESOLUTION GRANTING PERMISSION TO THE MODESTO COUNCIL OF CHURCHES TO USE MANCINI BOWL FOR SUMMER SERVICES UNDER CERTAIN CONDITIONS

Introduced by Robinson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Merrill

MOTION

That a study of the matter be made by the staff and a report submitted to the Council to determine what could be done or could not be done on expanding the use of the Mancini Bowl for various types of meetings.

Moved by Arata Seconded by Anderson Unanimously carried

REPORT ON STATUS OF SANTA BARBARA STREET AND OTHER PARTIAL STREETS 3-66

Mr. Howard E. Olds spoke briefly on his problem involving his property located on the partial street of Santa Barbara Avenue between Yosemite Boulevard and LaLoma Avenue. He asked if he would be prohibited from erecting a fence across this partial street to prohibit the use of the area as a street.

The City Manager pointed out that this same problem existed in other sections of the city, where partial streets exist, as outlined in the report of May 1, 1957, from the Director of Public Works, copies of which had been previously distributed to the Council, and a copy of which is on file in the office of the City Clerk with the records of this meeting.

MOTION

That the City Attorney investigate the legal status of whether Mr. Olds could close off this partial street.

Moved by Hammond Seconded by Robinson Unanimously carried

In response to an inquiry from the Council, the City Attorney reported that the formation of an improvement district did not seem to be the answer to this problem.

INFORMAL HEARING ON REQUEST OF MODESTO TERMINAL COMPANY FOR VARIANCE FROM MUNICIPAL CODE RELATING TO CONSTRUCTION OF BLACKTOP DRIVEWAYS 4-6

Mayor Marks declared the informal hearing open on the appeal filed by the Modesto Terminal Company for a variance from the Municipal Code to construct blacktop driveway areas in front of its warehouses No. 54 and No. 46 located on 11th Street, which had been scheduled for 4:30 P.M. this date by the City Clerk in accordance with the provisions of Section 1-4.03 of the Municipal Code.

The Director of Public Works explained the situation and the alternatives available to the Council and the department's recommendation--that the request for a variance be granted upon the condition that the blacktop driveways would be removed and standard concrete driveway installed in the event the rest of the street is improved.

Mayor Marks asked if there any objections from anyone in the audience. No objections were filed. The hearing was declared closed.

RESOLUTION NO. 57-204

A RESOLUTION GRANTING THE MODESTO TERMINAL COMPANY PERMIT TO CONSTRUCT BLACKTOP DRIVEWAY AREAS IN FRONT OF WAREHOUSE NO. 54 LOCATED ON B STREET AND NOS. 5 AND 46 LOCATED ON ELEVENTH STREET IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Arata

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

FURTHER CONSIDERATION OF THE REQUEST OF JOE MINENI FOR THE REZONING OF PROPERTY ON DOWNEY AVENUE 4-40

Since the Council failed to resolve the appeal of Joe Mineni, Jr. to the decision of the Planning Commission denying his request for the rezoning from Multiple Family Zone, R-3, to Neighborhood Commercial Zone, C-1, lots 5-25, inc., Block 568, north side of Downey Avenue between McHenry Avenue and Johnson Street, further consideration was given to the matter.

Councilman Robinson recommended the adoption of a resolution, at this time, that the appeal of Joe Mineni, Jr., to the decision of the Planning Commission denying the rezoning of lots 5-25, inc., in Block 568, City of Modesto, be denied and the decision of the Commission be affirmed by the Council on the basis of the findings of the Commission plus one additional finding----that it is desirable to leave the Downey Avenue area in this vicinity as a buffer to protect the northern residential area. He stated that he would be in favor of some consideration being given to a new type of zoning for professional type construction in this area if and when the Commission would establish this type of zone. Before a second was made considerable Council discussion ensued.

Opposition to the denial of the appeal was expressed by Councilman Arata on the basis,

1- That the Council should not "hold the city back";

2- The Council was "not here to tell the people where they should go and what they should do";

3- That "if a section looks like it is going commercial, as this one does, the Council can't be the judge to say they can't zone a property commercial;

4- Although the Planners consider there is too much commercial zoning in the city, they proceeded to recommend, and the Council recently approved, the zoning of a large tract on Tully Road as C-1;

5- The construction of a large drive-in market on this area would be objectionable, but it would be an ideal location for professional offices;

6- Since this area is now undesirable for residential purposes, other types of construction should be approved;

7- That if additional traffic would be created by rezoning the property, it would be up to the city to take care of it one way or another.

Councilman Hammond based his objection on the rezoning on the fact that C-1 zoning permitted too wide a variety of uses. He asked how quickly the Planning Commission could approve a lighter type of zoning between residential and commercial. He pointed out that when this was approved it "would lessen the hassles the Council is having on zoning", and would permit a more gradual transition from residential to commercial.

Director of Planning Smeath reported that some zoning changes had been placed on the agenda for the last two Commission meetings but due to the length of the meetings, these changes had not been considered. This matter will be placed at the beginning of the agenda for the next meeting, he stated. The proposed change would permit the construction of a medical building in an R-3 zone with a conditional use permit. He stated that there were numerous districts throughout the city similar to the area now being considered and to "come up with some proposals which will put in the right number of things is difficult". After these are cleared with the Attorney, within 2-3 weeks, the proposed change would be presented to the Commission.

Councilman Arata urged immediate action on this change in zones since it was a critical matter for property owners. He considered that the program "should be stepped up".

The City Manager pointed out that the staff had done everything possible to have these changes considered by the Commission and until the Commission acts on this matter, nothing else could be done.

Councilman Anderson recommended that a completely new zone for medical and professional offices be considered by the Commission instead of granting conditional permits for R-3 zone.

Council discussion was held on the matter of the creation of a new zone between the commercial and residential and the following points were brought out:

1- That it would be desirable that a new zone be created to preclude the necessity of appearing before the Board of Zoning Adjustment;

2- That action on the new zone by the staff and Commission should be given precedence over any other matters;

3- That the meetings of the Commission should be held at night when the members could stay throughout the meeting until all the matters on the agenda had been considered and more citizens could attend the hearings;

4- That the staff should not be criticized because the zoning changes were not considered by the Commission since all the necessary work had been done by the staff and the matters placed on the agenda for consideration;

5- That it was working a hardship on the citizens who wished to construct buildings to be held up on their plans for months;

6- That the staff was overworked but this matter should be rushed;

7- That the city was losing industry by "being so slow in these matters and that if additional help was needed on planning it should be hired;

8- That the Planning Commission spends more time on zoning changes than on the business of planning. If such zone changes, as now under discussion, were considered by the Commission, it would cut down the amount of time spend on hearings, petitions, etc.

Mayor Marks restated Councilman Robinson's resolution, which was then seconded by Councilman Hammond on the basis that C-1 uses were too broad for the area and the buffer zone was needed.

Councilman Adams considered that the matter resolved itself down to "improving some of the old residential area" but the Council would be in serious trouble if C-1 zoning was used as a basis to correct this situation. He approved the consideration of a new zone between residential and commercial, R-3-P for professional buildings. Something could be included in the R-3 zone for this type or a new zone be created. He urged immediate action on the matter.

It was generally agreed by the Council members that a less restrictive type of zoning between C-1 and R-1 be considered by the Commission as soon as possible to afford relief to this type of area.

Councilman Merrill pointed out that the Downey Avenue area was gradually deteriorating and it would be beneficial to the whole city to rezone the area as requested.

Attorney Cleveland Stockton, speaking on behalf of his client, Joe Mineni, Jr., pointed out that the size of the area would preclude the uses, such as super-markets, etc. if it was rezoned to C-1. He contended that at the previous Council meeting he had established the fallacies of the arguments which were relied upon by the Commission in making its recommendation. He reported on his study of the Commission and Council records on the history of the zoning of this property. He suggested that, in line with comments made by Councilman Arata, that the matter of creating an intermediate zone between C-1 and R-1 be referred to the Commission for immediate action, if the Council didn't see fit to rezone this area at this time to C-1. He asked the Council to postpone any action upon this matter, after Mayor Marks indicated it was generally agreed by all members that a new zone be established, until the Commission had time to submit a revision in the zoning regulation.

At the request of the Council, the City Attorney reported on the legal action which must be taken before a new zone could be established. He estimated the minimum period of time would be approximately 3 months or more, before the ordinance could be effective. He pointed out that the Commission would want to consider alternatives to approach this problem under discussion. Whether it should be liberalization of uses permitted in the R-3 zone by conditional use permits to allow different professional offices, real estate offices, doctors, dentists, etc., or whether a new zone should be created are two alternatives which should be considered carefully by the Commission, he stated, before a decision is made.

Attorney Carlos Badger, representing the two property owners in this area objecting to the rezoning to C-1, stated that these owners owned more than one-half of the area involved, 224 feet opposed and 175 feet favored. Neither of these owners would oppose the use of the property for professional offices, including a real estate office if reasonable professional signs were erected. He asked the Council to affirm the Commission's decision and that if a new type of zoning permitting professional useage of the area was approved, that his clients would not oppose the new zoning, but would support it.

Mr. Mineni argued that he had not received due consideration from the Commission since during the previous years the staff had agreed that it should be zoned commercial.

RESOLUTION NO. 57-205

A RESOLUTION DENYING THE APPEAL OF JOE MINENI, JR., TO THE DECISION OF THE PLANNING COMMISSION DENYING THE REZONING OF LOTS 5-25, INC., IN BLOCK 568 OF THE CITY OF MODESTO AND AFFIRMING THE DECISION OF THE COMMISSION

Introduced by Robinson Seconded by Hammond

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

Before the vote was called, Councilman Anderson listed his reasons for voting "no".

Councilman Arata stated that he had voted "no" because he considered there should be a zone between C-1 and R-1.

MOTION

That for the interest of the community, the Planning Commission be instructed to move as fast as possible in the creation of either a new zone or amending the R-3 zone to permit the establishment of professional offices, such as real estate, medical, etc.

Moved by Arata Seconded by Merrill Unanimously carried

To a question from Councilman Hammond, the City Attorney pointed out thatit would not be possible under the established regulations to defer any action on zoning requests until the adoption of this new regulation.

Mr. Smeath pointed out that there were two matters to be considered in this program, the text of the ordinance and the map. He asked if the Council was recommending to the Commission it consider this parcel of property along with consideration of the map.

The Council indicated that the method which would accomplish the desired result the soonest, should be followed by the Commission in resolving the matter.

Councilman Adams suggested that in the study, the Commission should consider all of the old residential areas in the city, with a possibility it might help that situation.

Mr. Stockton asked that the Commission confine its study to this particular area since it was a hardship case.

The City Attorney stated that it would depend upon which direction the Commission proceeded. If it proceeded to recommend the establishment of a new district, then geographical areas would come into consideration. If the Commission fees, that on the basis of its study, instead of establishing a new zoning district thepresent R-3 regulations should be amended to provide for certain of these professional uses with a use permit, there would be no geographical limitations as the regulations would apply to any R-3 zone.

The City Manager pointed out that this discussion was no discredit to the city's Planning Commission.

FURTHER CONSIDERATION ON THE APPEAL OF ANNA GROUND TO THE DECISION OF THE COMMISSION ON THE REZONING OF PROPERTY ON TUOLUMNE AVENUE 7-90

Pursuant to referring the appeal of Anna Ground to the decision of the Planning Commission denying the rezoning of her property on Tuolumne Boulevard from R-1 and C-1 to M-1, back to the Commission for a further report so that the revised freeway design map could be taken into consideration, and withholding any decision by the Council until this further report was received, the City Manager reported receipt of this further study from the Commission.

Resolution No. 386 adopted by the Commission, indicated that the matter had been reconsidered and the denial reaffirmed on the basis that

1- No new evidence had been presented since the denial of the application, as the map of the freeway recently submitted by the State Division of Highways was marked "Unapproved, for Design study only"; and

2- The Commission is in no position to perform its duty as planners and recommend zoning in the area until such time as the Council can tell the Commission where the location of the highway, the ingress and egress in the area will be.

The City Manager stated that the basic points which might assist the Council and Commission in considering these matters were:

1- The route of the freeway is established specifically enough to know where it will be located;

2- All of the discussions which have been held with the Division of Highways and all of the maps and studies which have been brought

to the attention of the Council indicate an interchange at Tuolumne Boulevard, although up to the present time the agreement between the city and state has not yet been executed, and the precise details have not finally been determined. The map presented to the Commission for study on this area is not the final plan, but the latest precise thinking of the Division of Highways at this point as to what will be proposed at this intersection.

Mayor Marks pointed out that the area involved would be located between the proposed freeway and railroad and that at the time Planning Consultant J. Stanley Ott had made his report for the city on "Community Planning Considerations in the Selection of a Freeway Location", he had recommended that this area be zoned for M-1 uses.

Mayor Marks pointed out that some of the testimony given at the public hearing before the Council last week indicated that the residential property owners in this area recognized that the area would eventually be rezoned and asked that it be put off as long as possible, possibly 5 or 6 years. He pointed out that there had to be a start somewhere and he believed that the commercial zoning in the area was incorrect since it was based on the fact that 99 highway was formerly located on Seventh Street. He stated he would like to see that all the properties within the area between the railroad and the proposed new location for the freeway be uniformly rezoned as M-1 since a large number of the present operations were already light industrial. If the Ground Lumber Company property was rezoned as M-1, it could not be considered as spot zoning, he believed. The zoning in this area "does not make sense" since there is not sufficient foot traffic. The long range viewpoint of this area on the west side of the city, Mayor Marks stated, should be considered at this time when considering the request for the rezoning of the Ground property. He believed that it might be 15 or 20 years before all of the uses would become M-1 but once the freeway is in, there will be a rapid transition, and industrial property is much more valuable than residential property, and this rezoning would be beneficial to the west side. He stated he would like to see the Council adopt the viewpoint that the sooner that commercial property was changed to light industrial, the better it would be for the whole community and particularly the west side.

Councilman Robinson pointed out that with the rapid growth of the central area of the state, a lot of companies feel that Modesto will become a logical distribution center for a large area. As the population increases, Modesto's need for warehousing district will grow. If the Commission is asked to study this possibility, he stated, and effect some type of reasonable M-1 zoning, for that area it would help the city in attracting warehousing.

Mayor Marks suggested that the Council start the program at this time and zone the Ground property as M-1, with the recognition that it is a part of an overall zoning program for the entire area between the railroad and freeway.

Councilman Arata pointed out that the new proposed use of an electrical company plant for the Ground property would not be a heavier type of industry.

The various type of uses permissible in an M-1 area were listed by the City Attorney.

Councilman Adams questioned whether M-1 zoning would be the most desirable type of industrial zoning for the area since it is located close to the center of the city. It was pointed out in the Council discussion that many changes would be made in the area as it progressed and developed and that the rezoning of the entire area would be in the community interest as well as the area since the owners would know the over-all plans for the development of the area.

The City Attorney pointed out that the code provided that if the decision of the Council was contrary to the recommendation of the Commission, a further report should be requested before it makes its decision final.

Councilman Hammond considered that the appeal should be returned to the Commission on the basis that this area was in the process of changing and this should be recognized and this would be a good place to start the rezoning.

The Council concurred that the following should be included in the findings, that the reason the Council finds that the rezoning would promote the public convenience, necessity and general welfare and is consistent with the objects and purposes of the zoning regulation, is that the area is in the process of changing, which should be recognized and this would be a good time to start the rezoning of the area.

RESOLUTION NO. 57-206

A RESOLUTION OVERRULING THE DECISION OF THE PLANNING COMMISSION ON THE REZONING OF THE ANNA GROUND PROPERTY ON TUOLUMNE AVENUE AND THAT THE CITY ATTORNEY BE DIRECTED TO PREPARE AND SUBMIT TO THE COUNCIL THE NECESSARY LEGISLATION TO REZONE SAID PROPERTY AS REQUESTED BY THE APPLICANT AND THAT A FURTHER REPORT BE REQUESTED FROM THE COMMISSION AS REQUIRED BY SECTION 10-2.114 OF THE MUNICIPAL CODE AND THE DECISION OF THE COUNCIL BE SUSPENDED UNTIL SUCH TIME AS COMMISSION RENDERS A FURTHER REPORT

Introduced by Hammond Seconded by Robinson

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

The City Manager also suggested that the Council ask the Commission to consider the points raised by the Mayor regarding the entire area. The City Attorney pointed out that when the property was rezoned M-1, that any of the uses listed in the code for this specific zone could be placed on the property.

MOTION

That the Planning Commission be asked to make a thorough study, when possible, of the commercial zoning in that particular area from the medium range point of view to changing it over to light industrial and as a long range study examine the possibility of ultimately the entire area between the freeway, after it is constructed, and the railroad be turned gradually to the use of light industry, and work with the westside groups working on planning.

Moved by Mayor Marks Seconded by Robinson Unanimously carried

The City Manager pointed out that the previous discussions indicated the kind of load the Commission was trying to resolve. A list of items of work which needs to be done is being presented to the Commission and Council, to determine the basis upon which the problems are to be resolved.

Attorney George Mellis, representing Mrs. Anna Ground, expressed appreciation to the Council for indicating its approval of the appeal on the rezoning. He, and members of the Council, commended Mayor Marks on his conduct of the hearing.

FURTHER DISCUSSION ON LEASING OF OLD M.I.D. BUILDING TO THE COUNTY FOR COURTS 9-72

Since the Council's previous discussion on this matter, Councilman Hammond stated, additional facts have been presented which should be discussed and a representative from the County Board of Supervisors should be present to outline the county's position. A report should be made available to the Council by the County on its study on the other alternatives considered and rejected. In the interest of providing the proper information to the people of the community, as to the Council's decision, the matter should be thoroughly discussed before it is made final. He suggested that the decision of the Council, since the Board was not represented, be postponed until the next Council meeting.

Councilman Adams reported on his previous discussion with Supervisor Robert Adams which indicated that the M.I.D. building would be the most satisfactory from the convenience and economical standpoint.

Councilman Arata considered that the purchase of the Silva garage located at 1116 H Street, by the County, to be used temporarily for courts and later for a service garage for the county, would be more desirable than the use of the M.I.D. building since the improvements constructed by the county could remain.

Councilman Merrill objected to leasing the property to the county on the basis that 1) it was purchased for and should be used for parking purposes, 2) the merchants objected to the leasing of the property, 3) the city should not be in the business of leasing properties.

Mayor Marks agreed that the citizens of the community should be thoroughly aware of the problems involved in the leasing of the property.

MOTION

That the matter of leasing the old M.I.D. Building to the County be postponed until the next Council meeting, May 22, at 8:30 P.M., so that the County can be represented to present all of the information.

Moved by Hammond Seconded by Robinson Unanimously carried

A letter from the Modesto Retail Merchants opposing the leasing of the building was read.

Councilman Arata also pointed out that the county could consider remodeling its old jail property for the courts. He considered that the prisoners should be transported instead of walked to and from the courts wherever it would be relocated.

Charles Wherry, operating Wherry Furniture Company at 917 11th Street, objected to the leasing of the vacant building next to his store by the county for the courts, on the basis that the parking, loading and unloading facilities were inadequate for prisoners and it would detract from the area as a shopping area.

Jules Loeb spoke in opposition of leasing the former M.I.D. building to the county and considered it should be used for parking.

Mayor Marks pointed out that some of the members of the Merchants Association had intimated they wished more facts before the Association went on record opposing the leasing of the building to the County. He stated that the matter would be fully considered at the next Council meeting, with all available information obtainable before the final decision on leasing is made by the Council.

DENY REQUEST OF MRS. CLARA NELSON FOR PERMISSION TO LEASE A PARKING SPACE IN THE CITY'S PARKING LOT ON 10TH STREET BETWEEN K AND L STREETS 11-21

Pursuant to referring this request to the staff for investigation and report, Traffic Engineer Carmody recommended that the lease of one space to Mrs. Nelson be approved on the same basis upon which the 10 spaces had been leased to Griswold and Wight, $7.50 per space, per month.

City Attorney Grimes asked the Council if it was going to adopt a policy of making individual leases to persons who have no business established in the immediate vicinity.

Councilman Hammond considered that the previous action taken by the Council relating to the leasing of spaces in this lot---provided that it could be leased on an interim basis to anybody, while the occupancy was low in this particular lot.

It was agreed by the Council that the leasing of individual spaces on parking lots to individual persons should not be established as a policy but consideration could be given to leasing parking spaces to adjacent business concerns to be used in connection with their business operations, as was done in the case of Griswold and Wight.

MOTION

That the request of Mrs. Clara Nelson be denied.

Moved by Merrill Seconded by Anderson Unanimously carried

REPORT OF PARKING COMMITTEE 11-72

Councilman Hammond reported that the Council Parking Committee had considered the following items at its recent meeting:

1- The advisability of using the excavated area adjoining the Hotel Modesto for parking, which was unanimously rejected;

2- The improvements on the 8th Street parking lot should be made only to the property line, thus eliminating the use of the sidewalk area for parking;

3- The offer to lease property on north side of 11th Street, between G and H Streets, which was rejected.

The Council accepted the Committee report.

APPROVE APPROPRIATION TRANSFER FOR IMPROVEMENTS TO PARKING LOTS 11-82

RESOLUTION NO. 57-207

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $260 TO PARKING RESERVE FUND FOR IMPROVEMENTS ON PARKING LOTS

Introduced by Hammond Seconded by Merrill

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

ACCEPT GRANT DEED FROM ERMA CAUTHON FOR WIDENING OF GRANGER AVENUE 11-121

RESOLUTION NO. 57-208

A RESOLUTION ACCEPTING GRANT DEED FROM ERMA CAUTHON FOR THE WIDENING OF GRANGER AVENUE

Introduced by Anderson Seconded by Merrill

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

PROCEEDINGS ON IMPROVEMENT DISTRICT NO. 6 11-127

The City Attorney presented for Council consideration, resolutions relating to the formation of Improvement District No. 6 for sewer laterals in the Garrison Addition.

RESOLUTION NO. 897-S.P.

RESOLUTION OF PRELIMINARY DETERMINATION THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CONSTRUCTION OF SANITARY SEWER LATERALS AND APPURTENANCES IN IMPROVEMENT DISTRICT NO. 6, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA, DESCRIBING SAID PROPOSED IMPROVEMENT AND SETTING A TIME AND PLACE OF HEARING THEREON

Introduced by Arata Seconded by Hammond

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

RESOLUTION NO. 898-S.P.

A RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS

Introduced by Anderson Seconded by Mayor Marks

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

RESOLUTION NO. 899-S.P.

RESOLUTION ADOPTING PLANS AND SPECIFICATIONS

Introduced by Merrill Seconded by Anderson

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

RESOLUTION NO. 900-S.P.
RESOLUTION OF INTENTION NO. 258

A RESOLUTION OF INTENTION IN THE MATTER OF THE CONSTRUCTION OF SANITARY SEWER LATERALS AND APPURTENANCES IN IMPROVEMENT DISTRICT NO. 6, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

Introduced by Arata Seconded by Hammond

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

The time set for the hearings was June 12, at 7:30 P.M. The estimated amount to be paid by the city in this district from the general funds was $7,120, as the pro rata share on sewer lines which would benefit areas outside the district proposed to be assessed.

FURTHER CONSIDERATION OF CITY HALL AND POLICE BUILDING 12-32

Councilman Arata stated that "he was not sold on tearing the building down" (Hotel Modesto). Many persons have expressed opposition to demolishing the building also, he reported. In order to "have everybody satisfied," he stated, figures should be obtained on the 1) cost of demolishing the building; 2) what it would cost to remodel; and 3) the cost of building an entirely new building. In order to sell a bond issue to the people, he stated, all of these facts should be determined first. The staff should try to find out the approximate cost and report back to the Council as soon as possible. The cost of preparing a complete set of plans for a new building and for a remodeled building, should be obtained by the staff, he stated. All figures available now are estimated figures and more reliable figures should be obtained, the cost of preparing plans should be determined and bids for the two types of buildings be called for.

Mayor Marks reported that it had been suggested to him that one alternative to consider would be the securing of the services of a structural engineer from Los Angeles and one from San Francisco to check the findings of Engineer Dewell and Architect Pflueger. He stated that he believed the Council should listen to all of these things but it had an over-riding job to find out the facts and present them to the people and make its own decision since the Council was elected to do this.

Councilman Adams pointed out that there were several different levels in determining estimates, specifications, facts and figures. He considered that it would be in order for the staff to present these and then it would be possible to determine a number of costs on different levels.

MOTION

That the staff present to the Council costs based on different levels, indicating 1) what remodeling would cost, and 2) what a new city hall would cost.

Moved by Arata Seconded by Mayor Marks Unanimously carried

APPROVE AGREEMENT WITH STATE FOR ORANGEBURG AND McHENRY AVENUE SIGNALS 12-110

An agreement, prepared by the State Division of Highways, relating to the installation of full actuated traffic signals for Orangeburg and McHenry Avenues, was considered by the Council. The city's cost of one fourth of the costs is estimated not to exceed $5,000.

The City Manager reported that a number of discussions had been held with the state on these signals about the possibility of fixed time signals in lieu of this type but it now appears that while the staff considers this might be the best solution, it cannot be cleared. Since the the need for the signals is urgent, it is recommended the agreement be approved on the basis that if there is any delay due to funds, that it be considered as a formal request that be held over and made available for clearing this project.

RESOLUTION NO. 57-209

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR THE INSTALLATION OF FULL TRAFFIC CONTROL SIGNAL SYSTEM AT THE INTERSECTION OF ORANGEBURG AVENUE WITH STATE HIGHWAY ROUTE 109 (McHENRY AVENUE)

Introduced by Robinson Seconded by Arata

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

MOTION

That the State be asked to hold this money or if there is any question on it, to proceed immediately to make it available next year, so that there will not be any delay

Moved by Robinson Seconded by Arata Unanimously carried

GRANT LEAVE OF ABSENCE TO COUNCILMAN ARATA TO LEAVE CITY ON VACATION 12-126

MOTION

That Councilman Arata be granted leave of absence to go on a trip to Hawaii beginning May 16 for a period of one week.

Moved by Adams Seconded by Anderson Unanimously carried

DISCUSSION ON RECORDINGS OF THE COUNCIL MEETINGS 13-05

Councilman Adams stated that he wished to recommend, after listening to two hours of records of the last Council meeting, that some method be adopted in the procedure of the meetings which would make the records less confusing. He suggested that each speaker address the Mayor, be acknowledged by him by name and then make his statement. In this manner, it would indicate the name of the person speaking on the record. He pointed out that members of the audience stated their names but the Council members had not followed this procedure.

The Council generally agreed that the informal discussion type of procedure of conducting the meeting should be continued.

LETTER FROM KENT T.V. PRODUCTIONS 13-51

The City Manager's letter in reply to a letter from Kent T.V. Productions, New York, quoting a price of $25,000 for devoting one-half hour film to a city in a TV series, "Great Cities of America" stating that the costs involved prohibited the City of Modesto's participation, was approved and ordered transmitted.

ORDINANCE ESTABLISHING SPEED LIMIT ON PORTION OF NEECE DRIVE 13-55

ORDINANCE NO. 167-C.S. entitled:

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION AND REPEALING ORDINANCE NO. 161-C.S."

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

Moved by Merrill Seconded by Anderson

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

ESTABLISH FREIGHT LOADING ZONE ON NORTH SIDE OF J STREET BETWEEN 7TH AND 8TH STREETS 13-60

RESOLUTION NO. 57-210

A RESOLUTION ESTABLISHING A FREIGHT LOADING ZONE ON THE NORTH SIDE OF J STREET BETWEEN SEVENTH AND EIGHTH STREETS IN THE CITY OF MODESTO

Introduced by Adams Seconded by Merrill

Ayes; Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

Traffic Engineer Carmody explained that the 77' loading zone was being established for the distribution of bakery goods by the Continental Baking Company because of the size of the trucking equipment and it would only be effective during the hours of 6:30 A.M. and 8:30 A.M. and would not create a problem for parking.

APPROVE PURCHASE OF OLIVE DENNETT PROPERTY AT THE AIRPORT 13-72

ORDINANCE NO. 168-C.S. entitled:

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM OLIVE M. DENNETT"

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

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

The City Attorney pointed out that the agreement covering the purchase of the property from Mrs. Dennett to be used in the airport expansion project, provided that the purchase was subject to an existing lease and that the city or county would not terminate the lease until its expiration on December 31, 1959.

MOTION

That the purchase of the Dennett property permitted on the basis that upon the expiration of the present lease that the lessor (Dr. C. M. Steiger) would have the right to remove the existing fence along the river and during the term of the lease he would be provided with reasonable access to the leased premises through the airport property over a route to be designated by the city and county.

Moved by Arata Seconded by Anderson Unanimously carried

The Director of Public Works reported that bids could be called for the improvements at the airport as soon as the Attorney's opinion is submitted to the C.A.A. on the acquisition of this property. Plans and specifications are ready and the project will be started as soon as possible.

RESOLUTION REFERRING PETITION FOR ANNEXATION OF RACQUET CLUB ADDITON TO CITY 13-110

RESOLUTION NO. 57-211

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRI-

TORY TO THE CITY OF MODESTO KNOWN AS THE RACQUET CLUB ADDITION

Introduced by Anderson Seconded by Hammond

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

LEGISLATIVE MATTERS 13-120

AB No. 2592, amending Streets and Highways Code relating to the State Highway Commission.

It was agreed by the Council that the Mayor be authorized to notify Assemblyman Kilpatrick, who has requested support of the bill, that the Council did not have sufficient time to consider the bill prior to its consideration by the committee on government organization.

AB 1212 - Civil defense and disaster preparation.

It was agreed by the Council members that no further consideration be given on this bill.

AB 2440 - Minimum standards and training for Police Officers

MOTION

That this bill be opposed by the City of Modesto on the basis the specifications are in much more detail than the state law should provide, and it would be against the principle that a city should set its own standards of employment.

Moved by Robinson Seconded by Arata Unanimously carried

AB 2425 - Recall of Municipal Officers

MOTION

That the Council go on record as supporting this bill.

Moved by Robinson Seconded by Hammond Unanimously carried

AB 863 - Advancing of motor vehicle license fees in Lieu tax

MOTION

That the Council go on record as supporting this bill.

Moved by Anderson Seconded by Arata Unanimously carried

SB 54 - Payments in Lieu of Taxes

MOTION

That the Council go on record as supporting this bill.

Moved by Anderson Seconded by Merrill Unanimously carried

REPORT ON PROCEDURE FOR CLEARING SALARY MATTERS 14-29

The City Manager reported that the study on the salaries paid city employees, as required by the personnel rules, was progressing and was now under consideration by the Personnel Commission. He reported receipt of a report from the League on salaries which was available for Council information.

Councilman Hammond requested that at the time the Council takes this matter under consideration, the staff have available information as to how salaries paid by the city on these various classifications compare with similar positions in the community.

REPORT FROM CHAMBER OF COMMERCE 14-33

The report for third quarter, January 1, 1957, to April 1, 1957, was filed.

It was agreed by the Council that the industrial tours be limited to one hour, twice a month beginning at 2:30 P.M., prior to the regular afternoon Council meeting, 1st and 3rd Wednesday of each month.

REPORT ON PROPOSAL FOR INTERIM IMPROVEMENT PROGRAM ON STATE HIGHWAYS 14-72

The City Manager reported that a number of discussions had been held with the state on the matter of grade separations and that a summary report of the findings of the study, recently completed by the State, would be submitted soon by Traffic Engineer Carmody.

The City Manager read a letter which had been drafted by him to be sent (if approved by the Council) to the State Division of Highways relating to the importance of proceeding with interim improvements on state highways 109 McHenry Avenue and 110, Yosemite Boulevard-Maze Road pending possible ultimate relocation of these routes.

MOTION

That the sending of the letter, as read by the City Manager, be approved.

Moved by Arata Seconded by Robinson Unanimously carried

PRESENTATION OF COPIES OF LEAGUE OF CALIFORNIA CITIES BUSINESS LICENSE PROPOSALS 14-96

The City Manager reported that copies of this report had been made available to members of the Council and would be sent to the Citizens Committee on revision of the business license.

ADJOURNMENT 14-100

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was adjourned at 7:30 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., 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: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Absent: Arata

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

Rev. Glen Harmon, pastor of the South Modesto Church of the Brethren, gave the invocation.

APPROVE COUNCIL MINUTES 1-31

Council members having received copies of the minutes of the Council meeting of May 8, and the same being available for public inspection and there being no objections, the minutes were approved.

REQUEST FROM CALIFORNIA RELAYS FOR ADDITIONAL CONTRIBUTION FOR CALIFORNIA RELAYS 1-40

Tom Moore, representing the California Relays, requested Council consideration for an additional appropriation of $500 to assist in defraying unexpected expenses for the annual California Relays being held in the city May 25.

RESOLUTION NO. 57-213

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $500 FROM THE GENERAL RESERVE TO MUSIC AND PROMOTION--1957 CALIFORNIA RELAYS

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

MAYOR MARKS WELCOMES GUEST OF COUNCIL

Mayor Marks welcomed students from the Gratton School in Denair, and Modesto Evening Junior College class in government, guests of the Council.

LETTER FROM MODESTO LODGE NO. 1282 BPOE 1-76

A letter from the Elks Lodge expressing appreciation for the city's assistance in its circus project to expand its youth activity program recently held in the city, was read and ordered filed.

REQUEST OF TAXICAB COMPANIES FOR RATE INCREASE 1-82

A petition signed by Lois Lane, operating the Red Top Taxi, Joseph A. Sequeira, operating Joe's Taxi, and Hershel Lawrence, operating Smitty's Taxi, requesting Council consideration for the increase of cab fares, was read. Joe Sequeira spoke in behalf of the operators explaining that there had been an additional demand from the drivers for a larger percentage of the "gross take", and costs of operation had increased.

By order of Mayor Marks, with consent of the Council, the matter was referred to the staff for investigation and report, after a conference with the operators. It was agreed that the matter be placed on the agenda for the June 5th meeting of the Council.

LETTER FROM NORTHERN CALIFORNIA-YOSEMITE HIGHWAY ASSOCIATION REQUEST STATE HIGHWAY COMMISSION IMPROVE MODESTO-COULTERVILLE HIGHWAY 2-12

James Rice and E. W. Andrews, representatives from the Association, spoke on this matter and requested that the Council adopt a resolution urging the Commission to include in its 1958-59 budget the necessary funds for needed improvements to this highway. Mr. Andrews also asked, to which the Council concurred, that City Manager Ross Miller appear with the members of the Association before the Commission on May 23 in Sacramento to discuss the matter with the Commission.

RESOLUTION NO. 57-212

A RESOLUTION ADDRESSED TO STATE HIGHWAY COMMISSION ASKING IMPROVEMENT OF MODESTO-COULTERVILLE HIGHWAY DESIGNATED AS SIGN ROUTE # 132 AND STATE ROUTE #110

Introduced by Robinson Seconded by Adams

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

ADDITIONAL PETITION FOR CONSTRUCTION OF SWIMMING POOL AT ROOSEVELT PARK 2-76

MOTION

That this additional petition be referred to the staff to be considered along with the others

Moved by Hammond Seconded by Anderson Unanimously carried

REQUEST FROM MILITARY ORDER OF THE PURPLE HEART, INC. TO DISPLAY ANTIQUE AND MODERN FIREARMS AND WAR EQUIPMENT IN THE CITY 2-76

MOTION

That since the local chapter of this organization was opposed to sponsoring this exhibit the request be denied on the same basis as in previous years.

Moved by Merrill Seconded by Hammond Unanimously carried

REPORT ON GROUND OBSERVER CORPS WEEK CELEBRATION 2-93

Dr. Stuart Schillig and Sergeant Jacobsen gave a progress report on the program being held in Modesto on June 7 to celebrate the Ground Observer Corps fifth anniversary.

COMMUNICATION FROM COUNCILMAN ARATA 3-30

Beautiful floral leis sent by Councilman Arata, absent on vacation in Hawaii, were distributed to members of the Council and staff by the City Manager.

HEARING ON THE APPLICATION OF J. H. KIRKPATRICK FOR AN AMENDMENT TO SECTION 17 OF THE ZONING MAP 3-84

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the application of J. H. Kirkpatrick for an amendment to Section 17 of the Zoning Map to reclassify from R-1 to R-2, lots 1-7, inclusive, Block 6717, Phelps Avenue between College Avenue and Bowen Avenue, to permit the construction of duplexes across the street from the new Dr. Schmidt Medical Building.

A statement from the City Clerk was read, advising that the notice of the hearing had been published in the official city newspaper, Modesto Journal, on May 2; that notices had been mailed to all property owners in the area on May 13, and that no written protests had been received.

Resolution No. 381, adopted by the Planning Commission on April 16, after its public hearing on the request, recommending the amendment to the Council, was read.

Director of Planning Smeath briefly outlined the proposal for Council information and stated that the Commission had considered that this property would form a good buffer strip between the R-1 and Commercial zone in the area.

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

ORDINANCE NO. 169-C.S. entitled

AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (KIRKPATRICK PROPERTY)

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

Moved by Hammond Seconded by Robinson

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR PUMPS FOR NEW DEEP WELLS IN THE TIDEWATER SOUTHERN RAILROAD INDUSTRIAL TRACT 3-115

RESOLUTION NO. 57-214

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE FURNISHING OF TWO DEEP WELLS

Introduced by Merrill Seconded by Hammond

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

The time set for the opening of the bids was Monday, June 10, 1957, at 2:00 P.M.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR ONE NEW 1250 GPM FIRE PUMPER 3-120

Specifications for the purchase of a new 1250 GPM Fire Pumper were briefly outlined by Fire Chief Wemyss. He recommended the date of June 17 at 2:00 P.M. for the opening of the bids.

RESOLUTION NO. 57-215

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FIRE PUMPER

Introduced by Anderson Seconded by Robinson

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

FURTHER CONSIDERATION OF APPEAL OF ANNA GROUND TO THE DECISION OF THE PLANNING COMMISSION DENYING APPLICATION FOR AMENDMENT TO SECTION 32 OF ZONING MAP TO RECLASSIFY HER PROPERTY ON TUOLUMNE BOULEVARD 4-30

City Manager Ross Miller read Resolution No. 391 adopted by the Planning Commission on May 21, reaffirming its decision to deny the application of Anna Ground for amending Section 32 of Zoning Map to reclassify from R-1 and C-1 to M-1, lots 28-38, inclusive in Block 305, after being requested by the City Council to reconsider the matter, as set forth in Resolution No. 57-206 adopted by the Council on May 15, reversing the decision of the Commission. The Commission based its position on the basis that

1- No new evidence has been presented since the adoption of Resolution No. 378;

2- It is believed rezoning of the area for industrial use prior to construction of the freeway is premature; and

3- Until such time as an approved map of the intersection at Tuolumne Boulevard and Seventh Street has been submitted by the State Division of Highways showing ultimate treatment of said intersection, the commission has insufficient information on which to base a decision to rezone any property in the immediate area.

A general Council discussion was held on the type of zoning and uses to be permitted in the area between the railroads and the location of the proposed freeway on Fifth Street, and the following points were brought out:

1- That it would be for the general welfare of the community and especially the west side area to have the Council indicate the ultimate zoning of the area although it would be many years before the area became a distribution or light manufacturing center;

2- That since the state highway was moved from 7th Street to 9th Street, the commercial uses were deteriorating since there was no foot traffic.

3- That this was the basis upon which the Council had indicated approval of the appeal of Mrs. Ground and reversed the Commission's decision, and recommended that a long range study be made of all of the area, with a view to zoning it all as M-1.

A letter from the Commission was read approving a statement by Commissioner Merrill that as a policy on the Ground application and on other matters before the Commission, the Commission must have adequate information of a current and factual nature before making decisions and that expected or anticipated information or "guessing" was not sufficient to make decisions in planning.

RESOLUTION NO. 57-216

A RESOLUTION REMOVING THE SUSPENSION OF RESOLUTION NO. 57-206 OVERRULING THE DECISION OF THE PLANNING COMMISSION ON THE REZONING OF THE ANNA GROUND PROPERTY ON TUOLUMNE AVENUE

Introduced by Hammond Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

Councilman Hammond stated, before the vote was called on the resolution, that he could appreciate the statement of the Planning Commission and considered that it wasn't as much a difference of opinion as it was a difference of interpretation of the extent of the facts now available. He

commended the Commission on its stand because it indicated that using this case as a basis, its thinking and action would be to the benefit of the community. The location of the freeway on Fifth Street is now certain, he stated, and the only thing not yet decided is the exact ingress and egress grade separations at the ends of the proposed freeway.

The Mayor was authorized to acknowledge receipt of the letter from the Planning Commission to commend the Commission for its statement, and explain the information now available to the Commission in making its decisions on these problems.

Councilman Robinson considered that the over-all study of the area should proceed as promptly as possible but that another point to be considered with this area was downtown Modesto, or very close to it. If in the Commission's judgment, after studying the matter, it might be possible to zone a certain sized area for industry with some limited type of M-1 zoning permitted so that certain type of industries which might be offensive to the downtown area would be prohibited. He pointed out that presently M-1 zone had certain types of uses which would not be good for the area, which should be considered in the Commission's study.

ORDINANCE NO. 170-C.S. entitled

AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GROUND)

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

Moved by Merrill Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

REQUEST CANCELLATION OF TAXES ON PROPERTY DEEDED TO THE CITY FOR ALLEY PURPOSES IN LOT Z - ARBOR VILLA TRACT (LORETELLI) 5-58

RESOLUTION NO. 57-222

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 Anderson Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

REQUEST CANCELLATION OF TAXES ON PROPERTIES PURCHASED FOR EXTENSION OF G STREET TO LALOMA AND FORMER HOTEL MODESTO PROPERTY 5-60

RESOLUTION NO. 57-223

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 Robinson Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

FURTHER DISCUSSION ON LEASING OF FORMER M.I.D. BUILDING TO COUNTY 5-61

Pursuant to delaying action on the leasing of the former M.I.D. building to the county, until a county representative could be present to report on the efforts made by the county in leasing other buildings to temporarily house the courts during the construction period of the new courts building of approximately 2 years, Mayor Marks declared the informal hearing open at 8:30 P.M.

Due to the absence of Councilman Arata, Mayor Marks read a statement, setting forth Councilman Arata's position on the matter opposing the leasing of the building, which had been made at the Council meeting of May 15.

Supervisor Bob Adams, representing the County, reported on the investigation of the county for a location to house the courts. The location investigated has been the former L. M. Morris & Co. Book Store on I Street; Modesto Furniture Store on 11th Street; former Gould Medical Building, 14th and H Streets; former Fred E. Hill Plumbing Store across the street from Lucky's store on 10th Street, some of the rooms in the former John Muir School building on Morris Avenue, now owned by the city, former B & T Market on 8th and H Streets; some area at the County Center No. 3, basement of the former Elk's building on I Street, property owned by Jules Loeb on J Street between 13th and 14th Streets. In these investigations, the size of the building to adequately house the courts and related offices, and the cost of remodeling were the prime considerations. The investigation was narrowed down to two buildings which met these requirements most adequately--the former Modesto Furniture Store and the M.I.D. building. He estimated the cost of repairs to the M.I.D. building to meet the county needs to be approximately $8,000 and $10,000. Due to the lack of partitions and necessary plumbing in the former Modesto Furniture Store, the estimate to remodel would be approximately $25,000 to $30,000. With this knowledge of the difference in costs for remodeling and because of the desirability of the location of the M.I.D. building, plus the fact the city had agreed it would not use the building, the county had entered into discussions with the city's administrative staff regarding the possible leasing of the building.

Supervisor Adams agreed that the walking of prisoners across the street to the court was undesirable. He pointed out that it was the city's responsibility to transport city prisoners before the judge. If the Modesto Furniture Store was used, the county had considered that it would be necessary to provide, for county prisoners, some means of transportation, and the city would have to make some arrangement for the transportation of its prisoners. It would also be necessary to provide adequate parking space on 11th Street in front of the building for loading and unloading of prisoners and for parking of city police cars going to and from the courts. If this building is used a large number of parking spaces on a very busy street. available now for shoppers, would be removed from public parking.

He reported that the plans for the new court building had progressed to the point where it will be possible to call for bids for the demolishing of the present structure by October 20, 1957. The facilities of the M.I.D. building are adequate to house the two municipal courts and all the allied functions, Clerks, traffic bureau, and the Marshal, he stated.

Billie Silva, Sr. had contacted him, Supervisor Adams reported, prior to his death, and indicated he desired either the city or county acquire his garage on H Street. Terms and conditions for the acquisition of the property were outlined by Mr. Silva but at the time this was brought up the county was well along in its budget year and no appropriation had been made for the purchase of property and further negotiations were impossible. Mr. Silva had indicated that the property was leased until August, 1958, which precluded it from the county's further consideration because it is necessary in order to follow out the schedule of the architect that the county be prepared to move the municipal courts, not later than

September, 1957. This building would have required a good deal of remodeling for use as a temporary court building, approximately $25,000 to $35,000.

The county is now getting estimates for the demolition of the interior of the old jail. The size of the jail is 37½ feet wide and 75 feet long and built of reinforced concrete walls and interior tiered with steel and cement to form the floors in the building. From the information received from 3 contractors, he stated, the cost of demolition and building two floors would exceed $40,000. The Board has asked the County Administrator to give an exhaustive look at the building and to come up with a recommendation, should the county further consider the remodeling as to what it could be used for, and if not what would be the appraisers price for selling the property.

The old theater building, adjoining the city hall, was not investigated, Mr. Adams stated.

Councilman Merrill pointed out the disadvantage to the city if the M.I.D. building was leased to the county for two years and the new Courts building was not completed within this period of time, that it would morally be wrong to "throw the county out of the building". The city would not be keeping faith with its citizens if this building was used for a long period of time since it was acquired for the primary purpose of parking. The city should not be in the "real estate" business, he contended.

Mayor Marks reviewed his views in favor of leasing the property to the county. He pointed out that the city had a responsibility as well as a moral obligation to furnish satisfactory facilities for its traffic courts not only from the angle of the fees collected, but to afford a convenient place for the citizens who have to appear at the court for the payment of the fine. He compared the parking spaces which would be lost to the general public on 11th Street if the Modesto Furniture Store was used, to the off-street spaces which could be gained by demolishing the M.I.D. building.

Supervisor Adams reported that the architect had estimated the time of completion of the new courts building to be 19 months after the start of construction.

Richard Penny, manager of the J. C. Penny Company, representing some of the Eleventh Street merchants, spoke in opposition to the use of Modesto Furniture Store for the courts. Since the city pays approximately one-third of the county taxes, he stated, the most economical method should be used in making reasonable arrangements for the temporary courts.

Mayor Marks moved the introduction of an ordinance approving the leasing of the M.I.D. property to the County. The City Attorney pointed out because of the lapse of time in considering the lease, although it had been approved previously by the County, it would be necessary to advance the term to July 1, 1957, since the ordinance would come up for final consideration at the next Council meeting, June 5, and would not be effective until 15 days after final adoption.

The City Manager noted that the details of the lease agreement had previously been cleared by the Council.

Councilman Robinson seconded Mayor Marks motion and the Clerk called the roll:

Ayes: Adams, Hammond, Robinson and Mayor Marks
Noes: Merrill, Anderson Absent: Arata

Mayor Marks asked and Supervisor Adams agreed that it would be vital to the County to have the building prior to the effective date of the ordinance since considerable remodeling would be necessary before occupancy. This remodeling would have to done by bid procedure since it is estimated the costs will be over the amount which could be done without calling for

bids. Supervisor Adams believed that if a definite commitment by the city was not available before the end of June, that it would preclude the use of the building by the county.

MOTION

That the previous motion introducing the ordinance be rescinded.

Moved by Mayor Marks Seconded by Robinson

Mayor Marks declared that the motion had carried.

Mayor Marks declared that the adoption of an emergency ordinance was necessary to preserve the public peace, health and safety leasing the building to the county beginning June 1.

ORDINANCE NO. 171-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 LEASE AGREEMENT IN CONNECTION THEREWITH

Introduced by Mayor Marks Seconded by Robinson

After roll call, but before the vote was announced, the City Attorney pointed out that the Charter provided that an emergency ordinance required five affirmative votes, and that the motion lost.

Councilman Merrill stated that in the public interest, he would change his vote to an "aye" vote.

Ayes: Adams, Hammond, Merrill, Robinson and Mayor Marks

Noes: Anderson Absent: Arata

Mayor Marks announced that the emergency ordinance carried and that it became effective immediately as provided by the Charter and the leasing of the building would begin on June 1.

ACCEPT CONTRACT DRILLING OF TWO DEEP WELLS FROM CONTRACTOR OSTERBERG & CARROLL 8-60

RESOLUTION NO. 57-217

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TWO DEEP WELLS, NO. 19 AND NO. 20, FROM CONTRACTOR OSTERBERG AND CARROLL, AND AUTHORIZE RECORDATION OF NOTICE OF COMPLETION

Introduced by Merrill Seconded by Robinson

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

(Councilman Merrill left the meeting at this time)

APPROVE APPROPRIATION TRANSFER FOR PAYMENT OF STREET LIGHT ASSESSMENT ON FORMER HOTEL MODESTO PROPERTY 8-70

RESOLUTION NO. 57-218

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $246 FROM PARKING FUND RESERVE TO PARKING FUND FOR ASSESSMENT TAXES ON CITY HALL BUILDING FOR STREET LIGHTS

Introduced by Robinson Seconded by Anderson

Ayes: Adams, Anderson, Hammond, Robinson and Mayor Marks

Noes: None Absent: Arata and Merrill

ACCEPT INSTALLATION OF SANITARY SEWER IN GREGORY GARDENS NO. 2 SUBDIVISION FROM CONTRACTOR W. M. LYLES CO. 8-75

RESOLUTION NO. 57-219

A RESOLUTION ACCEPTING THE INSTALLATION OF SANITARY SEWER IN GREGORY GARDENS NO. 2 SUBDIVISION FROM CONTRACTOR W. M. LYLES COMPANY AND AUTHORIZING RECORDATION OF NOTICE OF COMPLETION

Introduced by Anderson Seconded by Robinson

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

FURTHER REPORT ON STATUS OF SANTA BARBARA AVENUE 8-80

The City Manager reported, as directed by the Council, the staff had been working on this matter and the City Attorney had checked out the legal status of closing off the last 30 feet of the Olds property used for public traffic between LaLoma and Melrose Avenues, and had determined that this portion had been reserved for road purposes in the deeds of acquisition and for this reason, it could not be closed as requested by Howard Olds.

Mr. Olds was contacted today, the City Manager stated, and the staff is working with some of the property owners in the immediate vicinity of Mr. Old's property on some proposals which will be cleared and a report to the Council at a later meeting.
(Councilman Merrill returned to the meeting at this time.)

FURTHER CONSIDERATION OF PROPOSED AGREEMENT WITH COUNTY FOR PUBLIC HEALTH SERVICES 8-86

Terms of the proposed agreement between the city and county for the furnishing of public health services by the county, as of July 1, 1957, were outlined by the City Manager. He pointed out that payment would be made to the county by the city for the testing of water samples. The total cost to the city for these services would be $1500 per year, $1100 for water testing and the balance for certain portions of the city code where extra routine would be involved. This item can be brought up each year, prior to May 1 for reconsideration and discussion. The fees collected for milk service will be turned over to the county.

The City Attorney stated that these terms should be tentatively cleared by the Council, particularly the amount of compensation to be paid by the city to the county. After the County approves the agreement, it will be presented for final approval and execution by the city.

MOTION

That the terms of the agreement, as outlined by the City Manager, be approved.

Moved by Merrill Seconded by Anderson Unanimously carried

ACCEPT CONTRACT FOR IMPROVEMENT OF TENTH STREET PARKING LOT FROM M. J. RUDDY AND SON 8-115

RESOLUTION NO. 57-220

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TENTH STREET PARKING LOT FROM CONTRACTOR M. J. RUDDY & SON AND AUTHORIZE RECORDATION OF NOTICE OF COMPLETION

Introduced by Anderson Seconded by Hammond

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

RESOLUTION AUTHORIZING "NO PARKING" ZONE ON MILLER AVENUE AT LALOMA AVENUE 8-116

RESOLUTION NO. 57-221

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON THE SOUTH SIDE OF MILLER AVENUE BETWEEN ROWLAND AVENUE AND LALOMA IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Hammond

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

DISCUSSION ON HOTEL MODESTO PROPERTY 9-6

The City Manager asked and obtained consent from the Council to bring up a matter which had not been placed on the agenda--"Cost Summary for Further Checking of Old Modesto Hotel". Copies of a report on this subject were distributed for study, as previously requested by the Council.

A general Council discussion was held on the type and degree of information which would be needed so that a decision could be reached on the advisability of remodeling the present structure. It was generally agreed that some discussion be held on the matter although Councilman Arata, who had previously raised the question, was not present, since Councilman Adams would be out of town for a month.

The City Manager read the report and recommended that the members raise any additional questions they might have at this time so that it could be cleared within the next two weeks since there would not be a meeting until June 5.

Questions raised by the Council members in the general discussion on the report were:

1- Councilman Merrill considered the cost estimates should be more concise for both the remodeling and a new building;

2- Councilman Hammond wanted to know what the city could get if it spent $500,000 on the present structure. He also wanted to know, since thepresent structures had some undesirable features, if the building was constructed in such a manner it might interfere with the proper flow of activity in the city hall to the various departments. Over a period of years, he pointed out, it would amount to a great deal of money, if the building could not be remodeled to operate as an efficient city hall.

3- Councilman Robinson considered that the Pflueger-Dewell computations could be checked by another architect and engineer.

The City Manager pointed out that the reports from the architect and engineer indicate:

1- That even if the old building was remodeled the 51,000 gross square feet would not provide sufficient useable space to take care of the estimated city hall needs; since remodeling the old building would fall a little short of providing the city needs without taking the basement into consideration.

2- That if a new structure was built, 51,000 gross square feet would not be needed since to get the estimated space requirement of 28,500 sq. feet net, it would only require 38,000 square feet gross. /or 40,000

Councilman Anderson suggested that the basement floor level could be reduced 12 or 18 inches to compensate for the lower height of the ceiling.

On the difference in efficiency of operation between a remodeled and a new building, the City Manager stated:

1- There is no question but that a building specifically designed for a city hall would be more efficient;

2- All information received from the architect and engineer indicate that if the building was remodeled, the Council Chamber would have to be on the first floor, which would mean that many of the offices, which should be on the main floor would have to be upstairs. This would be a real inconvenience to the people of the community since the "most used" offices should be on the ground floor.

Mayor Marks recommended that the decision on the remodeling of the building should be held up until a full Council was present. It was pointed out in the discussion that this would difficult due to the vacation schedule of the various members.

Councilman Adams stated since he planned to be absent for a month, beginning June 1, he wished to go on record on this question as follows:

"I am convinced that Dewell's report is sound, the figures and report from the architect might vary a little bit, one way or another on the old building. We have selected him on the basis of experience and I question even if you had another architect or any checking you want, that would vary a very little bit, maybe a few percent---but you are not talking about very much money. So, if we were to assume his figures were fairly accurate on the new building--there is no question--but on the old building you are juggling a little bit, but not very much. So I am convinced at this point that we should start with a new building for many reasons. Efficiency is one, the over-all loss from gross to net is a simple indication of what the problem is. You can spend a lot of money in getting other data from other engineers and architects but I don't think you are going to change that more than a very few percent."

Mayor Marks reminded the members that "a community gets the kind of buildings that it deserves". The people of the community do not want anything which is not functional or efficient, he stated.

Councilman Merrill stated that regardless of what the Council decided, it must be sold to the general public and if there is a good sound program approved it will be easier to sell the job.

Councilman Hammond stated that he was just as interested as Councilmen Merrill and Arata were in getting additional information but he believed that it would be unnecessary to go to additional expense in getting this information and the Council could arrive at a decision without going into detailed expense. He stated he wished additional information on the difference in efficiency and the comparable cost of bringing the present building up to a certain level and a new building up to the same level.

MOTION

That the city hire one or more engineer to give figures on the various costs.

Moved by Merrill This motion was not seconded.

Councilman Hammond pointed out that the Crow family had hired an engineer to make a study of the building and suggested that the city try to obtain a copy of this report.

Councilman Merrill objected to accepting this report, since the property had been in litigation at the time it was made, and asked that a disinterested engineer be hired.

The Council generally agreed, since it was an independent survey, that the city should try to obtain a copy from the Crow family.

Councilman Hammond stated that on the efficiency data he would like to know about the location of the elevator shaft, the air conditioning, and hallways, etc., and that precise information on the diagrams for the various offices would not be necessary. He recommended that both Mr. Dewell and Mr. Pflueger be requested to come to Modesto for further discussion with the Council, in open meeting, to answer some of the questions and then steps could be made to proceed on the project. He stated that he would ask the Crow family if a copy of their engineer's report on the building, would be available. He recommended that some of the local building contractors be asked to sit in on the discussion with the engineer and architects.

MOTION

That the City Manager arrange with Architect Pflueger and/or Dewell on a consulting basis to meet with the Council at a special meeting on June 3.

Moved by Merrill Seconded by Robinson Unanimously carried

The City Manager requested that if any of the members had any questions about any information given to them by the staff, that they be checked out prior to this meeting.

PRESENTATION OF PROPOSED BUDGET FOR 1957-58 13-19

The City Manager presented copies of the proposed budget for 1957-58. He commended the staff of the Finance Department on the preparation of the budget, with special commendation to Lenna Abbey on keeping the hearings on schedule. He also presented copies of a work list which had been presented by the Planning Commission by the Planning staff. A similar report, on an overall basis, he reported, would be presented to the Council shortly.

OFFER TO SELL BUILDING TO CITY UNDER TERMS OF LEASE PURCHASE AGREEMENT--CODDING ENTERPRISES, INC. 13-30

An offer received from Codding Enterprises, Inc. to sell to the city the building at the airport in accordance with the lease agreement terms was considered. It was agreed that the City Manager should submit a report on the offer.

LETTER OF RESIGNATION OF JAMES E. O'KEEFE FROM THE MODESTO CITY PLANNING COMMISSION AND THE BOARD OF ZONING ADJUSTMENT 13-50

Mayor Marks asked that the City Clerk send to each member the rule agreed on by the Council on the appointment of members to various boards and commissions.

MOTION

That the resignation be accepted and Mayor Marks be authorized to write a letter of commendation to Mr. O'Keefe and he be sent a certificate of merit.

Moved by Anderson Seconded by Merrill Unanimously carried

SET INFORMAL DATE FOR DISCUSSION ON BUDGET 13-60

MOTION

That a preliminary discussion of one hour be held on the annual budget at 4:30 P.M., June 5.

Moved by Merrill Seconded by Robinson Unanimously carried

LEGISLATIVE MATTERS 13-71

The City Manager reported that Senate Bill No. 644, relating to aviation gas tax would be heard in the Senate Finance Committee on Thursday, May 23. This bill goes to the question of whether or not aviation fuel tax should be used for airport purposes primarily. No action was taken by the Council.

SUMMARY REPORT ON STATE STUDY OF TRAFFIC IN MODESTO AREA 13-99

Copies were distributed to the Council members for study and the Clerk was directed to place on the agenda for the next Council meeting for discussion.

REPORT ON PARK PROPOSALS 13-110

Councilman Robinson reported on the recommendation of the Council Park Committee on the offer to the city for the purchase of 6.53 acres adjoining James Marshal School on Sutter Avenue. The committee considered, he reported, that the minimum acreage to be considered should be 3 acres. There are certain factors which have caused the committee to consider recommending that the entire gross area be purchased. The location of a fire station or branch library on part of the area could be considered, or a portion of the land be sold for church purposes. Appraisals on the property have been obtained, he stated, and on the basis of these, the committee recommends that the owner be offered $22,000 for the 6.53 acres, or if the Council decides that the city should purchase only the three acres to offer the owner $3,000 per acres, total $9,000.

Director of Parks and Recreation Lowrey displayed a map showing how advantageously this site would tie in with the other parks on the west side, on the basis of one-half mile service area.

The City Manager reported that the staff had met with representatives of the Board of Fire Underwriters, April 4, 1956, and outlined proposed locations for fire stations, and one was located in this general neighborhood. In order to give the most economical kind of fire protection a fire station should ultimately be constructed in this area, he stated. He pointed out that it was a recommendation of the committee, and he considered it wise and would be beneficial to the city in the long run, to purchase the entire acreage.

MOTION

That the staff be authorized to proceed to negotiate for the acquisition of this property for the sum of $22,000 (6.53 acres)

Moved by Anderson Seconded by Adams Unanimously carried

GRANT LEAVE OF ABSENCE FOR 30 DAYS TO COUNCILMAN MERRILL ADAMS 14-113

MOTION

That Councilman Merrill Adams be granted a leave of absence beginning June 1, together with permission to leave the U.S.A., for a period of 30 days.

Moved by Mayor Marks Seconded by Hammond Unanimously carried

ACCEPT DEED OF EASEMENT FOR WIDENING OF COLLEGE AVENUE FROM DUNBAR G. GAREY AND ELSIE GAREY BETWEEN PEARL AND BRIGGSMORE 14-116

RESOLUTION NO. 57-224

A RESOLUTION ACCEPTING GRANT DEED FROM DUNBAR G. GAREY AND ELSIE GAREY FOR THE WIDENING OF COLLEGE AVENUE BETWEEN PEARL AND BRIGGSMORE AVENUE

Introduced by Anderson Seconded by Adams

Ayes: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

ADJOURNMENT 14-119

MOTION

That the meeting now in session be adjourned.

Moved by Merrill Seconded by Anderson Unanimously carried

The meeting was adjourned at 10:40 P.M.

ATTEST: [signature]
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in special session this date at 11:40 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.

The City Clerk called the roll and there were

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

Councilman Arata arrived at 11:45 A.M.

GRANT PERMIT TO "JUNE IS DAIRY MONTH" ORGANIZATION TO DISPLAY CALVES ON CITY STREETS 1-3

RESOLUTION NO. 57-225

A RESOLUTION GRANTING PERMIT TO DISPLAY CALVES ON CITY STREETS DURING "JUNE IS DAIRY MONTH" UNDER CERTAIN CONDITIONS

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Robinson

Cecil Lambert, publicity chairman of the program, stated that the calves would be displayed in parking spaces at 3 intersections in the downtown district, June 1, 1957, from 9:00 A.M. to 5:00 P.M.; that no advertising, other than "June is Dairy Month" would be displayed on the pens; that the city would be held harmless, and the display would be cleared through the Traffic Engineer and Police Chief.

Mayor Marks noted that the request was approved on the basis that Modesto was located in a dairy county and the city should do all it could to encourage the consumption of dairy products.

Mr. Lambert reported that Stanislaus County was the leading exporting county in the entire U.S.A of dairy products.

APPROVE AGREEMENT FOR WIDENING OF MCHENRY AVENUE 1-55

City Manager Ross Miller explained in detail the proposed agreement between the city and state for the

1- Reconstruction of McHenry Avenue, State Highway Route 109, Road X-Sta-109-Mod, A, to a four-lane facility between Needham Avenue and Modesto Irrigation District lateral No. 3, all within the County of Stanislaus, and

2- Construction of a storm-drainage system, including an outfall sewer as a necessary adjunct to the highway reconstruction.

He pointed out that the project would require considerable time, effort, and the complete cooperation of the property owners in deeding all the rights of way, in order to proceed. Special help on the legal and acquisition side of project will be needed, he pointed out.

The Council briefly discussed the problems involved in securing the rights of way, which must be deeded to the state, free of all encumberances, as soon as they are obtained from the property owners.

Paul Hudelson, member of the McHenry Avenue Improvement Association, expressed the willingness of the group to cooperate with the city in securing the rights of way.

The City Manager reminded the Council that the city would assume the severance costs where buildings would be required to be cut off.

RESOLUTION NO. 57-226

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR THE RECONSTRUCTION OF MCHENRY AVENUE, STATE HIGHWAY ROUTE 109, ROAD X-STA-109-MOD., A, WITHIN THE COUNTY OF STANISLAUS

Introduced by Merrill Seconded by Arata

Ayes: Adams, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Anderson and Robinson

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Mayor Marks Seconded by Hammond Unanimously carried

ATTEST: REX E. GAILFUS, CITY CLERK

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.

The City Clerk called the roll and there were

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

Absent: Councilmen: Anderson and Robinson

REJECT BIDS ON INSTALLATION OF 12" WATER MAIN IN TIDEWATER SOUTHERN INDUSTRIAL TRACT 2-31

Tabulation of the bids received for the installation of 12" water main in the Tidewater Southern Industrial Tract were distributed for Council information. Director of Public Works Marvin Ray stated that the lowest bid received for the work was from W. M. Lyles Company in the amount of $3,537, exceeded the city's estimate of $1,915, for the installation by city forces, by 85%. Mr. Ray pointed out that the installation should be started as soon as possible in order to provide service to the new C.V.C. plant.

RESOLUTION NO. 57-227

A RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF 12" WATER MAINS TO SERVE THE TIDEWATER SOUTHERN RAILWAY COMPANY INDUSTRIAL TRACT AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Hammond Seconded by Adams

Ayes: Adams, Arata, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Anderson and Robinson

REPORT ON PUBLIC WORKS DONE BY CITY FORCES AFTER BIDS HAVE BEEN REJECTED 2-50

Councilman Adams asked that the staff submit a summary report to the Council of all projects which had been done by city forces after bids had been rejected because of the Council's policy on the 10% leeway in costs between the city's estimate and the lowest bids received. He asked that the bids received from private contractors, city's estimate and the final costs be shown in the report.

He pointed out that this report would supply the Council with information which could be discussed with private contractors at the time their bids are considered.

MOTION

That the staff be authorized to prepare and submit this report to the Council.

Moved by Adams Seconded by Arata Unanimously carried

ACCEPT BID OF CONSOLIDATED WESTERN STEEL COMPANY ON PRESSURE TANKS FOR WATER WELLS IN TIDEWATER SOUTHERN RAILWAY COMPANY INDUSTRIAL TRACT 2-90

Mr. Ray reported on the informal bids received for the purchase of two pressure tanks for water wells for the Tidewater Southern Railway Company Industrial Tract. He stated that due to the limited time available until the C.V.C. plant planned to start operations, (June 15) it would be impossible to secure bids through the city's bid procedure. He asked that the Council consider the acceptance of the lowest bid submitted by Consoli-

dated Western Steel of $3,586, plus taxes for each tank.

The Council declared that the immediate purchase of this equipment, without advertising for bids, was urgently necessary for the preservation of life, health and property and further authorized the City Manager to purchase the equipment from the Consolidated Western Steel Corporation at the prices shown above.

RESOLUTION NO. 57-228

A RESOLUTION AUTHORIZING THE PURCHASE OF PRESSURE TANKS FOR WATER WELLS WITHOUT ADVERTISING FOR BIDS IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Introduced by Arata Seconded by Merrill Unanimously carried

ATTEST: REX E. GAILFUS, CITY CLERK

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 Marks presiding.

The City Clerk called the roll and there were

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

Mayor Marks opened the meeting for informal discussion with Architect Milton Pflueger and Robert Dewell, Structural Engineer, on questions regarding the costs for remodeling of the former Hotel Modesto as a city hall as compared to the costs for building a new city hall.

Councilman Hammond recommended that the first problem to be resolved was---is the present building usable as a city hall. He stated that he considered that the building could be made structually sound enough to be used as a city hall but his question was whether it would be suitable as far as operation. He felt that the Council should not make too much sacrifice in efficiency, in its decision, since the building would be used for many years.

Mr. Pflueger pointed out that in remodeling the old building, if the Council Chamber was to be located in one of the upper floors, the added expense would be a large item in itself since the present columns in the building would not permit the construction of any large space. If a space was to be opened up on the upper floors it would mean that these columns must be removed and a basic structural alteration be undertaken, beyond anything contemplated by the architect or structural engineer in previous discussions.

Councilman Anderson asked if it would be possible to excavate the floor in the basement two feet in order to increase the present 7 foot head room so that it could be utilized for city purposes and if this would interfere with the present footings or outside structural walls to any great degree. He stated that in order to bring the building up to the code it would be necessary anyway to rip off a good deal of the existing floor and that it would not take too much money to rip it all out and build the whole new floor two feet lower.

He pointed out that this would add an additional 8,000 feet to the estimated 27,000 net usable space. He pointed out that the city was also in need of a police building as well as a city hall and by combining both of these buildings in one structure it would effect a material savings. He contended that by utilizing more space in the present building, which could be done if the basement was lowered, it would save the price of a new building.

Mr. Pflueger stated that the analysis which results from the upper floors as to difference in cost would apply in the same ratio to the basement. It is not just a question of excavating a couple of feet, he stated, and getting all of the extra space, since it still must be put into usable space. Furthermore, he continued, by going down two feet, extra underpinning to the exterior walls would be required.

Mr. Dewell stated that it would only be possible to excavate one foot in the basement without undue effect on footings. At the present time, he reported, the interior footings are one foot six inches below the present slab, which is about a three inch slab. The rear wall footing is directly underneath the slab, and if the excavation went down any distance at all, the rear wall footing would project out into the room and would have to be underpinned. He stated since no definite plans had been drawn for the structure, as a city hall, he could not report on the

extent of redesigning of the supports and structure which would be necessary. It would be necessary to know what the loading would be on each individual footing or lateral force bracing requirements before this could be determined definitely. It would be his opinion, he stated, that there would be a considerable amount of change required. He pointed out that if the basement was excavated that it would have to be supported first before the excavation started and some sort of structural underpinning constructed. He stated that it was very easy to think in terms of segments of the building and if the segment alone was considered, underpinning was not too difficult. If you consider the building as a whole and assuming that all of the footings had to be dropped, then it becomes a major proposition, it becomes expensive and somewhat difficult, particularly the interior.

He pointed out that his previous report had been based on what structural cost would be involved to bring the present building up to code requirements and was not made with any thought of changing the present building to some other use than a hotel or motel and the costs shown in the report were minimum costs which would be necessary to bring the present building to the present requirements.

He stated that the estimate which he had given in his report of $16,000 of January 30, was on the basis that footingswould not be reinforced, nor be increased in size but that the bearing material, the sand upon which they rest could be solidified by chemical process by injecting certain chemicals into the sand which would solidify the sand and give increased bearing pressure. If the city lowered the slab or tried to lower the walls to get a ceiling height which might be needed for a new operation, the figure of $16,000 would not hold. The only way that the city could increase the bearing pressure, without getting into a rather expensive and detailed type of construction, would be by using chemicals. This method has been used numerous times under similar conditions, he stated. If it is planned to start revising column spaces or changing the use of the building or increasing the ceiling heights or the storing heights than this would require completely different processes than this. When the previous report on the foundation was made, Mr. Dewell stated, "we were obviously looking on your charge for the simplest and most economical way of increasing bearing capacity of those footings and to bring it up to conditions that were equivalent to the conditions specified in my original report. We have never yet gotten into estimates or the amount of work involved in redesigning or altering the building for a different use because that involves a completely different technique of estimate. It would require a quite detailed preliminary design." He stated that his original charge was to prepare an estimate to the best of his ability as to the minimum cost involved to bring the present building up to present day requirements for use as a hotel. If you get into other uses, the entire frame may have to be revised in order to utilize the structure economically and functionally.

Councilman Anderson contended that the purpose of this meeting was "we want to know what it is going to cost to get this building into a state where it could be used for a city hall or whether that cost would be too much in relationship to a new building, and therefore not desirable."

Mayor Marks read Mr. Pflueger's letter, dated September 17, 1956, which gave comparative costs to convert the hotel building and to construct a new building with the same gross area of 51,000 square feet. He asked the Council members to jot down any questions they wished to raise with Mr. Pflueger and Mr. Dewell and raise them after the reading of the letter. He pointed out that Councilman Anderson could also raise questions which Councilman Arata wished to clear.

Mr. Pflueger drew diagrams on the blackboard to indicate the gross and net usable office space which would be available in the converted T shaped building as compared to a new 3 story rectangle shaped building. He brought out the following facts on the old building:

1- That the gross area of 51,000 square feet in the old building would furnish only approximately 24,000 to 25,000 net square feet usable office space;

2- That a new structure of 51,000 square feet would furnish approximately 37,000 net square feet;

3- That it would be possible, as suggested by Councilman Anderson, to build the stairs and elevator shafts outside the present structure to permit more usable space, if the City wanted to spend the extra amount involved;

4- That there would be approximately 7,000 square feet on the first floor of the old building and 4,500 on each of the other four upper floors making a total of 25,000 square feet usable space and 40,500 gross square feet, without basement. He pointed out that these figures were "definitely on the high side", and it could be one or two thousand square feet less.

and the following facts on the new building:

1- The rough measurements of a new building which would be 75' x 150' would net a gross area of 11,250 per floor---total of 33,750 square feet for 3 floors, and a net area of 25,000;

2- Only one elevator would be needed in a 3 story structure while two would be needed in the old structure;

3- The estimated net area for the second and third stories would be 8,650 square feet each and 7,700 for the first floor, after allowance for stairs, rest rooms, corridors, etc.

He compared the costs for the two buildings as follows:

1- A frame of a good building costs approximately one third of the cost of the building and in an air conditioned job it would be less because these costs add to over-all costs and consequently, the percentage of frame costs would come down in proportion;

2- In assuming that the frame of the old building would be adequate it would mean that an approximate cost figure of $12.00 per square foot for completion could be used as compared to a figure of $18.00 for a new structure resulting in a cost of $486,000 for 40,500 in the old building and $607,500 for the new. He pointed out that although there is a present basement in the old building in order to bring it up to the standard for office space, the same cost would apply;

3- Added to the cost of the old building is the estimate to $231,000 to put it into shape to meet the code, as estimated by Mr. Dewell.

(Mr. Dewell repeated again that the $231,000 estimate was to bring the present building up to code requirement and did not include any figure for remodeling the building as a city hall or any requirements which the city hall might need, such as elevators, additional framing or changes, nor did it include anything for architectural treatment of the exterior, fenestration or foundation strengthening, etc.)

4- That if the stairs and elevators are to be constructed outside the building it would mean new framing. The same thing could be done on any building, so they are relative. It would cost more in the present structure because you can't add to a building at the same cost that you could include an item in a total new building.

(Mr. Anderson contended it would cost more to cut the holes in the present structure for the elevators, stairs, etc. than to frame the building on the outside for these same structures.) Mr. Dewell stated that without a detailed cost study it could not be determined whether it would be cheaper to build these facilities outside.

Mr. Anderson suggested that as a means of making better use of the interior space, due to the columns throughout, that the corridors be placed on the outside of the old building also.

Mr. Dewell stated, "You are hardly limited at all as to what could be done in remodeling a building if you are willing to spend the money, but there are other factors which enter into the picture. If the corridors were put on the outside of the building you would have office spaces 45 feet deep, which obviously is not a very economical way of planning office space and whether it would be cheaper you would have to get into the design to see what would have to be done. In taking an existing structure and trying to add to it you can't apply as we did before, a certain basic figure, such as $12.00 per square foot or $3.00 per square foot because each time you do anything like this in alteration or remodeling, there are specific cases which have to be studied and have to stand on its own merits on the cost and other factors. It could be done, there are very few things which can't be done if the money is available."

Councilman Hammond pointed out that if the city was limited in its position and there was no other alternative but to spend the money to get the desired result it would be different but that this was not the case. He asked Mr. Dewell how much it would cost to bring the present structural frame or condition of the existing building up to a condition which would be comparable to the framing that would be involved in a new structure, where the $12.00 "rule of thumb" figure could be used to finish the remodeling of the building.

Mr. Dewell stated that it would be $231,000-plus, and just how much extra could not be ascertained because it would be necessary to get into architectural treatment and how much the existing framing had to be altered. If the Council Chambers were to be built on the top floor, it would require considerable changing of the structural framing.

Councilman Anderson asked---suppose the Chamber was on the ground floor.

Mr. Dewell stated that it would still be something over $231,000 since this figure did not take into account any alterations which would be required to utilize the building as a city hall. As far as vertical or lateral loads, the figure would be very close, he stated, and the additional costs would be for remodeling or alterations to bring the building up to the requirements of the city for a city hall.

Mr. Pflueger pointed out that the type of vents and interior columns now in the old building, would not be a problem in the new one. The new building would have 12 to 12½ foot story heights so that the horizontal ducts could be run in the ceilings and end up with a 9½ or 10 foot ceiling. In the old building wherever air would be supplied, the minimum ceilings will have to be reduced. He outlined the differences between the two buildings in the location of columns which would result in reduced costs and afford more economical and efficient office space.

To a question from Mayor Marks on the cost of constructing a basement under the new structure, Mr. Pflueger indicated that a much more usable basement could be built for $10.00 per square foot. However, if it was to air-conditioned and used for office space, the same figure of $18.00 per square foot should be used.

Councilman Hammond asked a question when and if it became necessary, due to increased population, could an additional story be added to a new building, and how much would it add to the cost of the structure at this time.

Mr. Pflueger stated that in order to make the foundations capable of sustaining another floor, it would add approximately 5% or less of the total cost of the building.

Councilman Anderson asked if a new building could be planned in conjunction with the present excavation so that a part could be used for office and a part for parking of city owned cars. Mr. Pflueger agreed that it could since the lot is of such a size that it would permit this arrangment.

Mr. Anderson stated that his reason for asking this question was that it would be more feasible to the Counci to build a combined facility for the police department and city hall, with a possibility of an underground tunnel under 11th Street to the courts. He contended that the extra funds necessary to purchase land for a separate police building could be added to the city hall building.

Mr. Pflueger stated that there were many possibilities in the city hall site, and the idea of combining the city hall, police building and parking was feasible with little additional costs as compared to a separate structure.

The City Manager asked that before any discussion was held on the police department building, that other factors should be considered.

A brief Council discussion was held on whether this matter was pertinent to the subjects to be considered at the meeting.

(7-1) Mayor Marks asked for further clarification on the question of---how much net useable space there would be in the new basement. Mr. Pflueger estimated it to be 8,500 square feet at a cost of $112,500 and a total cost for a new building of $720,000 as compared to a cost of $60,000 ($6.00 per square foot) for remodeling the old basement and a total cost to remodel the old building of $777,000.

Mayor Marks pointed out that the difference between these two costs of $57,000 could be used for demolishing of the building.

Mr. Pflueger pointed out again that the sum of $231,000 for bringing the present building up to code for a hotel would have to be increased which would increase the cost of $777,000 for the remodeling of the old building.

Councilman Merrill brought up the question of the term of present lease with the Western Union, and the cost to the city for removing the equipment from the building.

Mayor Marks pointed out that it would be at least one year before construction could be started on either a new building or remodeling of the old building, which would automatically reduce the city's costs for removal of the company's equipment.

Mayor Marks raised a question on the rates quoted by Mr. Pflueger and Mr. Dewell of $18.00 per square foot for a new building and $12.00 for remodeling. Mr. Pflueger pointed out that this was an average figure for construction of city halls and it could be increased or decreased according to the type of structure but that the proportion between them was accurate. He pointed out that the electrical, mechanical and plumbing alone would cost approximately $5.50/square foot. It is possible that it would be higher on the old building.

Councilman Hammond asked if the Council could assume that the figures of $12.00 and $18.00 could be verified by other architects and structural engineers and if these figures could be used as a basis of thinking on the two types of structures----Mr. Pflueger and Mr. Dewell agreed this was the case. He stated that he had been under the impression after the last

conference with them that an architect considered it would be more of a feather in his cap to build a new building instead of remodeling an old one.

Mr. Pflueger replied that it would do any architect's or engineer's reputation more good to give the Council the advice that they were giving it at this time, than to go ahead with something they felt was all wrong and this was the main reason they were doing this. This advice is based on years and years of experience in just this kind of thing, he stated.

Mayor Marks asked if the figures of $12.00 and $18.00 could just as well be $13.00 and $19.50. Mr. Pflueger replied, "Correct", and what they were mainly showing with these figures was a comparison and a relative value between the alteration of the old and the construction of a new building. The figure for the new could be $19.00 and in which case the figure for the old could be $13.00. If the city tells the architect and engineer exactly what is in each of the buildings, in the way of finish, how much control the city wants in the way of zoning of air conditioning, etc., and plans can be drawn or accurate estimates, the exact figures can be determined.

Mr. Dewell stated to a question from Mr. Hammond on the figures that if the city hired a recognized architect and engineer and they had gone into the problem with as much detail as he and Mr. Pflueger had, up to the present point, that their figures would be very close or identical.

Councilman Anderson brought up a question about the estimate of $60,000 for remodeling the old basement. Mr. Dewell stated that it was just a "guess" that he had made just at the moment without any chance of getting into an estimate or to see just how far down the foundation would have to be dropped, to get a ceiling height which would be comparable with the other floors.

Councilman Hammond asked for further clarification on the efficiency of operation between the two buildings. Mr. Pflueger stated that although the footage would be the same on the floors of the two buildings but to efficiently use the footage was something else and this efficiency was not available in a building with the column arrangement of the old building. He pointed out that there were departments within the city hall such as the Public Works and Finance that in themselves require more than could be realized on one floor of the old building.

Councilman Anderson raised a question of the office space needed for the Police Department. Mayor Marks pointed out that this matter was not for consideration at this meeting. Mr. Anderson contended that this matter should be considered along with the question of remodeling or building a new structure. Councilman Hammond stated that from the discussion held at this meeting he would consider if the police department was to be included in the city hall, that it would be inadvisable to remodel the old building.

Mayor Marks and the City Manager felt that many other factors should be considered before a combined city hall and police department was considered, such as the joint communication center for the fire and police departments.

Mayor Marks asked that a report be prepared by the staff for submission to the Council members, showing the costs and designs discussed at this meeting.

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: Hammond, Merrill, Robinson and Mayor Marks

Absent: Councilmen: Adams, Anderson and Arata

Councilman Arata arrived at 4:22 P.M.

Councilman Anderson arrived at 4:55 P.M.

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

A few moments of silent prayer were observed.

LETTER OF APPRECIATION SENT TO FIRE CHIEF BY BOARD OF EDUCATION - MODESTO CITY SCHOOLS FOR FINE MANNER THE DEPARTMENT HANDLED THE FIRE SITUATION AT JOHN MUIR SCHOOL 1-10

Copy of this letter sent to the Council was read and ordered filed.

LETTER FROM FRANK ANDREWS PROTESTING TO CITY'S ANNUAL REPORT 1-15 (DUPLICATION IN MAILING LIST)

This letter was read and ordered filed. It was pointed out that some duplication in mailing lists was unavoidable.

LETTER FROM JOHN R. REDMAN, REAR ADMIRAL, U. S. NAVY COMMANDANT, TWELFTH NAVAL DISTRICT RE: LONG RANGE PLANS OF THE NAVY IN STANISLAUS COUNTY 1-16

This letter was read and ordered filed.

ADDITIONAL PETITION FOR CONSTRUCTION OF SWIMMING POOL IN ROOSEVELT PARK 1-45

This petition was referred to the staff to be considered along with those previously filed.

Councilman Robinson pointed out the possibility of doing this construction on an improvement district basis.

The City Manager reported that the staff was checking with the school officials on this matter and it is planned to hold a meeting with some of the petitioners later, at which time this suggestion will be discussed.

REQUEST OF TRI-VALLEY PACKING ASSOCIATION TO DISPLAY TIN CAN BIRTHDAY CAKE ON CITY'S PARKING LOT ON 15th AND I STREETS, TO CELEBRATE 25TH ANNIVERSARY OF THE GROWER CO-OPERATIVE AND HOLD PARADE ON CITY STREETS 1-65

A letter was read from the Campbell Agency, on behalf of the Tri Valley Packing Association, requesting permission to use the city's parking lot located at 15th and I Streets, starting Friday, June 21 until Sunday, June 23, to display a "tin-can birthday cake" to commemorate the 25th anniversary of the grower co-operative and to hold a parade at 6:00 P.M., Saturday, June 22 on the city streets.

MOTION

That permit be granted as requested for the use of the parking lot.

Moved by Robinson Seconded by Hammond Unanimously carried

Mr. Jack E. Kemp, representing the Campbell Agency, was directed to contact the Police Chief to clear the parade.

LETTER FROM DON M. HARDIE, CHAIRMAN, "JUNE IS DAIRY MONTH FOR STANISLAUS COUNTY" RE: ICE CREAM EATING CONTEST 1-92

An invitation to Mayor Marks from Don M. Hardie, Chairman of the "June is Dairy Month for Stanislaus County", requesting him to participate in an ice cream eating contest being held at the Del Webb Field on June 8 at 8:00 P.M. was read. Due to his absence from the city, Mayor Marks asked Vice Mayor Hammond to represent him at this contest.

INVITATION TO OPEN HOUSE FROM STANISLAUS-MERCED SAVINGS AND LOAN ASSOCIATION 1-110

The invitation to the Council and staff members to the open house at the new quarters on 12th and L Streets, to be held on June 15 between noon and 6:00 P.M. followed by a banquet at 7:30 P.M., was read and ordered filed.

AUTHORIZE CALL FOR BIDS FOR STREET LIGHTING SYSTEM IN GREGORY GARDENS NO. 2 AND CAMPUS HEIGHTS SUBDIVISIONS 1-117

RESOLUTION NO. 57-229

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF STREET LIGHTING SYSTEM IN GREGORY GARDENS NO. 2 AND CAMPUS HEIGHTS SUBDIVISIONS

Introduced by Merrill Seconded by Hammond

Ayes: Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams, Anderson, Arata

Bids to be opened at 2:00 P.M. on June 24, 1957.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR OFFICIAL ADVERTISING FOR FISCAL YEAR 1957-58 1-125

Specifications for the official advertising for the fiscal year 1957-58 were presented for Council consideration. City Attorney Allen Grimes suggested that in order to insure the publication of notices and ordinances during the week authorized by the Council that the notice to bidders and specifications be modified to include a provision that "newspaper's publication date must be such as to permit the publication of official advertising during the same calendar week in which said official publications are authorized or directed by the City Council at a regular meeting of said Council".

To a question from Councilman Hammond---would this be restrictive to a point where only one concern could bid, the City Attorney stated he had discussed this matter with the present official newspaper, Modesto Journal, and the Modesto Tribune, and both considered they could bid along with the daily paper, Modesto Bee.

Mayor Marks asked that a report be submitted by the clerk on the service afforded by the weekly paper during the past fiscal year for Council information before the award was made on the bid.

It was generally agreed by the Council that the bid call should not include the condition suggested by the City Attorney but that these matters be considered at the time of award.

RESOLUTION NO. 57-230

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE PUBLICATION AND PRINTING OF THE OFFICIAL ADVERTISING OF THE CITY FOR THE FISCAL YEAR ENDING JUNE 30, 1958

Introduced by Hammond Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

Bids to be opened at 2:00 P.M., June 17, 1957.

ACCEPT INSTALLATION OF COOLING SYSTEM AT LIBRARY FROM C. R. FREED 2-76

RESOLUTION NO. 57-231

A RESOLUTION ACCEPTING THE INSTALLATION OF COOLING SYSTEM AT MCHENRY PUBLIC LIBRARY, AUTHORIZE RECORDATION OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE TO CONTRACTOR, C. R. FREED

Introduced by Robinson Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

FINAL ADOPTION OF ORDINANCES 2-80

ORDINANCE NO. 166-C.S. entitled

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM GEORGE HANSEN FOR USE FOR MUNICIPAL PURPOSES

introduced on May 15, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

ORDINANCE NO. 167-C.S. entitled

AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO" AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 161-C.S.

introduced on May 15, 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: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

ORDINANCE NO. 168-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM OLIVE M. DENNETT

introduced on May 15 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Robinson Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

ORDINANCE NO. 169-C.S. entitled

AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (KIRKPATRICK PROPERTY)

introduced on May 22, 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: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

ORDINANCE NO. 170-C.S. entitled

AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ANNA GROUND PROPERTY)

introduced on May 22, 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 Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

APPROVE APPROPRIATION OF $6300 ADDITIONAL REVENUE RECEIVED FROM NATIONAL FOUNDATION FOR INFANTILE PARALYSIS 2-110

ORDINANCE NO. 172-C.S. entitled

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUE FOR EXPENDITURE DURING THE 1956-57 FISCAL YEAR

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

Moved by Arata Seconded by Hammond

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

ORDINANCE AUTHORIZING PURCHASE OF PARK SITE FROM GIDDINGS BROTHERS AND APPRROVE AGREEMENT FOR PURCHASE 2-110

Pursuant to direction from the Council, City Attorney Grimes presented for approval, agreement providing for the purchase of a 6.53 acre park site adjoining the James Marshall School on Sutter Avenue, from Giddings Brothers for the sum of $22,000 and ordinance approving the agreement and authorizing the purchase. Terms of these documents were reviewed for Council information by the City Attorney.

ORDINANCE NO. 173-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM GIDDINGS BROTHERS, INC.

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

Moved by Robinson Seconded by Arata

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

APPROVE AGREEMENT FOR INDEPENDENT AUDITING SERVICE WITH CHESTER D. NATTINGER & CO. 2-112

Provisions of the 3 year term agreement were reviewed by the City Attorney for Council information.

RESOLUTION NO. 57-232

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHESTER D. NATTINGER & COMPANY FOR INDEPENDENT AUDITING SERVICE

Introduced by Arata Seconded by Hammond

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

INFORMAL HEARING ON FISCAL BUDGET FOR YEAR 1957-58 3-2

It was agreed that due to the lengthy agenda the Council would take a minimum period to discuss the budget message instead of the one hour period formerly agreed on and arrangements be made to hold special meetings for further discussion.

The City Manager reviewed the basic points of his budget message and especially noted the following subjects:

Page b---Looking at the Record He pointed out the basic element that the Council was faced with again this year was the fact of increased costs.

He stated that the prevailing wage for construction labor had increased over 60%, the costs of materials increased substantially--but the residents were paying the same sewer service charges as they did 6 years ago. This item was briefly discussed by the Council as it related to the sewer bond approved by the people at the election held a few years ago. Mayor Marks considered it should be made clear that the Council had no intention of raising the sewer service charges since there had been "a firm contract with the people of the community when the bonds were passed."

Page c---Capital Improvements He pointed out that the city was doing more than normal with the funds available in the way of improvements without a bond issue.

Page c---Productivity and the work load He reported that some additional help to relieve "overload" was being proposed, as well as the purchase of certain type of equipment (such as blueprinting machine, mobile aerial tower unit and replacement of additional manual typewriters with electric models), to increase productivity, decrease the work load, and make possible reductions.

He suggested that the Council give serious consideration to the community savings possible through development of a rehabilitation center.

He stated that since this was primarily a county responsibility, the City Council could request the county to initiate a program for this center as a means of reducing both the drunk arrest load and the volume of related petty crimes.

Mayor Marks reported that Mayor Reynolds, president of the City-County committee had asked that this matter be placed on the agenda for discussion at the next meeting and the City of Modesto take the "lead" on the subject.

MOTION

That Mayor Marks be authorized to arrange a program for the next city-county committee meeting on the subject---"Should Stanislaus County have a rehabilitation center"---for full discussion by the cities and county, as requested by Mayor Reynolds of Oakdale, and that the City Clerk be directed to contact the judges of the county asking them to attend, and to notify Mayor Reynolds of the Council action.

Moved by Merrill Seconded by Hammond Unanimously carried

The City Manager reported that a copy of a report prepared by the City Manager of Stockton would be made available to the members prior to the meeting.

The City Manager continued with the budget message by stating that the staff considered that there were still other areas in the city government where "we can tighten up the procedures and increase the productivity, including paper work, filing, etc." A work list of pending items will be furnished the Council shortly, he reported, and the kind of help which is required in some of these departments will be dependent upon the amount of work the Council wishes to be done.

Page 2---Facing the Future He pointed out that "growth not only brings greater load but it brings a thinning out of the resources". He reported Modesto may have a population of 50,000 (or more) by 1960 but this would depend to a considerable extent on city policy on annexation. He pointed out the advantages (and disadvantages) if it reached this population in 1960.

A real savings would be realized and a better utilization of the fire department personnel would be afforded by a joint communication center and a proper coordination of these activities. He stated that the reduction of hours for firemen was proposed on the basis, that 1) they have already stepped up their productivity doing many things which were not done previously by firemen, and 2) that they have assured their full cooperation in whatever it takes to more fully utilize the time "we buy from them". Council instruction will be needed regarding proceeding with the program, he stated.

It was agreed by the Council that the time of 8:00 P.M., Wednesday, June 26, be set as the date for the formal hearing on the budget and that beginning June 11 at 4:00 P.M. informal hearings be held on each Tuesday and Thursday at this hour for one and one-half hours until further notice.

RESOLUTION NO. 57-233

A RESOLUTION SETTING THE DATE FOR THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1957-58

Introduced by Robinson Seconded by Arata

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

MOTION

That the resolution received from the Planning Commission regarding the planning budget should be considered at the time the budget was discussed.

Moved by Merrill Seconded by Hammond Unanimously carried

GIVE NOTICE OF PROPOSED ANNEXATION OF RACQUET CLUB ADDITION TO CITY 5-57

RESOLUTION NO. 57-234

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

Introduced by Merrill Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

The time set was July 17 at 4:30 P.M.

APPROVE MEMO OF AGREEMENT AND ADOPT BUDGET FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS 5-57

RESOLUTION NO. 57-235

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 Merrill Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

APPROVE AGREEMENT WITH COUNTY FOR HEALTH SERVICES 5-70

RESOLUTION NO. 57-236

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR HEALTH SERVICES

Introduced by Robinson Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

ELIMINATE CERTAIN HEALTH DEPARTMENT CLASSIFICATIONS FROM THE POSITION CLASSIFICATION PLAN FOR THE CITY 5-72

RESOLUTION NO. 57-237

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

Introduced by Robinson Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

ACCEPT DEED OF EASEMENT FROM MODESTO IRRIGATION DISTRICT AND GRANT DEEDS FROM BECKETT-ROBERTSON- WILEN-KNOLES FOR THE WIDENING OF GRANGER AVENUE 5-80

RESOLUTION NO. 57-238

A RESOLUTION ACCEPTING DEED OF EASEMENT FROM MODESTO IRRIGATION DISTRICT AND GRANT DEEDS FROM WILLIAM F. BECKETT, SR. AND WILLIAM F. BECKETT, JR., RHODA H. ROBERTSON, TERESA WILEN, AND REX E. KNOLES AND JEAN KNOLES FOR THE WIDENING OF GRANGER AVENUE

Introduced by Anderson Seconded by Robinson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

APPROVE AGREEMENT WITH FRANK FRANCEK, ET UX, FOR FURNISHING OF SEWER AND WATER SERVICE IN MONTGOMERY VILLAGE NO. 2 SUBDIVISION 5-87

Assistant Director of Public Works Roy Fredricksen reported that the agreement provided for the furnishing of sewer and water services and that Mr. Francek had agreed to proceed with the installation of the lights and hold off on the installation of standards until after it is annexed to the city, at which time the city would be obligated to energize them. He pointed out that there would be one perimeter sewer in which the city would be involved and which would be cleared at a later time.

RESOLUTION NO. 57-239

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK FRANCEK AND MARY J. FRANCEK FOR THE FURNISHING OF SEWER AND WATER SERVICE IN THE MONTGOMERY VILLAGE NO. 2 SUBDIVISION

Introduced by Robinson Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

The City Manager reported that this subdivision was included in the Northeast Addition which is being proposed for annexation at this time.

CLEAR POLICY ON CITY PARTICIPATION IN PAVING OF RESIDENTIAL ALLEYS 5-115

Director of Public Works Ray reviewed the existing policy of the city on paving of commercial alleys, which provided that the city does the grading and the owners provide the funds for paving costs. He reported receipt of an inquiry regarding a residential alley which the owners wished paved and asked for Council guidance if the same policy could be extended to residential districts. He reported on the difference in construction required in these areas.

MOTION

That the same policy on paving of alleys in the commercial districts be extended to residential districts

Moved by Arata Seconded by Robinson Unanimously carried

FURTHER CONSIDERATION OF CITY HALL MATTERS 6-07

The City Manager reported that the analysis of the discussion between the costs of remodeling the former hotel and the building of a new city hall would be available shortly from Architect Pflueger.

Mayor Marks asked if the Council could be "thinking along the lines

that whatever we are going to do, let's do it".

Councilman Arata recommended that some graphic illustrations on the costs be prepared for the general public to clarify the facts.

FURTHER CONSIDERATION OF TRAFFIC IN THE MODESTO AREA 6-25

The City Manager reminded the Council that a report on "Traffic in the Modesto Area" prepared by the Division of Highways, had been sent to them and asked if they wished to raise any questions.

At the request of Councilman Arata, Traffic Engineer Carmody reported that the one-way street program would be in effect sometime in August, since the contractor's date for completion of the traffic signals was August 31.

CLEAR POLICY ON IMPROVEMENT AND MAINTENANCE OF PARTIAL STREETS 6-37

Director of Public Works Ray outlined the present policy on these streets that the city has not been maintaining "half-streets". On older full width streets when curbs and gutters are installed, the city grades the balance of the street and puts on a light oiled surfacing. He reported that the cost of grading and surfacing of the entire street area would be minor but the question of whether permit could be granted on the basis of construction of curbs and gutters in only part of the block on one side should be cleared. The staff strongly recommends against this procedure, he stated.

The question of whether the city jeopardizes its position in obtaining the other half street by adopting a program of improving partial streets was discussed, and it was conceded it might make it more difficult.

The City Manager stated that in view of all the circumstances, the staff considered that it would not injure the city enough to compensate for the gain. He pointed out that there were some people on these partial streets who really had some rough problems, and suggested that the city's policy of grading and oiling be extended to one-half streets on the basis the owners would install curb and gutters for the entire block. A supplement to this would be that if more than half of the block goes in, there is a procedure by which the city could require completion of that block.

Councilman Hammond considered that the city should take an aggressive policy on this matter.

MOTION

That the staff be authorized to use the same procedure on half streets as on full streets where, for a full block, the owners will put in curb and gutters; the city will grade, oil and maintain the remaining portion of the street.

Moved by Hammond Seconded by Merrill Unanimously carried

The City Manager stated that a further report would be made to the city on the procedure in cases where more than half of the owners of the block install curbs and gutters.

REQUEST FOR PERMISSION TO INSTALL BLACKTOP DRIVEWAY - DON OLIVER, 1506 TULLY AVENUE 7-5

A request was filed by Don Oliver, 1506 Tully Avenue, requesting a variance from the Municipal Code to permit the installation of a blacktop driveway approach to an existing concrete driveway on Pearl Avenue side of his property, and waiving the five day waiting period provided in the code.

Mr. Ray reported on the circumstances and recommended the variance to permit the temporary blacktop driveway approach with the understanding that if and when curbs and gutters are installed, that he will remove the blacktop driveway and install the standard driveway.

RESOLUTION NO. 57-240

A RESOLUTION GRANTING REQUEST OF DON OLIVER TO BLACKTOP THE DRIVEWAY APPROACH FROM PEARL STREET TO THE CONCRETE DRIVEWAY ON HIS PROPERTY LOCATED AT 1506 TULLY AVENUE IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

REPORT ON REQUEST OF TAXICAB COMPANIES FOR INCREASE IN FARES 7-15

The report of the Traffic Engineer, copies of which had previously been sent to each Council member, on the request of three taxicab companies for an increase in taxi rates, was discussed.

MOTION

That the staff be directed to prepare the necessary documents to increase the taxicab rates as recommended in the report.

Moved by Hammond Seconded by Robinson Unanimously carried

Before Mayor Marks declared that the motion was carried, the City Manager cleared the other recommendations in the report: 2- That the city require annual reports of taxi income and expense. The representatives of the three companies who were present offered no objection to this recommendation, but it was the general concensus of the Council members that such reports would be required only when and if the city deems this information is necessary, and then it would be made available for inspection.

3- Whether the city should endeavor to regulate the taxi fares for trips with an origin or destination in the city and a destination or origin not more than 5 miles from downtown Modesto. It was generally agreed that the City would not try to regulate fares for this type of operation by the companies, since competition would more or less take care of these cases.

REQUEST OF CITY SCHOOLS TO CLOSE COLLEGE AVENUE BETWEEN STODDARD AND COLDWELL AVENUES FOR GRADUATION EXERCISES ON JUNE 13, 14 and 15 7-100

Police Chief Neel reported receipt of a request from the City Schools for the closing of College Avenue between Coldwell and Stoddard Avenues between the hours of 6:30 and 9:00 P.M., June 13, 14 and 15 for graduation exercises.

MOTION

That permit be granted to close this portion of College Avenue as reported by Police Chief Neel.

Moved by Anderson Seconded by Robinson Unanimously carried

REFER REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX NORTHEAST ADDITION TO THE MODESTO CITY PLANNING COMMISSION 7-110

RESOLUTION NO. 57-241

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION

A REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX CERTAIN INHABITED TERRITORY TO THE CITY OF MODESTO DESIGNATED AS THE NORTHEAST ADDITION

Introduced by Merrill Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

SET DATE AND PLACE FOR HEARING ON APPEAL TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING THE REQUEST FOR A CONDITIONAL USE PERMIT TO ROBERT WATSON FOR EXTENSION OF EXISTING PARKING AREA IN BLOCK 6000A 7-117
JUNE 26, 1957, AT 7:45 P.M.

RESOLUTION NO. 57-242

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING THE REQUEST FOR A CONDITIONAL USE PERMIT TO ROBERT WATSON FOR EXTENSION OF AN EXISTING PARKING AREA IN BLOCK 6000A

Introduced by Robinson Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

ACCEPT DEED OF EASEMENT FROM M.I.D. FOR CROSSING OF LATERAL NO. 3 TO SERVE THE RACQUET CLUB AND AUTHORIZE RECORDATION 7-121

RESOLUTION NO. 57-243

A RESOLUTION ACCEPTING DEED OF EASEMENT FROM MODESTO IRRIGATION DISTRICT FOR CROSSING LATERAL NO. 3 BETWEEN McHENRY AVENUE AND SUNRISE AVENUE TO SERVE THE RACQUET CLUB WITH WATER AND AUTHORIZE RECORDATION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Arata Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

EXTEND TIME FOR FILING OF FINAL MAPS ON SUBDIVISIONS 7-123

RESOLUTION NO. 57-244

A RESOLUTION EXTENDING THE TIME FOR THE FILING OF THE FINAL MAP OF MARK TWAIN SUBDIVISION TO JUNE 4, 1958

Introduced by Anderson Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

RESOLUTION NO. 57-245

A RESOLUTION EXTENDING THE TIME FOR THE FILING OF THE FINAL MAP OF CAMPUS EDGE SUBDIVISION TO JUNE 19, 1958

Introduced by Anderson Seconded by Robinson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

Resolution Nos. 389 and 392, adopted by the Planning Commission on May 21, 1957, recommending these extensions, were noted by the Council.

ESTABLISH STOP SIGNS ON SECOND, THIRD AND FOURTH STREETS AT THEIR INTERSECTION WITH I STREET 8-11

RESOLUTION NO. 57-246

A RESOLUTION ESTABLISHING STOP SIGNS ON SECOND, THIRD, AND FOURTH STREETS AT THEIR INTERSECTIONS WITH I STREET IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Merrill

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

AUTHORIZE CITY MANAGER TO SIGN WAREHOUSE ISSUE SHEETS OF THE CALIFORNIA STATE EDUCATIONAL AGENCY FOR SURPLUS PROPERTY 8-19

RESOLUTION NO. 57-247

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF MODESTO TO SIGN WAREHOUSE ISSUE SHEETS OF THE CALIFORNIA STATE EDUCATIONAL AGENCY FOR SURPLUS PROPERTY

Introduced by Arata Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

GRANT PERMIT TO AMERICAN LEGION TO INSTALL FLAGPOLE RECEPTACLES AND DISPLAY FLAGS ON THE STREETS OF THE CITY OF MODESTO 8-20

RESOLUTION NO. 57-248

A RESOLUTION GRANTING TO MODESTO POST #74 OF THE AMERICAN LEGION PERMISSION TO INSTALL FLAGPOLE RECEPTACLES AND DISPLAY FLAGS ON THE STREETS OF THE CITY OF MODESTO

Introduced by Merrill Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

T. J. White, representative of the Legion, reported on the program proposed for the placing of receptacles in the downtown district on a uniform basis in the sidewalks. The City Attorney reviewed the provisions of the resolution which regulated the installation.

GRANT PERMIT TO USE PORTION OF CITY'S PARKING LOT ON 15TH STREET FOR HUBCAP MARKING PROGRAM 8-61

A city-wide hubcap marking program, sponsored by the Modesto Police Department and a group of citizens made up of representatives from the New Car Dealer's Association, Used Car Dealers' Association, garage owners, service station owners, Modesto Insurance Agents' Association, Insurance Adjusters' Association and Hot Rod Clubs, is planned for Saturday, June 8, the City Manager reported, and approval of the use of a portion of the city's parking lot on 15th Street is requested.

MOTION

That permission to use the city's parking lot for this program

be approved.

Moved by Robinson Seconded by Arata Unanimously carried

AUTHORIZE PAYMENT FOR COST OF REPAIR OF REVOLVER OF RESERVE OFFICER ALBERT FIDALGO 8-70

The City Manager reported that the cost of repairs to the gun owned by Reserve Officer Albert Fidalgo which was damaged on April 22, during a regular firearms training program due to faulty ammunition furnished by the City Police Department was $53.02. He recommended that the Council authorize payment of these costs.

RESOLUTION NO. 57-249

A RESOLUTION AUTHORIZING THE PAYMENT OF COST OF REPAIR OF THE REVOLVER OF RESERVE POLICE OFFICER ALBERT FIDALGO

Introduced by Merrill Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

LEGISLATIVE MATTERS 8-77

Telephone Franchise: City Attorney Grimes, member of the League committee on this matter, reported that this committee had conferred with representatives from various cities interested in franchises and an alternate proposition to S.C.A. 19, being sponsored by the League of California Cities, was submitted. The League is proposing a constitutional amendment which would provide a franchise for telephone companies upon payment of 1% of their revenue which is to be collected by the State and returned to cities and counties on a population basis. It is understood that the telephone companies will not oppose this proposed constitutional amendment. This basis would provide the telephone company a means of obtaining a franchise from all of the various cities throughout the state.

Councilman Robinson contended that if this was done it would only mean that the telephone rates would be increased for the subscribers because of the increased costs.

The City Manager pointed out that this company was the only privately owned public utility which normally does not pay a franchise to the cities. Due to this constitutional provision the company has had a "free ride" for many years in most cities and it recognizes this and is willing to pay its fair share, for the use of the city streets. He pointed out that the League had been working on this problem for many years and this suggestion was the closest to a solution.

MOTION

That the City of Modesto go on record as approving the constitutional amendment proposed by the League on the franchise requirements for telephone companies.

Moved by Anderson Seconded by Arata

Mayor Marks declared that the motion carried.

The City Manager reported that the federal government had made funds available to assist cities in sewage disposal project in the interest of cleaning up the rivers. There is now in the state legislature a bill under which the state government, because of its interest in this regard, would pay 30% of the cost of these projects, not to exceed $250,000 for any single project. He asked for Council approval on this measure. No objec-

tions were forthcoming from the Council and the City Manager is to proceed on this basis.

No action was taken by the Council on the request from Contra Costa County that the City of Modesto consider the adoption of a resolution requesting the State Legislature to appoint a Joint Interim Committee of Legislators from various counties to establish a policy for the management of the Delta Features of the California Water Plan. The City Clerk was directed to so advise the Clerk of Supervisors of Contra Costa County.

A.B. 1502 authorizing the state to include in freeway agreements provisions for access to freeways had passed both the senate and assembly and was ready for the Governor's signature.

PROHIBIT SPECIFIED TURNING MOVEMENTS AT NINTH AND B STREETS 9-71

RESOLUTION NO. 57-250

A RESOLUTION PROHIBITING SPECIFIED TURNING MOVEMENTS AT THE INTERSECTION OF NINTH STREET AND B STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Robinson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams

REPORT ON COST OF INSTALLATION OF WATER MAINS IN GREGORY GARDENS SUBDIVISION NO. 2 9-80

The City Manager reported that the low bid for this work was $4,516.29, the city's estimate by city forces was $3,700, that final costs for city installation were $2,188.02.

REPORT ON COST OF INSTALLATION OF WATER MAINS ON FRANKLIN AND SUTTER STREETS; ARC WAY AND ALLEY IN BLOCK 451 AND BRIGHTON AVENUE 9-87

The City Manager reported that the low bid received for this work was $6,131.25, the city's estimate with city forces was $4,100 and the actual cost of city installation was $4,220.11.

REPORT FROM PARKING COMMITTEE 9-100

Traffic Engineer Carmody outlined the terms of three leases for parking lots discussed by the Council Parking Committee at its recent meeting, located as follows:

S.W. corner of 14th and J Streets;
13th Street, between Firestone and Telephone Companies;
13th Street at K Street next to Bowling Alley.

He reported that the Committee recommended the first two sites but rejected the site on 13th at K Street, next to the Bowling Alley.

MOTION

That the City Attorney be directed to prepare the necessary documents to provide for the leasing of the site located at the southwest corner of 14th and J Streets.

Moved by Mayor Marks Seconded by Arata Unanimously carried

MOTION

That the City Attorney be directed to prepare the necessary

documents to provide for the leasing of the property on 13th Street between the Firestone and Telephone Companies.

Moved by Anderson Seconded by Merrill Unanimously carried

REPORT BY TRAFFIC ENGINEER ON EFFORT TO OBTAIN PARKING LOT ON NINTH STREET 10-22

The Traffic Engineer reported that letters had been sent to property owners between Ninth and 10th Streets, H and I Streets, regarding leasing property to the city for parking lots. Two replies were received from property owners on 10th Street, but the rental asked was excessive.

MAYOR MARKS AUTHORIZED TO EXTEND SYMPATHY TO HARRY SHAM ON ILLNESS OF HIS WIFE 10-35

The City Manager reported the serious illness of the wife of Airport Manager Harry Sham.

MOTION

That Mayor Marks be authorized on behalf of the Council to call Harry Sham and express the concern of the members and that they were "pulling for them".

Moved by Anderson Seconded by Robinson Unanimously carried

ADJOURNMENT 10-41

MOTION

That the meeting now in session be adjourned.

Moved by Merrill Seconded by Arata Unanimously carried

The meeting was adjourned at 6:20 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.02, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Acting Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Merrill, Robinson and Acting Mayor Hammond

Absent: Councilmen: Anderson, Adams and Mayor Marks

Vice Mayor Hammond announced that the special meeting had been called for the purpose of considering the proposed budget for the fiscal year 1957-58. He pointed out that this was the Council's opportunity to examine the procedures of the administrative staff and departments and any criticism expressed should be taken in this light and not as personal criticism.

City Manager Miller replied that the critical examination of the budget would be welcomed by the administrative staff. He asked the members, when going through the budget, if any questions were not cleared, to confer with the staff for further information in order to conserve the time of the Council. He discussed procedure on consideration of the budget at this time and it was agreed that in the future only those staff members whose budgets would be considered need be present. It was also agreed that the City Attorney could be absent.

Explanatory remarks were made by the City Manager on the color system used in the pages of the budget document (Pages a through g).

Pages 1 through 13 relating to summary of 1957-58 budget by funds, estimate of tax collections, interfund transfers, summary of revenue accruals by fund and classification; detail of revenue estimates, comparative summary of general fund expenditures and appropriation; summary of general fund appropriations were explained and questions raised were cleared by the City Manager.

Vice Mayor Hammond remarked when Page 13 (Summary--1957-58 budget--general fund appropriations) was discussed that the city was presently handling the same amount of money as in previous years but records indicate that the Finance office staff had increased each year. He listed the total wages paid of all city employees for the past four years. He wondered if the procedures in handling the revenue was growing faster than "production".

The City Manager stated that the increased costs for salaries was due to 1) increased wages, and 2) increased personnel. He pointed out that the revenue figures quoted by Mr. Hammond only related to the general fund and did not include special fund revenues, or activities, i.e. airport improvement, gas tax revenue, sales tax ($\frac{1}{2}$¢) etc. He stated that if requested, the staff would prepare a table by department, from figures quoted by Mr. Hammond for general Council information, which would show the increases.

The City Attorney questioned whether there was a direct relation between the total amount of budgetary expenditure and the work load. He cited examples--revision of zoning regulation where no expenditure of money would be involved but the work load would be considerable.

The City Manager urged that the members, as they consider the budget, to think of it as "work to be done". The only reason money is spent is because there is "work to be done", and the staff wants to do it as economically as possible. He reminded the Council of the two large projects undertaken by the city forces the past year, 1) the design and clearing of the airport improvement projects which was done with the city forces but

which could have been done by hiring outside help which would have permitted the reduction of salaries for city personnel, and 2) the South Modesto Industrial Tract. While the staff was not working on subdivisions, which bring in money, it was working on sewer and water which will ultimately increase the city's revenue.

City Council (Page 14) 2-110

A question on office supplies was cleared by City Clerk Gailfus. ($52.00 for seat pads for the Council chairs not included in the Clerk's budget.)

City Manager (Page 15)

The City Manager stated that one item for Council consideration in this budget was administrative assistance, but the hiring of this extra help would be dependent upon the "kind of work load we are talking about". He reported that the staff had discussed the possibility of having the new Assistant City Manager spend some time with each department head to make suggestions about productivity and improvement of procedures.

If this is done and pending work projects completed, additional help will be needed in this department, he stated.

Councilman Merrill stated that public opinion on the operation of the city was most often expressed to the Council members instead of the staff and that since the City Manager form of government had been instituted many new assistant jobs had been created. From a practical standpoint, he continued, the more jobs that the Council can possibly delete, the better it would be from a public relation standpoint. If the forces could be "pared down a little bit more and the force work a little more diligent, we can get away from some of these top personnel.. This is not the time to put more personnel at the top since there are many places below the top where we need more manpower."

The City Manager asked that further consideration of additional help be deferred until the work load is determined by the Council.

Councilman Merrill stated that his decision on the request was not final but would be made after all the budget and work load had been considered.

Councilman Arata pointed out the possibility of shifting the Assistant City Manager's work load, more for the City Manager and less for the other departments. Most of the present department heads have been here long enough to assume more authority than has been done in the past.

The City Manager pointed out that presently one-third of the Assistant City Manager's time is assigned to the Personnel Department, one-third to Civil Defense and one-third to the City Manager's Department.

Vice Mayor Hammond suggested that Mrs. Bernice Mitchel could handle the Personnel Department without any difficulty, the Civil Defense be divided between the Chiefs of the Fire and Police Departments, so that the Assistant City Manager would be free to assist the City Manager.

If this is done, the City Manager stated, the staffs of these various departments should be considered.

The pending projects and procedures should be considered in terms of their worth, Mr. Hammond stated, some things could be changed, and some dropped.

The problem of both the City Manager and the City Attorney, Mr. Miller stated, is not the normal procedure of the city but the special projects, such as the airport, the Tidewater Southern Industrial Tract,

widening of McHenry Avenue, etc. If enough pending projects are removed from the work list, no extra relief help will be needed.

Individual items in this budget which were discussed were:

Auto allowance of $60, placed in the budget to pay costs of the occasional operation of the privately owned car of the Assistant City Manager;

Conference and Travel of $800, which had been increased to take care of additional expense involved for the attendance of the City Manager to the International City Manager's Conference and National Committee on Board of Fire Underwriter's Grading schedule conference.

The time factor involved and value received by the city from the attendance of the City Manager at these conferences was briefly discussed. He pointed out that all major trips by him had been on the authorization of the Council. Personnally, he stated, "I wouldn't care if I never went out of the city on official city business." Time involved in going to these conferences, he pointed out, is a factor and can be discussed later, if desired. It was agreed to discuss each item involving conference and traveling expense for all city personnel in the light of value received for the city.

Maintenance and repair of other equipment-$135, covering repair and upkeep of the emergency radio in the City Manager's car was cleared.

Director of Finance Bird pointed out that there would be some instances in this budget of reclassification of expenditures which would result in no net increase in the budget, for example Account No. 221 and 223, in this special budget under consideration.

Councilman Hammond stated that this procedure indicated to him that the procedures were being refined to the point where it is costing more than the results obtained. He stated that when the Finance Department budget was considered a more lengthy discussion would be held on this matter---refining procedures down to the point where values received is not worth the money spent.

The City Manager stated that the work load pending projects would be considered along with each department and if the Council wished a summary sent in advance it could be done.

Vice Mayor Hammond asked the City Manager to be prepared to discuss the "pros and cons" of the Assistant City Manager duties a little further at a later time.

City Attorney Budget 4-73

The City Attorney stated that the preliminary budget had been prepared on the basis of the current work load. The more work any department of the City does, he stated, has a direct reflection on the City Attorney's office. He compared the number of personnel in his office to the County Counsel's and District Attorney's office, where the attorneys are permitted to also conduct private practice. He pointed out that during the 5½ years he had served as City Attorney, the population had doubled, the area expanded which resulted in many additional projects and the city has reached a point where if further expansion is going to go on, further consideration should be given to the authorization of an assistant at the City Attorney's office. He pointed out that litigation had materially increased, condemnation proceedings and criminal prosecutions had increased. The kind of work load the Council desires, he pointed out will determine item No. 110 - regular salaries and wages, because on the basis of the present trend the work load can no longer be handled by one attorney.

Vice Mayor Hammond stated that the Council can determine when the work load is analyzed, whether it is trying to do too much. He stated that

he would like to know---to keep the staff on the same level---about what activity the City Attorney could handle and what activity would require an assistant. Perhaps a man could be hired on a part time basis--a month or more---to get over a surplus of work rather than to hire a full time assistant attorney.

The City Attorney pointed out that contractual assistance has already been authorized by the Council to pick up the back log, but the back log has been growing each year. Many of the subjects require special background knowledge of the law and if this is assigned to someone who is not familiar with the background many hours are spent before anything can be actually accomplished.

Vice Mayor Hammond stated that it was the Attorney's responsibility to bring the problems of the work load to the Council for examination to determine whether some of the matters should be eliminated.

The City Attorney pointed out that most of the projects generated through other departments and are not within his control. The City Manager presented copies of a report at this time prepared by the City Attorney of pending City projects. This list was briefly discussed by the Council.

Vice Mayor Hammond stated, after glancing at the list of pending projects, that he would like to have some idea of the amount of the daily work load, and then the time element involved on the urgent items on the list. For example---it takes four hours a day to take care of the regular daily matters and then assign time to each one of the pending items in line with their importance.

The City Attorney pointed out the difficulty in proceeding along this line, due to the fluctuation of the work load of the various departments which must be cleared through the attorney's office.

The City Manager stated that one of the oldest problems on the list was the removal of the Tidewater tracks from Ninth Street and the Council could do one of three things, "1) we can kid ourselves and keep on talking about it, 2) hire some special help that can assist us, and 3) forget it." If the Council says "Forget it", one item can be marked off the list.

Vice Mayor Hammond considered that the Council could review the degree of urgency and by that means schedule some of the activities so that the staff would not be spending time on something that may not be as urgent as others. The Council will have to share the responsibility on the work load, he stated.

Councilman Merrill considered that too many matters were being "thrown back in the lap of the attorney that could be handled some other way".

The City Manager pointed out that one field where the City Attorney was spending many hours was the right of way acquisition and instead of becoming less it would be tripled. There must be a special staff to get this job done.

It was agreed by the Council that the matter of salaries on the City Attorney's budget should be held open until the work load for the entire city had been determined by the Council.

Questions raised on item 208-Conference and travel---$530; 235-Services, Professional & Other---$4,000; 302-Books and Periodicals-$400; and 505-Law Library Additions--$750 were cleared.

Item 505-Electric typewriter $438. Brief comments were made by the City Manager on the advantages of the electric typewriter vs. the manual typewriter, since they were being proposed for various departments where there was a high volume of work and a high volume of multi-copy work.

Councilman Merrill believed that this type of machine would be of value to the City Attorney's office but withheld comment on the other offices until they were presented along with the various budgets.

Vice Mayor Hammond referred back to the subject on pending projects and asked that in order to review the requests for additional help, the pending list show the percentage of completion, the degree of urgency to enable the Council in deciding how much activity should be done.

The City Manager suggested, when procedure for obtaining rights of way was discussed, that a list be prepared for Council information on the various steps of procedure necessary. He pointed out that there would be over 140 pieces of land alone to be acquired on the McHenry Avenue widening project and there would be anywhere from 5 to 15 documents on each piece of land, and five or six copies of the documents which starts with a legal description of a parcel of land.

Vice Mayor Hammond pointed out that the procedure necessary and urgency on various projects on the City Manager's list would also assist the Council in its decision on the work load. The City Manager pointed out that both the attorney and manager worked on all projects when the Council had considered the work load, department by department, the overall work load could be determined. He reported that a report would be submitted to the Council on salaries at the next regular meeting and asked if the Council wished to have Mr. Ennis present to answer some questions on salaries. It was agreed that Mr. Ennis should be asked to be present at the regular Council meeting of June 19 for special consideration of salary matters.

It was agreed by the Council that it would proceed with the different department in order as shown in the proposed budget and that it would not be necessary to have all department heads or the City Attorney present, but only those whose budget was being considered.

MOTION

That the Council meeting be adjourned until 4:00 P.M. Thursday, June 13.

Moved by Merrill Seconded by Arata Unanimously carried.

ATTEST: Rex E. Gaffus
REX E. GAFFUS, 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, and Mayor Marks

Absent: Councilmen: Anderson, Robinson and Adams

Councilman Robinson arrived at 7:33 P.M.
Councilman Anderson arrived at 7:45 P.M.

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

Rev. Pritchard Amstutz, pastor of the First Missionary Church, gave the invocation.

APPROVAL OF MINUTES 1-13

Council members having received copies of the minutes of the regular Council meetings of May 15, 22, and special meetings of May 29, 1957, and the same being available for public inspection, and there being no objections, the minutes were approved.

HEARINGS ON IMPROVEMENT DISTRICT NO. 6 1-16

Mayor Marks announced that the hour of 7:30 P.M. has arrived, the time set for the public hearing on determining the public convenience and necessity for the construction of the sewer laterals in Improvement District No. 6.

The certification from the City Clerk on the publication of the notice of the hearing, posting of notice on the Council door, between May 29 and June 12, and mailing of copy of Resolution of Intention No. 900, on May 27, to all persons owning property in the proposed district, was noted. He reported that no written protest had been filed in his office at the time of the certification.

Mayor Marks asked if there were any written or oral protests, or if anyone in the audience wished to make any comments. No comments were made, or protests filed.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 901-S.P.

RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CONSTRUCTION OF SANITARY SEWER LATERALS AND APPURTENANCES IN IMPROVEMENT DISTRICT NO. 6, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA; THAT THE SPECIAL ASSESSMENT INVESTIGATION, LIMITATION AND MAJORITY PROTEST ACT OF 1931 SHALL NOT APPLY; AND DETERMINING THAT SUCH PROJECT SHALL PROCEED UNDER THE TERMS AND PROVISIONS OF THE IMPROVEMENT ACT OF 1911

Introduced by Robinson Seconded by Hammond

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

Mayor Marks declared the second hearing open on the district--proposed work and improvement.

No written protests were filed.

George D. Cooper, 1318 Grape Avenue, protested to the method of assessment. Director of Public Works Ray reviewed the Council policy on the method of area assessment used for improvement districts. He pointed out that lot 2, of Block 6252, owned by Mr. Cooper was a triangular lot with an area of 12,418, as compared to his adjacent neighbors with lot areas of 7171 sq. ft. and 7987 sq. ft. which had resulted in an estimated assessment of $259.57 for him as compared to $149.95 and $167.02 for his neighbors.

Cecil Judd, 1314 Grape Avenue, and Lewis Madrigal, 1728 Idalou Avenue, buying their property under contract of sale from D. A. Jaynes, were advised of costs since notice had been sent to owner of record as required by law, instead of to them.

Charles E. Hope, 1406 Carver Road, inquired why his property had been included in the district since it would be more convenient for him to connect to an existing lateral which served the Garrison School building. This matter was cleared by Mr. Ray.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 902-S.P.

RESOLUTION OVERRULING PROTESTS

Introduced by Merrill Seconded by Robinson

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

RESOLUTION NO. 903-S.P.

RESOLUTION ORDERING THE WORK

Introduced by Arata Seconded by Anderson

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

RESOLUTION NO. 904-S.P.

RESOLUTION ADOPTING SCALE OF PREVAILING WAGE RATES

Introduced by Anderson Seconded by Hammond

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

The date set for the opening of the bids was Monday, July 8, at 2:00 P.M.

LETTER FROM CHARLES V. DUNCAN RE: SWIMMING POOL IN J. L. PIKE PARK 3-70

This letter was read and contents briefly discussed by the Council.

MOTION

That Mayor Marks be authorized to answer the letter and advise him that the initial installation costs on fluoridation was to have been financed from the Capital Improve-

ment fund and not the water fund, that the preliminary plan for a swimming pool in this park was never formally approved by the Council and that the city's program on swimming pools was joint sponsorship by the schools and city located at high schools, that water revenue was being used for water purposes.

Moved by Merrill Seconded by Arata Unanimously carried

SIXTH PETITION FILED FOR CONSTRUCTION OF SWIMMING POOL IN ROOSEVELT PARK 3-105

The sixth petition was filed with the Council requesting the construction of a swimming pool in Roosevelt Park.

The City Manager pointed out that the previous petitions had been referred to the staff with direction to confer with the schools. Included for discussion with the petitioners at a later date, is the proposal that, if they wished to construct a pool prior to a joint city-school pool located at a school building in this area, the establishment of a recreation district proceedings be considered.

Councilman Robinson suggested that the whole park program, swimming pool program and many of the similar type program be placed on improvement or recreation district basis in various areas rather than financing them by general taxes.

The Council was in general agreement that the recreation district procedure could be explored and that a letter be sent to the chairmen of each group suggesting this means of accomplishing the desired improvement, since there was no proposal in the budget for swimming pools except the one at Downey High School, and that the city would be willing to assist in forming the district.

Mayor Marks ordered the petition referred to the staff.

LETTER FROM MODESTO BAND, INC. RE: SPECIAL DONATION 4-20

A letter was read from the Modesto Band, Inc. requesting additional appropriation of $350 to help defray expenses of the band to the State Fair in Sacramento.

MOTION

That this request be discussed at the time the "Music and Promotion" section of the 1957-58 budget is considered.

Moved by Hammond Seconded by Arata Unanimously carried

LETTER FROM FRANK ANDREWS 4-40

Read and ordered filed.

CARD FROM COUNCILMAN MERRILL ADAMS 4-40

A card from Councilman Merrill Adams, absent on vacation, was noted.

APPROVE PLANS AND SPECIFICATIONS FOR REMODELING THE MODESTO COMMUNITY SERVICE CENTER 4-59

Plans and specifications for the remodeling of certain rooms of the Modesto Community Service Center were presented for Council approval. A general Council discussion was held on the recommendation of the Public Works Department that the present plaster ceiling be replaced with sheet rock.

The City Manager reported that the estimated cost of the remodeling would be approximately $10,000, plus or minus, and that it would be necessary for a transfer of additional funds since the original estimate had been $6,000. The steel work and the problem of working out the beams in the building were more expensive than anticipated, he reported. The amoritization of the expenses from rental income of 10 years would have to be extended under this condition, he pointed out. The possibility of increasing the rental rates for the rooms was discussed. Director of Parks and Recreation Lowrey talked on the seating capacity of the proposed meeting room, the use which would be made of the room, the demand for this type of facility, and the possibility of losing some of the potential renters if there was a delay in calling for bids.

RESOLUTION NO. 57-251

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR REMODELING OF MODESTO COMMUNITY SERVICE CENTER

Introduced by Arata Seconded by Merrill

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

The time set for the opening of the bids was Monday, July 1, at 2:00 P.M.

Councilman Hammond stated in line with the Council policy for adult activity---operating costs to be self supporting and liquidating---that a summary be submitted to the Council on the matter to determine whether operating costs are being assumed by the participants in adult recreation programs.

Councilman Arata left the meeting at 8:40 P.M.

ACCEPT BID OF BYRON & JACKSON ON TWO DEEP WELL PUMPS 5-70

The bids received for the furnishing of two deep well pumps were reviewed by the Council with Director of Public Works Ray. He recommended that the bid submitted by Byron Jackson Pumps, Inc. be accepted.

RESOLUTION NO. 57-252

A RESOLUTION ACCEPTING THE BID OF BYRON JACKSON PUMPS, INC. IN AMOUNT $14,555 FOR THE FURNISHING OF TWO DEEP WELL PUMPS WITH ELECTRICAL EQUIPMENT AND AUXILIARY GAS ENGINE

Introduced by Robinson Seconded by Anderson

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

AMEND MUNICIPAL CODE RELATING TO TAXICAB RATES 5-110

ORDINANCE NO. 174-C.S. entitled

AN ORDINANCE AMENDING SECTION 4-6.307 OF CHAPTER 6 OF ARTICLE 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 4-6.217 THERETO RELATING TO TAXICABS

Introduced by Merrill Seconded by Hammond

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

ADOPT 1955 UNIFORM BUILDING CODE WITH AMENDMENTS 5-110

Assistant Director of Public Works Roy Fredricksen outlined the exceptions and additions which had been made from the code as submitted by the Building Officials Conference, relating to the penalty provision, plan checking fee, provision that governmental agencies are exempt from payment of fee for building permit, change in roof coverings.

Mr. Fredricksen reported that the majority of requests for changes in the code by the contractors had been taken care of by the new ordinance.

Harold Parson, representing the local plasterers, spoke briefly approving the change from the uniform code on the plastering regulation which was being proposed in the ordinance.

ORDINANCE NO. 175-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.03, 9-1.10, 9-1.11, 9-1.11.1, 9-1.13, AND 9-1.14 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 9-1.03.1 THERETO AND REPEALING SECTION 9-1.15, THEREOF RELATING TO THE BUILDING REGULATIONS

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

Moved by Merrill Seconded by Anderson

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

LETTER FROM MODESTO BLUEPRINTERS RE: PURCHASE OF BLUEPRINTING MACHINE 6-91

This letter was ordered referred to the staff so that it could be considered at the time the Council considered the Finance budget for the fiscal year 1957-58.

REPORT ON OFFER OF CODDING ENTERPRISES TO SELL AIRPORT BUILDING TO CITY 6-92

Director of Public Works Ray reported receipt of a conditional alternate offer from the Codding Enterprises for the sale to the city of the airport building now under lease purchase agreement; as follows, if the property could be placed in escrow in a week and the deal be cleared in 14 days, the building could be acquired for $9500 instead of the first offer of $10,000. However, the City Attorney has advised that it would be impossible to meet the time conditions. He noted that the original cost of the building had been $13,600, and based on the depreciation factor of 5% provided for in the agreement, the cost on the building at the present time would be in excess of $11,500. He suggested that if the Council wished to attempt to obtain some delay, in the event it was interested in acquiring the building on a cash purchase basis, that further negotiations could be considered. At the present time, there is $5,495 available in special gas tax fund and $4,050 would have to be made available from some other source.

The Council briefly discussed the advantages to be gained if the cash purchase was consumated at this time, as compared to the existing rental purchase arrangement providing for annual cash rental of $1,360, for a period of 20 years, which would result in a total cost price to the city of $27,200.

Councilman Merrill considered that the city could purchase the property for less than the $9,500 offered by the company.

MOTION

That the staff be authorized to negotiate with the Codding Enterprises to purchase its interest in this property for $9,000 on the basis the sale be made as soon as legally possible.

Moved by Merrill Seconded by Hammond Unanimously carried

ACCEPT DIVERSION BOX FROM TED SWINFORD, AUTHORIZE PAYMENTS DUE AND RECORDATION OF NOTICE OF COMPLETION 7-52

RESOLUTION NO. 57-253

A RESOLUTION ACCEPTING THE CONSTRUCTION OF DIVERSION BOX AND PIPE LINE AT SEWAGE TREATMENT PLANT FROM CONTRACTOR TED SWINFORD; AUTHORIZE PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Anderson Seconded by Mayor Marks

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

ACCEPT SANITARY SEWER LATERALS IN BLOCK 6077 FROM TED SWINFORD, AUTHORIZE PAYMENTS DUE AND RECORDATION OF NOTICE OF COMPLETION 7-56

RESOLUTION NO. 57-254

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SANITARY SEWER LATERALS IN BLOCK 6077 FROM CONTRACTOR TED SWINFORD; AUTHORIZE PAYMENT OF AMOUNTS DUE, AND RECORDATION OF NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Anderson Seconded by Hammond

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

APPROVE APPROPRIATION TRANSFER TO MUSIC AND PROMOTION FUND 7-58

RESOLUTION NO. 57-255

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $322 FROM GENERAL RESERVE TO MUSIC AND PROMOTION (INDUSTRY, BUSINESS AND JOBS) FOR THE CITY'S SHARE OF THE COST OF THE INDUSTRIAL DIRECTOR OF THE CHAMBER OF COMMERCE

Introduced by Merrill Seconded by Anderson

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

FURTHER CONSIDERATION OF CITY HALL MATTERS 7-70

The City Manager noted that the chart which the Council had requested on the costs involved in the remodeling of the former Hotel Modesto building for a city hall building and the building of a new city hall building had been sent to the members. The press has also been furnished with suitable information for its use in publication regarding these costs, he stated.

It was agreed by the Council that this matter be placed on the agenda of the next Council meeting for final action.

A letter from Mr. Fred Curtis urging the construction of a new building on the 11th Street site instead of remodeling the existing building was read.

Councilman Anderson expressed his opinion on this matter at this time since he would not be present at the next Council meeting when final consideration was given, as follows:

"I have looked at this for many months and years and observed it from every angle, and it doesn't seem possible to me to do anything else but to build a new building. Even if we remodeled the one that we presently own, we still would not get the effectiveness of a well planned, well organized, new building. From the facts and figures which have been obtained, we might have to spend a few dollars more but I think in the long run we are going to come out well ahead of a remodeled building. I would vote for a new building next week if I was here."

REPORT ON WATER MAIN INSTALLATION 8-58

As directed by the Council, copies of a report by the Department of Public Works showing the final costs of six water main installations completed since June 20, 1956, one by a private contractor and five by the city forces, after bids had been rejected because they exceeded the 10% percentage as provided by Council policy, were distributed to the Council members.

REPORT ON USE OF MANCINI BOWL FOR RELIGIOUS PURPOSES 8-59

Copy of the report prepared by the City Attorney, at the request of the Council, on the use of Mancini Bowl for religious purposes, was filed with the City Clerk for filing.

CLEAR SALE OF PORTION BLOCK 213 FAIRVIEW AVENUE 8-61

The City Manager reported on the offer received to purchase the 12½' strip of land, portion of lot 37, in Block 213, on Fairview Avenue, north of Jennie Street, acquired by the city under tax deed proceedings. The adjacent property owner has offered to pay for the costs of transfer of the property plus a nominal payment of $10.00, he stated.

MOTION

That the staff be authorized to take the necessary steps to sell the property to the adjacent property owner (W.C. Birt) as outlined by the City Manager

Moved by Hammond Seconded by Merrill Unanimously carried

FURTHER REPORT ON MCHENRY AVENUE WIDENING 8-90

The City Manager asked that the matter of the hiring of special help for the McHenry Avenue widening project be cleared with the Council in order to proceed recruiting the necessary personnel, although the money would have to be appropriated in the 1957-58 fiscal year budget. A full time right-of-way man will be needed, stenographic help to prepare the documents, and possibly some special legal help. He reported that there were approximately 140 parcels of property to be deeded to the state free and clear of all encumberances and liens for the necessary right-of-way to widen the street, with the city bearing the costs for severance damage, title search, and preparation of the necessary documents for the transfer to the state, while the McHenry Avenue association would help with the contact work on a volunteer basis. He pointed out that it would beimpossible for the association to do the technical work on the transfer of property which would be necessary in this project. He considered that it would be a full time job for at least 3 people for at least three to nine months. He reported that the state cleared on the average of about four parcels of land per month for each right of way man.

He reported on the time involved by the city's right of way man

in clearing the rights of way for signals at Orangeburg and McHenry Avenue. The City Manager and City Attorney outlined the procedure and some of the problems involved, and the volume of transactions, in securing rights of way. They pointed out that the same conditions would apply if private enterprise was involved in this type of project, in order to obtain title insurance. The fact that these rights of way are to be given free will make it more difficult, he pointed out. Although the majority of the property owners have signed a statement they will give the right of way, getting title to the property is quite a different matter.

Mayor Marks posed the question---what if there are 10 parcels remaining a year from now, which cannot be obtained? The City Manager stated, "We do not have a project unless all of the rights of way are obtained."

The Mayor thought that there might be 5% of the owners who would hold out in the end. The City Manager stated that he had hoped if this occurred that some kind of improvement procedure could be used.

Mayor Marks considered if this was to be done that the district should be started in the beginning so that the work would not be duplicated.

Councilman Hammond suggested that the Association secure certifications of intent from the owners which would indicate the trend before the city expended funds on the project.

The City Manager stated that a contract could be obtained from the owners agreeing to deed the property, but it would be necessary to have the same signatures on the contract and the final deed, and there would be duplication of work.

Councilman Robinson contended that each property owner should assume the responsiblity of clearing his own property.

The City Manager stated that the average property owner did not know of the liens, easements, etc. on his property and was unfamiliar with the procedure to clear title.

The City Attorney pointed out that Bond Counsel Eugene Sturgis had stated the cost of purchasing the rights of way could not be assessed against the respective owners by improvement district procedure, so as to recapture the costs.

It was agreed by the Council that it would proceed with the hiring of the special personnel for this project and if and when it was impossible to secure certain necessary rights of way that those remaining parcels be referred back to the McHenry Avenue Improvement Association, for solution.

CONSIDER AGREEMENT WITH SOUTHERN PACIFIC COMPANY TO RELOCATE CROSSING PROTECTION LOCATED ON H AND I STREETS TO CONFORM WITH ONE-WAY STREET PROGRAM 10-46

Alternatives available to the city in securing participation from the Southern Pacific Company in the cost for relocating the crossing wig-wag signals on H and I Streets to conform with the one-way street program, were outlined by Traffic Egineer Carmody. Since the costs were originated by the city, it was agreed not to endeavor further to secure the railroad's participation in the costs.

MOTION

That the city proceed on the project on the basis that all expenses would be assumed by the city.

Moved by Hammond Seconded by Mayor Marks Unanimously carried

REPORT ON SALARY ADJUSTMENTS FROM PERSONNEL COMMISSION AND STAFF 10-96

The City Manager reported receipt of the recommendation of the Personnel Commission on salaries for the fiscal year 1957-58, a summary of which would be sent to the Council members in advance of Council consideration scheduled for 8:00 P.M., July 19. The folders containing all material considered by the Commission on this subject, were made available to the Council.

APPROVE CONTRACT WITH STATE PERSONNEL FOR EXAMINATION SERVICE 10-120

RESOLUTION NO. 57-256

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE PERSONNEL BOARD FOR THE CONTINUANCE OF EXAMINING SERVICES DURING 1957-58

Introduced by Merrill Seconded by Anderson

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

PROPOSED GOALS OF THE MASTER PLAN 10-125

Resolution No. 395, adopted by the Planning Commission on June 4, was noted which provided for the adoption of the set of goals, dated April 11, 1957, as a portion of the general plans of the city, and recommending to the Council the holding of a public hearing on the proposed adoption of these goals.

RESOLUTION NO. 57-257

A RESOLUTION OF THE MODESTO CITY COUNCIL SETTING DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF PLANNING GOALS

Introduced by Hammond Seconded by Robinson

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

The time set for the public hearing was 8:00 P.M., July 10, in the Council Chamber.

RESOLUTION FROM PLANNING COMMISSION RECOMMENDING VACATION OF 12 FEET OF 14 FOOT ALLEY IN CAMPUS HEIGHTS SUBDIVISION 11-12

Resolution No. 390 adopted by the Commission on May 21, recommending the vacation of approximately 12 feet of 14 foot alley in Campus Heights Subdivision since the final map showed a 14 foot alley running north and south along the west side of the subdivision and only two feet was owned by the subdivider, was noted. This situation prevented the sale or development of the lots abutting on the alley, the Commission determined.

MOTION

That the staff be instructed to prepare the necessary documents providing for the closing and vacating of 12 feet of the alley.

Moved by Merrill Seconded by Robinson Unanimously carried

MEMO FROM LEAGUE REGARDING SUPERIOR COURT DECISION IN UNDERGROUND WATER RIGHTS 11-60

The City Manager reported on the memo from the League relating to the recent decision of the Superior Court on Orange County Water District v. Redlands, Colton, San Bernardino and Riverside. This case involves the

rights of a city to utilize the underground water under an area where it is supplying the water when the land belongs to individual owners, There is a request, he stated, that cities join in on an amicus curiae brief on the appeal. The City Attorney, he stated, believes this is very important but his office did not have the personnel nor the time available to participate. The decision on the appeal will affect many cities, including Modesto, to a great extent, he pointed out, and the matter was being presented for Council information. Due to the limited staff, it was agreed by the Council that no action be taken, but that the staff should continue to follow the case.

LEGISLATIVE MATTERS 11-80

The City Manager reported that the state water program had not been approved by the Legislature and that there probably would be a special session later. He asked the Council for guidance on the degree of activity the city should follow on the program since it would take considerable time to follow and keep up with the program.

He reported that since the water program was not to be resolved at this session, the meeting which was to be arranged with some of the members of the legislature, was delayed until after the session.

He reported that he had checked with Senator Regan regarding the advisability of the city joining one of the organizations dealing with the north section of the state water problem and that he had considered it would be advantageous.

The City Manager suggested that the staff should stay close enough to the problem to know what was going on. The real hazard to this section of the state lies in an initiative constitutional amendment which might be presented in the southern section of the state and carried by "sheer weight of numbers". He considered that the best action to be taken by the city would be to wait until the legislators "catch their breath" and then arrange a meeting with them to discuss the matter.

The question of whether the staff should spend any considerable amount of time on the matter at this time was discussed.

Councilman Hammond suggested that the staff keep posted on the progress of the project and if something arises which needs attention, the city could move in, and that no special assignment be given to the staff at this time.

Telephone Franchise 11-110

The City Attorney reported receipt of a letter from the League in reply to his advice that the Council had supported the constitutional amendment calling for the 1% payment by telephone companies in lieu of the present franchise situation.

The League advises, he stated, that it will not be possible to move on this proposal in this session of the legislature because some opposition has developed to this proposal among the larger cities, which have prior existing franchise rights under their charters.

REPORT ON SATISFACTION OF JUDGMENT AGAINST DALTON ELLIS FOR GRADING AND OILING OF ALLEY 11-120

The City Manager reported on this matter.

PRELIMINARY REPORT ON G.C.C. APPRECIATION DINNER 11-122

The City Manager reported that this dinner had been a wonderful success. He stated that there had been nation-wide publicity on the dinner. The precise obligation, as a city, he stated, would be reported

on to a later date.

He stated that Marvin Miller, writer for the Mutual Broadcasting System, had stayed over to check out information on the naming of Modesto, and the establishment of the airport, which would probably result in a Mutual Broadcasting System story on Modesto.

He recommended that the Council send a special note of appreciation to Dr. Stuart Schillig, chairman of the program.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF MAY, 1957 11-24

The statement was filed by the City Manager.

REPORT ON APPOINTMENT OF NEW ASSISTANT CITY MANAGER 11-25

The City Manager reported the appointment of George Tomsho as the new Assistant City Manager, effective July 1, 1957.

APPOINT CECIL JONES MEMBER OF MODESTO CITY PLANNING COMMISSION TO SERVE UNEXPIRED TERM OF JAMES O'KEEFE, JANUARY 1, 1961

RESOLUTION NO. 57-258

A RESOLUTION APPOINTING CECIL T. JONES A MEMBER OF THE MODESTO CITY PLANNING COMMISSION TO FILL THE VACANCY CREATED BY THE RESIGNATION OF JAMES E. O'KEEFE

Introduced by Merrill Seconded by Hammond

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

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Merrill Seconded by Anderson Unanimously carried

ATTEST: _____
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. as provided by Section 2-1.02, as amended, of the Modesto Municipal Code in the Council Chamber at the McHenry Public Library, 14th and I Streets, to further consider the proposed budget for the fiscal year 1957-58.

During the temporary absence of Mayor Marks, Acting Mayor Hammond opened the meeting.

The City Clerk called the roll and there were

Present: Anderson, Arata, Merrill, Robinson and Acting Mayor Hammond

Absent: Adams and Mayor Marks

Mayor Marks arrived at 4:15 P.M.

City Clerk & Auditor

The City Clerk reported that the sum of $2,450 included in the budget for Adv., Legal & Other, covered legal advertisements for all departments of the city. The increase in amount was due to general increased costs and the printing of the revised code sheets.

Councilman Robinson noted that the sums proposed in all of the departmental budgets for "books and periodicals" totaled $3,404, and that "membership and dues", $2,118.

The City Manager and Director of Finance reported on the types of publications and memberships proposed in the various departments. The Council discussed these items and the following points were brought out:

1. That it was necessary to purchase a greater number of periodicals for a municipality than for a private business due to the number of different types of operations;

2. A question raised was--are they evaluated in terms of return on investment?

3. The subscription to the various types of magazines are carefully checked so that the most value will be derived by the departments.

4. The Council members agreed that they received some value from the Western City Magazine which they received monthly from the League of California Cities but the American City Magazine was not of much value to them. They suggested that one copy of the magazine be placed on file at the City Hall for their use. It was pointed out that a much lower rate was obtained on a group subscription. Mr. Miller polled the Council at this time on whether they wished to receive the magazine and they indicated they did not.

Mayor Marks arrived at this time.

Director of Finance Bird reported that it was proposed that the Finance Department should take over the City Attorney's Deering Code if his request for a new set was approved, which had increased the Finance Department's budget item for books and periodicals. However, the budget could be decreased if the new set is not approved by the Council.

The City Manager pointed out the advantage to the Director of Finance to have available in his office, state laws relating to finance and related matters.

Mr. Bird reported that some of the expense for books and periodi-

cals involved "purchasing" since there is a central purchasing system which must be current on all phases, such as consumer's reports, Directory on manufacturers and suppliers, current information on purchasing and finance pamphlets, Wall Street Journal (for investment information) daily report on financing, supplements to the Deering Codes which the department now has in its library.

The City Manager reminded the Council that there was a detailed list on all of the items included in the various departmental budgets if they wished to check them. The City Manager briefly reported on proposed items in other departments relating to books, periodicals and memberships and dues.

Mayor Marks asked if there was any duplication in books, periodicals which was caused by the fact that the offices of the city were scattered instead of being located in a central building.

The City Manager answered that a centralization of the city offices would help the personnel to utilize better the available information.

Items 208, Conference & Travel, $125, was cleared by City Clerk Gailfus (attendance to the City Clerk's Institute.;
Item 221, Mtc. & Repair, Office Equipment, $175, was cleared also.

FINANCE 2-49

The first item raised for discussion was 130, Overtime, $125. Mr. Bird reported that this would cover 1) payment for overtime in the multilith section for special projects where compensatory time off could not be given due to the work load; 2) in cases where people resign from the city who have accumulated overtime, it must be paid for instead of allowing time-off.

The second item was 120, Extra Help, $1,270. Councilman Hammond considered that since the basic principle of the Finance Department was to "count the money as it comes in and count the money as it goes out", that the 21 people already scheduled in this department should be sufficient to take care of this function.

Mr. Bird reported on the seasonal functions which would require additional personnel in this department, 1) clinic for the vaccination of dogs and issuance of licenses in January of each year and help at the counter during this season, 2) special improvement district billing.

A general Council discussion ensued on the advisability of providing the clinic for vaccination of dogs. The City Manager reported on the advantages involved, 1) it was instituted in conjunction with the county at the time the county was declared endemic to rabies, 2) it provided a means of getting the dogs vaccinated and licensed (paid by the dog owner), and was a means of more revenue and, 3) a better check on licensing all dogs was provided, thus relieving the problems of the Police Department in dog control.

The Council suggested the possiblity of having the Fire Department or Police Department personnel issue the dog licenses.

To a question raised by Councilman Hammond on the increase in the salary item of the budgets for the past three years, although new machinery was bought each year to lighten the load, the City Manager explained, 1) the size of the city has been doubled, and 2) many things which used to be scattered in all the departments now are centralized in the Finance Department, such as purchasing, payroll functions, accounting systems, service functions and messenger service. The City Manager exhibited samples of forms and reports which had been done by the service

section of the Finance Department and cited instances of other reports and pamphlets which had resulted in savings to the city in cost.

Mr. Bird stated that the work time for the reproduction of forms was included in the Finance Department, but the materials were purchased from the revolving fund and charged back to the various departments.

The City Manager pointed out that if the purchase of the blueprinting machine was approved, a considerable savings would result. He stated that all the man power and capital cost expense would be included in the Finance Department although it does not use the prints. He pointed out that the service section had not existed four years ago but items for printing, supplies, etc. had been included in each department.

Mr. Bird reported on the studies and investigation on the use, purchase, and savings if the purchase of a blueprinting and offset press was approved.

As an example of city personnel cooperation on special projects, which involved overtime and extra help, the City Manager cited the cooperation given by Police personnel in the recent hubcap marking project conducted by various clubs and business organizations. He pointed out that these types of functions cannot always be performed with the normal personnel and this was the basis of the request for overtime and additional help in the various departments. The Council agreed that some of these "extra project", should be eliminated to reduce the costs for additional help. Police Chief Neel pointed out, in the hubcap project, that if thefts could be prevented, it would ultimately reduce costs to the city, since this was a crime prevention program. Extra help must be employed because the regular help cannot be spared, he stated.

Councilman Hammond pointed out that all these special and extra projects could be legitimate and wonderful but somewhere along the line, the city has to say "this is city business and people are adult and they can look after themselves".

The City Manager stated Council guidance was needed on the dog clinic.

Councilman Anderson considered that the hubcap marking should be considered as law enforcement and not "extra work".

It was agreed by the Council members that their discussion on these special programs had been the principle of special type programs and not the specific programs themselves.

MOTION

That the dog clinic project be discontinued.

Moved by Anderson Seconded by Arata

After Mayor Marks voted "no", he declared the motion carried.

Account 206, auto allowance for $40 was explained by Mr. Bird, (private car use by the Auditor and Director of Finance).

Account 216 - rent of equipment, $240, postal meter rental was cleared.

Account 218 - equipment rental $1,224, use of a car for the messenger service and proposed Accountant No. 1 to do field investigation.

The duties of the proposed field investigator were explained by Mr. Bird. The reasons why the fire and police departments could not handle this type of work were explained and the advantages to be obtained both monetary and displinary wise were discussed.

Mr. Bird stated that the savings effected by the elimination of the vaccine program would be two days wages or approximately $25.00 for extra help plus wages of regular employees. The Council members agreed that the point at issue had been the principle of new, additional or fringe services being furnish by the city, which have a tendency to increase in costs.

Account 301, Office Supplies for $5,666 was discussed. Mr. Bird answered a question from the Council on the operation of the multilith machine--that the operation costs were not charged back to each department but assumed entirely by the Finance Department in order to save the extra costs to keep records on this operation. It is possible, he stated, that the service section has grown to a size where each department should assume their operation costs. The Council agreed that this extra cost should not be considered.

The letter from the Modesto Blue Printers outlining costs and operations of a blue printing machine was noted at this time.

Mr. Bird reported that it would cut the city's cost one-half if the city owned and operated its own machine. He reported on his estimate of operation costs using the company's letter as a basis, which resulted in a total cost of $1,140. Experiences of other cities were also investigated before the proposal was made, he reported.

Mr. Bird pointed out that the volume and nature of work justified both the present multilith machine and the proposed offset press. One of the reasons for the request for the new machine, he stated, was that much of the work is on a dead-line basis. The switching over of the machine is costly and time consuming, each time a printing job is interrupted for a dead-line job.

Councilman Anderson raised the basic question---- is the printing of all of these books, pamphlets and reports really necessary, and does it perform a function for the city that could not be done in some other manner?

The City Manager pointed out that the majority of the work for the multilith machine and proposed off-set press would be the usual routine day by day, month by month reports and forms which are used in the various departments and that only a very small percentage would be for pamphlets, or lengthy reports. Mr. Bird displayed samples of the type of work done.

The Council discussed the question of whether there were too many lengthy reports being prepared which were not being read. The City Manager pointed out that some of the long reports were used as reference material and were required by city ordinances, such as the planning reports. He asked the Council to indicate specifically any reports which they wished discontinued. The number of copies prepared was also discussed.

The time consumed in the preparation of the reports before it was turned over for duplicating was discussed.

Mr. Miller cited the problem involved in determining the correct amount of copies of a report to be prepared in order to save time in rerunning a report.

Councilman Anderson suggested that the sending of monthly departmental reports to the Council members could be discontinued. Mr. Miller pointed out that this matter was previously discussed and some of the members agreed they read these reports and wished to continue receiving them.

Mayor Marks pointed out that if the members would read these monthly reports that they would recognize the necessity for many of the budget items.

Councilman Hammond suggested the reports be briefer. The City Manager pointed out that the inclusion of the details listed in the reports was a necessary procedure for city records. He pointed out that there was a summary on each report as well as more detail and that it was much simpler to make extra copies for general distribution than to prepare two reports. He asked if the Council did not wish the reports sent to them. No action was taken.

Item 505, Padding Press, $270, and item 505, Chain Delivery, $270, for the present multilith machine, were explained by Mr. Bird.

The suggestion that all reports be turned out on black and white was presented by Councilman Anderson.

MOTION

That this meeting be adjourned to Tuesday, June 18, 1957, at 4:00 P.M.

Moved by Merrill Seconded by Arata Unanimously carried

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. as provided by Section 2-1.02, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

Acting City Clerk Collins called the roll and there were

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

Councilman Robinson arrived at 4:05 P.M.

REPORT ON REGISTERED VOTER COUNT IN WEST GLEN ADDITION 1-10

City Manager Ross Miller reported that a count showed registered owners in the West Glen Addition, which had been annexed to the city June 17, 1955. This number multiplied by three gives a credit of 591 in population.

The Council discussed the possibility of asking for a special census count of the city. The City Manager pointed out that this matter was on the work list and the staff had been watching carefully and checking periodically. The recent special count made of school children indicated that it would not warrant the cost of a special census; the number of dwelling units counted in the land use survey again indicated that it would not pay; the population credit allowed in annexed areas is normally higher than actually exists. Balanced against this, however, he reported, is the fact that homes being developed within the city are not counted.

It was agreed by the Council that the City Manager should remove this item from the pending work list.

Further consideration of Finance Budget 1-60

Director of Finance Charles Bird answered a question on the difference between the budgeted amount for regular salaries and estimated expenditures for year 1956-57 that since the resignation of the former director, the position of Accountant III had not been filed and it would cover normal step increases for some of the personnel. The estimated cost is less than it would have been if the department had been fully staffed throughout the year, he reported. He pointed out that the expenditure on extra help would also offset this sum to a certain degree.

The City Manager stated that a report on the number of personnel in this department during the last five years was available for Council information.

POLICY ON BETTER UTILIZATION OF CITY PERSONNEL 1-62

Councilman Robinson brought up the subject of the willingness expressed in the reports and discussions by the Fire Department personnel, to do additional duties to justify shorter hours and higher pay proposed in the new budget. With the purchase of the new equipment proposed for the service section of the Finance Department, he pointed out, the work will no longer be on a deadline basis. He suggested that the City Manager should investigate the possibility of removing this equipment and the blueprinting machine to the Fire Department so that the work could be done by personnel of this department. He considered that the skill to operate the machines could be acquired by the fire personnel in approximately 30 days and the companies selling the equipment would place an instructor to train the employees. He considered that it would save the man-power in the Finance Department delegated to this work.

Mr. Bird pointed out that one position plus could be saved if the work was handled in this manner.

Councilman Arata brought up a question on messenger service between the city hall and fire station. Mr. Bird stated that due to the inventory of paper supplies and nature of the work, the ideal location was in the Finance Department. Considerable reorganization would be required if the transfer was made and until a further study was made it would be impossible to determine whether it would be the best thing to do.

Several members of the Council questioned whether there would be any gain in the transaction. Mayor Marks pointed out that if the Fire Department personnel were to be used for other duties besides fire fighting, the recommendation of the Public Administration Service should be followed---integrate, on the lower levels, at least, the Fire Department with the Police Department. He considered it more advisable to have the fire personnel in public safety operations instead of duplicating operations.

Councilman Merrill considered that the transfer of this work to the Fire Department would tend to increase the "scattering of operations throughout the city", instead of centralizing in one building as is proposed by the new city hall.

The possible savings should be investigated by Mr. Bird and a further report furnished the Council, Councilman Arata stated.

The City Manager stated that in his judgment, this fundamental sort of thing, further utilization of the firemen's on-duty time and the coordination of other activities with the Fire Department and vice versa, represents the greatest single unused opportunity to save the taxpayers money. There will be difficulties in any sort of change but the thing to do is to check each case carefully to find out what the odds are both ways. He asked for some direction from the Council as to whether or not the staff should proceed on the basis that the firemen have agreed to work with the staff in working out these problems and as a matter of policy the staff analyze these operations and bring back to the Council specific means of better utilization of this time.

Councilman Robinson commended the spirit evidenced in discussion by the Fire Department personnel.

MOTION

That it is to be the policy of this city to explore every opportunity for better utilization of the on-duty time of firemen and other departments to search out and bring reports to the Council on areas where the staff considers either the shifting of operations or coordination of any sort will mean real economy to the operation of the city without jeopardizing any of the services.

Moved by Hammond Seconded by Robinson Unanimously carried

Councilman Robinson stated that while he would like the study to be of a general nature, he would like a study made on his recommendation of turning the printing and blue printing operations over to the Fire Department.

Councilman Arata considered the study "fine and dandy, but frankly I do not think it will work".

Further discussion on items for "Conference and Travel" 2-45

Councilman Merrill noted that the total amount proposed in the budget for "Conference and Travel" was $5,500. He considered the city should be more practical in authorizing attendance by the personnel to the various conventions and the amounts to be expended since the economy of the city had changed. He recommended that the Council return to the

previous procedure where the Council, instead of the City Manager, authorized the attendance to conferences. He pointed out that he was not opposed to the departmental heads attending the conference but since the backlog of work load was so heavy, the attendance should be approved by the Council. He considered that the sum of $5,500 proposed for the attendance of 19 persons was out of proportion to the advantages gained by the city.

Councilman Arata asked that the Council clear each instance where personnel attend conference or leave the city for any period of time over 24 hours. He cited an instance where he had been embarrassed by not knowing that one of the department heads was out of town for a period of one week.

The City Manager pointed out that this covered many items for many people and that the Council controlled them through the budget. He stated that a list of each specific proposal under this item was available for use by the Council in making its decision. He pointed out that the procedure of checking again on attendance at each meeting would increase the number of items on the agenda.

Councilman Hammond contended that it was the Council's responsibility to set the policy on things of this nature and in order to set the policy, maybe for this one time, it could review each department on this particular item, and advise the City Manager which items should be considered and which deleted, and of the policy to follow and he could exercise his own good judgment to determine the meetings which should be attended by city personnel. He stated that he did not want to be "pestered" with information everytime city personnel attended a meeting.

Mayor Marks suggested that the Council discuss, as a matter of policy, the things it wished to be "cut out", or "leave in" or "add to".

Councilman Arata contended that this would not resolve his problem since he could not remember 3 months from now who would be absent from the city for a period of a week or 10 days, so that he could refer telephone calls to the various department heads.

Councilman Hammond believed that it was not the Council's responsibility, in this instance, that it was the City Manager's to answer the citizen's questions, during the absence of the personnel.

Councilman Merrill considered that it was the Council's responsibility to see that the citizens could confer with the various department heads.

The City Manager reminded the Council members of the previous Council policy---normally it is considered advisable for as many department heads, as can, to go to the League conference and to regional meetings relating to their responsibility, and if there is a meeting of a national association (i.e. Police Chiefs) inside the state. He pointed out that when the department heads attend these meetings there is always someone remaining in the department to answer citizen's questions. However, if the Council wishes to be advised each time a department head is out of town, it will be done.

Mr. Bird considered that it would not be advisable to budget funds for conferences and travel if the Council was going to prohibit the attendance of department heads to travel because it would be tieing up funds for the period of the budget which would not be useable. He recommended that these matters be cleared before the budget was adopted. He listed the conferences for which funds had been budgeted in the Finance Department, as an indication for other departmental budgets.

The City Manager pointed out that in the past all personnel appointed by the Council had cleared their absence from the city to attend conferences and vacations with the Council.

It was agreed by the Council members that as a matter of policy, if a department head is to be absent from the city for a period of time in excess of 24 hours, the members should be advised by the City Manager.

Councilman Hammond stated that he considered in looking at the relative position of the Finance Department, in relation to the total amount of the budget and the fact that the sales tax collection has been assumed by the state and the elimination of the Health Department, that one person should be dropped from the Finance Department. He suggested that this be considered after the work load problem had been resolved.

The City Manager reminded the Council that no added personnel was being requested and reported on the extra work involved in this department by annexation of areas to the city.

Councilman Hammond pointed out that the tax base of the city was not increasing in proportion to the increased costs involved in annexation. Mr. Hammond considered that the level of services to be provided by the city should be reviewed.

The problems of Council annexation policy were briefly discussed.

PERSONNEL DEPARTMENT BUDGET 3-60

The City Manager reported on the reason a portion of the salary of the Assistant City Manager had been charged to this department---that the City Manager is Director of Personnel, and he had assigned this duty to the Assistant City Manager. He commended Personnel Technician Bernice Mitchel, who was presently assuming the majority of the responsibility for the operation of the department.

Councilman Hammond considered that in relationship to the other departments and total amount of money expended by the city, the proposed budget of $20,636 for this department was high and on that basis he would recommend the deletion of the charge for one-third of the salary of the Assistant City Manager, to place the department in the proper over-head proportion. He recommended that this charge be placed in the City Manager's budget.

Councilman Robinson raised a question on the increase in budget appropriation for this department which was cleared by Mrs. Mitchel.

She gave a resume of activities of the department--clearing a large backlog of examination for personnel who had been working on provisional appointment, assembling of personnel data from all departments into a central system, 140 examinations were given during the past two years which involved considerable clerical work. She stated that the examining program counted for at least one-half of the time of the department. She considered that the interviewing of the 150 to 200 monthly applicants at the counter, which took considerable time, was a public relation matter which the Council might want to consider to determine whether a "no vacancy" sign system be used in order to save personnel time in interviewing.

235 - Services, professional and other, $3,082 Mrs. Mitchel explained the item as follows: contract with state for written examinations had been estimated at $2,150. The system used by the department for examinations was explained for Council information. As time permits, she reported, the city is developing its own examination material to cut down on this expense. She averaged the number of examinations given annually to be 70, with the cost varying on the type of examination. She pointed out that when the city gets into special examinations, the costs increase.

Mrs. Mitchel listed the alternatives available to the Council if this system was not used, as follows:

1) to employ a person full time and well qualified in testing and give him a travel budget so that he could confer with other cities, and 2) let the city's standards down. The problem of screening applicants for positions was discussed.

Councilman Hammond considered that the Council should examine the possibility of setting a level on the examinations. He thought the city was involved in procedure on the hiring of lower level employees which should be eliminated.

The City Manager stated that 1) a program was now under way for eliminating some of the paper work, 2) the new Assistant City Manager George Tomsho had had considerable experience in personnel work and 3) some system of relief for Mrs. Mitchel could be worked out so she could do more work on this program.

Mrs. Mitchel reported on the other items included in "services, professional and other"---pre-employment medical examinations for new employees, $575; custodian fee---janitor service for schools where examinations are given, $100; $250 for consultant fee for services of Elwood Ennis, of Louis Kroeger and Associates; $7.00 for photographic work.

She pointed out that no funds had been included for work load increase.

Account 230 - Advertising, legal & other, $1,000 was explained.

Mr. Miller reported on the dividends the city had received on the safety program supervised by the Personnel Department.

MOTION

That the portion of Assistant City Manager's salary charged in the Personnel Department be removed to the City Manager's budget.

Moved by Hammond Seconded by Merrill Unanimously carried

The City Manager recommended that if the Council planned to place Mrs. Mitchel in charge of this department an analysis of the salaries which are paid to people who run similar departments should be made so that Mrs. Mitchel would be paid a comparable salary.

PLANNING-ADVANCE PLANNING DIVISION 6-110 (Page 20)

The City Manager reported that the city's costs to proceed with and carry through the master plan for the calendar year 1958 would be $8,956. An agreement with the County is being prepared for execution at a later date. No questions were raised by the Council members.

PLANNING 6-120 (Page 19)

Copies of the project list for the Planning Department were distributed by the City Manager to the members for study. He pointed out that if the projects listed were to be completed, additional personnel would be needed for this department. He asked that the Council indicate the urgent items, those to be deleted, and finally those items to be completed as time was available.

Director of Planning Smeath answered a question of Councilman Hammond---how much personnel time is spent on daily routine work and how much on special projects------that approximately 30% was on daily routine work. Most of the increased funds proposed for regular salaries and wages for new personnel would be for the special projects. Some of the funds would be charged for a proposed employee who would be "working with the people" as discussed by the Council and Commission. He felt that the

Planning Department problem was much more critical this year than in any previous year.

The City Manager stated that one of the questions to be resolved related to Council policy on annexation. He pointed out that there were two special areas in the provisions of the zoning ordinance which should be given special consideration, 1) parking regulations, and 2) time limits on non-conforming uses, which start to run when the Planning Commission gives notice to the property owners. He stated that that had not yet been started.

Councilman Hammond stated that after reviewing the project list, he considered that the Council should take the responsibility and decide how fast this work should be done. In reviewing the Planning Department budget, he stated, in relation to the total budget and the part that planning plays in the scheme of the budget, his impression at the moment was that it should be left as it was last year. He stated that the program to be followed should be on the basis that as one project is completed another could be started and that a time budget be set up on the projects and the people of the community would be aware of the program. All of the projects are important and the work load of the department is heavy but on the basis of the total budget, the city can only afford to spend so much money on this department.

It was agreed by the Council that the Planning Department project list should be studied so that the critical ones could be determined.

Mr. Smeath stressed that serious consideration should be given by the city on studies of the surrounding areas since they would ultimately become a part of the city. The staff considers, he stated, that this is the No. 1 problem of the department.

The staff feels that there should be one employee in this department who could confine his time on a study on the text of the zoning ordinance to avoid the "hit and miss" type of zoning, which has been done.

A summary of the new personnel proposed in the budget was distributed by the City Manager. He pointed out that it did not include the three firemen which would be needed if the firemen's hours were shortened.

A summary of the salary recommendations which the Personnel Commission had made, was distributed.

ADJOURNMENT

MOTION

That the meeting be adjourned until Thursday, June 20, at 4:00 P.M.

Moved by Hammond Seconded by Merrill 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 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, Robinson and Mayor Marks

Absent: Councilmen: Adams, Anderson, Merrill

Councilman Merrill arrived at 4:06 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 1-10

Council members having received copies of the minutes of the Council meetings of June 3 and June 5, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM CALIFORNIA STATE AUTO ASSOCIATION RE: PEDESTRIAN PROTECTION AWARD 1-15

The letter was read and ordered filed.

LETTER FROM INTERNATIONAL ASSOCIATION CHIEFS OF POLICE RE: ACHIEVEMENT AWARD 1-25

This letter was read and ordered filed. It was agreed by the Council that a formal presentation would be made to Police Chief James Neel at a later Council meeting.

ADDITIONAL PETITION REQUEST INSTALLATION OF SWIMMING POOL IN ROOSEVELT PARK 1-27

MOTION

That this additional petition be referred to the staff to be considered with the other petitions

Moved by Hammond Seconded by Arata Unanimously carried

LETTER FROM FRANK ANDREWS RE: LIGHTING FROM HOTEL MODESTO BUILDING FOR FOURTH OF JULY CELEBRATION AND TO REMODEL FOR CITY HALL 1-36

MOTION

That the letter be tabled.

Moved by Hammond Seconded by Merrill Unanimously carried

LETTER FROM STANISLAUS COUNTY TUBERCULOSIS AND HEALTH ASSOCIATION REQUEST PERMIT LOCATE MOBILE CHEST X-RAY UNIT ON NINTH STREET 1-55

MOTION

That permit be granted to the Association to park its mobile chest x-ray unit in the first two parking spaces north of I Street on the east side of Ninth Street, between H and I Streets on Wednesday, June 26, 1957, beginning at 9:00 A.M. on the provision the Associati on

work with the Police Department and the Traffic Engineer to arrange the details.

Moved by Robinson Seconded by Hammond Unanimously carried

HOLD OVER CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATIONS 1-64

City Manager Ross Miller reported that the approving of specifications and bid call for comfort stations would be held over until the budget was approved so that the number of stations could be determined and one bid call be made and the construction made on the uniform plan approved for all the parks.

FINAL ADOPTION ORDINANCE NO. 173-C.S. PURCHASE OF PARK SITE FROM GIDDINGS BROTHERS, INC. ADJOINING JAMES MARSHALL SCHOOL ON SUTTER STREET 1-75

ORDINANCE NO. 173-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM GIDDINGS BROTHERS, INC."

introduced on June 5, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

RESOLUTION NO. 57-259

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $7,171 FROM PARKS AND RECREATION FACILITIES RESERVE TO PARKS & RECREATION LAND ACQUISITION FOR THE PURCHASE OF GIDDINGS PROPERTY

Introduced by Merrill Seconded by Hammond

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

MATTERS RELATING TO THE LEASING OF HUSBAND PROPERTY LOCATED AT 14th AND J STREETS FOR OFF-STREET PARKING LOT 1-92

City Attorney Allen Grimes presented for consideration, as directed by the Council, an agreement between the city and Richard D. Husband, et ux, for the rental of a portion of lots 1, 2, 3 and 4 of Block 106, and reviewed the provisions of the lease. He pointed out in order to have the effective date as of July 1, it would be necessary for the Council to find that an emergency existed so that the ordinance approving the lease could become effective upon introduction, as provided by the Charter. He read the declaration of emergency.

Mayor Marks announced that an emergency existed and

ORDINANCE NO. 176-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH RICHARD D. AND MURIEL C. HUSBAND RELATING TO THE RENTAL OF PROPERTY FOR OFF-STREET PARKING PURPOSES IN THE CITY OF MODESTO"

was introduced by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance adopted by

the following vote:

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

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR REMOVAL OF HUSBAND HOUSE 1-105

RESOLUTION NO. 57-260

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE REMOVAL OF DWELLING LOCATED AT 929 14TH STREET, MODESTO, CALIFORNIA

Introduced by Hammond Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

The date set for the opening of the bids was July 2, 1957, at 2:00 P.M.

The City Manager reported that an appropriation transfer would be presented at a later date for Council approval.

APPROVE APPROPRIATION TRANSFER AND PAYMENT OF DELINQUENT TAXES TO THE MODESTO IRRIGATION DISTRICT 1-110

RESOLUTION NO. 57-261

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $20 FOR THE PAYMENT OF DELINQUENT TAXES TO THE MODESTO IRRIGATION DISTRICT ON BLOCK 6066, LOT 2 ARBOR VILLA TRACT NO. 1, AND LOT "A" DUNHAM TRACT, CITY OF MODESTO

Introduced by Arata Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

APPROVE AGREEMENT WITH SOUTHERN PACIFIC COMPANY RELATING TO RELOCATION OF GRADE CROSSING PROTECTION DEVICES 1-127

RESOLUTION NO. 57-262

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY FOR THE RELOCATION OF GRADE CROSSING PROTECTION DEVICES AT H AND I STREETS, IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

REQUEST FOR DONATION FOR FOURTH OF JULY CELEBRATION AND USE OF DEL WEBB FIELD FOR FIREWORK DISPLAY 2-15

Bill Bates and Henry Zimmerman of the Fourth of July Celebration in Modesto Committee requested permission to use the Del Webb Field for fireworks display on the evening of July Fourth and that the Council give favorable consideration to its usual annual appropriation in the fiscal budget of $750 for this celebration. Mr. Bates pointed out that the lessor of the Field, the Modesto Community Athletic Association had approved the use of the field and that the City would be held harmless

from any liability.

RESOLUTION NO. 57-264

A RESOLUTION GRANTING PERMIT TO THE FOURTH OF JULY CELEBRATION IN MODESTO COMMITTEE TO DISPLAY FIREWORKS IN DEL WEBB FIELD IN THE EVENING OF JULY 4, 1957

Introduced by Arata Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

The members of the committee agreed that this permit would only be on the basis of one year trial basis until the problems could be checked out and underthe usual conditions for rental of the field.

RESOLUTION NO. 57-264

A RESOLUTION INDICATING THE INTENTION OF THE COUNCIL OF THE CITY OF MODESTO APPROPRIATE FUNDS FOR THE CELEBRATION OF THE FOURTH OF JULY IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

NOTICES OF WATER WASTE APPROVED BY COUNCIL 2-75

The three series of notices to be sent to persons wasting water in watering of yards were presented by the Director of Public Works Ray. He pointed out that this procedure would be making more formal an informal procedure followed during the past years.

MOTION

That the recommendation of the Department of Public Works on the using of the three series of notices of water waste be approved on the premise that it created good relations with the general public.

Moved by Merrill Seconded by Arata Unanimously carried

RESOLUTION PROVIDING FOR DISPOSAL OF CITY PROPERTY LOCATED ON SOUTHEAST CORNER OF MILLER AND ROWLAND AVENUES (BUTTS) 3-30

RESOLUTION NO. 57-265

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MODESTO TO SELL CERTAIN REAL PROPERTY BELONGING TO THE CITY. (SOUTHEAST CORNER OF MILLER AVENUE AND ROWLAND AVENUE)

Introduced by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

The time for the consideration of the Council of the sealed proposals was set at 4:45 P.M. July 17, 1957.

ANNEXATION OF NORTHEAST ADDITION TO THE CITY OF MODESTO 3-50

Boundaries of the Northeast Addition proposed for annexation to the city were outlined by Planning Director Smeath. The Information sheet prepared by the Department and Resolution No. 398 adopted by the Commission recommending annexation were reviewed.

Legal requirements for the annexation of inhabited territories to the city were outlined by the City Attorney. The matter before the Council for consideration at this time was whether or not to "consent to commencement of proceedings to annex the area", Mayor Marks pointed out. He stated that at a later date information should be furnished the Council relating to the cost to the city for annexation of the area.

Attorney Cleveland Stockton, representing the American Transit Mix Company, whose plant would be included in the area proposed to be annexed, asked that the Council consider the following facts which he considered were substantial enough to warrant the Council's refusal to consent to the commencement of the proposed annexation:

1. A number of the property owners in the area bounded by McHenry, Tokay, Floyd and Sunrise Avenue were opposed to annexation because of increased taxes without certain city services, sewage and water, and there were no plans for an additional fire station in this area. Problems involved in the school district for the area also exist.

2. The boundaries of areas proposed for annexation generally are uniform but this was not true of this area. One conclusion could be drawn -- the petitioners for annexation wished to be successful in their endeavor to have the property annexed. This was not a fair way to handle matters.

3. There are some serious questions as to the legality of the proposed annexation because:

   (A) While the area bounded by McHenry, Norwegian, Tokay and Sunrise is residential in nature, there are several other areas included in this annexation which are clearly distinquishable agricultural areas, while some of the other agricultural areas were excluded.

   (B) A cursory check of the records of the County Clerk indicate there are less than 12 registered voters residing in the agricultural area between McHenry and Sunrise, Tokay and Floyd Avenues and under the law is determined as an uninhabited area. The proponents of annexation have included an area which is severable and distinquishable as an agricultural area, which is uninhabited, with an area which is residential and inhabited, to annex them under the provisions of the uninhabited provisions of the government code, which is illegal.

The Director of Public Works reported that the only portion of the area which the staff was not certain of furnishing sewer service was the northern portion of the area on the east side of McHenry Avenue, south of Floyd, because no request for service has been filed and no detailed survey of this area had been made. The City Manager stated that this could be cleared out in advance before the public hearing on the proposed annexation.

Any part of the area, the Director of Public Works continued, can be serviced by city water.

The City Manager pointed out that both of the agricultural areas

included were requesting city services, one already under contract and the other to be considered later at this meeting, (parcels 17 and 18).

The City Manager reported that the installation of a fire station in this area was already approved and the money included in the budget. Bids already have been called for on the fire truck and the staff authorized to negotiate for the site, he stated... The matter of school districts, he continued, is not before the Council at this time, and it is determined separately with the school districts working it out on the best basis. The basic reason the other agricultural areas were excluded is that they are presently agricultural with no plans for any other use at this time.

Mayor Marks pointed out to Attorney Stockton that the time to bring out the protests would be when the public hearing is held before the Council on whether the area is to be annexed, at which time the final decision is made.

Attorney Stockton believed that this was the proper time to present the problem of "uninhabited and inhabited" procedure, because once the proceeding had started it would be too late for the Council to change the boundaries.

The Director of Planning reported that two areas referred to by Mr. Stockton would have been subdivided except for problems involving the Cavil Drain and the property is not now, but was formerly proposed for subdivision, as recently as 1½ years ago.

The City Manager stated that the staff had carefully checked the areas to be included before it was recommended for annexation and considered that it was a unified and related area from the city's standpoint.

RESOLUTION NO. 57-266

A RESOLUTION CONSENTING TO COMMENCEMENT OF PROCEEDINGS TO ANNEX INHABITED TERRITORY DESIGNATED AS THE NORTHEAST ADDITION TO THE CITY OF MODESTO UNDER THE ANNEXATION ACT OF 1913

Introduced by Hammond Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

CONSIDER AWARD OF BID FOR OFFICIAL ADVERTISING 6-25

A report on the three bids received for the official advertising for the fiscal year beginning July 1, was filed by the City Clerk, who pointed out that in considering all factors, the bid submitted by the Modesto Journal was the lowest bid received.

The Council discussed the problems involved in having a weekly paper as the official paper; the delay of one week for the adoption of ordinance and setting the date for public hearings, etc. The City Attorney reviewed his previous opinion that other factors could be taken in consideration in awarding the bid besides the lowest price, such as circulation, speed of publication, accuracy, etc.

Planning Director Smeath reported on the citizen complaints received by the department on the delay, coverage, and publicity afforded by a weekly paper, for zoning and matters relating to the planning department. A resolution was introduced and seconded accepting the bid of the Modesto Journal but before the vote was called a substitute resolution was introduced accepting the bid of the Modesto Bee by Councilman

Robinson who declared that after full consideration of the bids received, the bid submitted by the Modesto Bee was the lowest responsible bid in view of the amount of circulation of newspaper, the speed of the publication, and quality, fitness and capacity of the bidder to perform the work. Mayor Marks then called the vote on the substitute resolution.

RESOLUTION NO. 57-267

A RESOLUTION ACCEPTING THE BID OF THE MODESTO BEE FOR THE OFFICIAL ADVERTISING FOR THE YEAR 1957-58

Introduced by Robinson Seconded by Mayor Marks

Ayes: Robinson, Arata and Mayor Marks

Noes: Hammond and Merrill Absent: Adams and Anderson

The City Attorney pointed out that the resolution failed to carry because of the lack of four affirmative votes. Mayor Marks then called for the vote on the original resolution.

RESOLUTION NO. 57-268

A RESOLUTION ACCEPTING THE BID OF THE MODESTO JOURNAL AND VALLEY CITIZEN FOR OFFICIAL ADVERTISING FOR THE YEAR 1957-58

Introduced by Hammond Seconded by Merrill

Ayes: Hammond and Merrill

Noes: Arata, Robinson and Mayor Marks Absent: Adams and Anderson

The award of the bid was held over for a week when more Councilmen would be present. Mayor Marks asked the Planning Director and City Clerk to submit a resume of type of complaints on the publication of notices, etc.

APPROVE AGREEMENT WITH U.Z. BRANNON, ET UX ON MONTGOMERY VILLAGE NO. 1 SUBDIVISION 7-65

Sewer service to both Nos. 1 and 2 of the Montgomery Village Subdivision, was discussed by the Council and staff. The Director of Public Works reported that in the development of these two subdivisions, one by U.Z. Brannon and the other by Mr. Francek, it would be necessary to install a sub-trunk sewer 10" in diameter deep enough to get under the Cavil drain. He pointed out this line, because of this extra depth and size. These parties concerned have been informed of the Council's policy on perimeter sewers and have requested an opportunity to be heard by the Council.

U.Z. Brannon asked that the city assume one-third of the cost and the other two thirds be paid by the subdividers.

The City Manager pointed out the differences involved in this particular case and pointed out that the city would receive payment as the adjacent property developed. He asked for Council direction since there were some problems involved which were different from the established policy on perimeter sewers.

The Council considered that as a matter of equity the subdividers should be reimbursed since they were forced to install a larger sewer line than is normally required and it would serve additional areas as they were developed, and the city would ultimately be reimbursed for funds advanced.

MOTION

That the city proceed on the basis of assuming one third of the cost of the 10" sub-trunk sewer in this area, with reimbursement later to the city as the surrounding area is developed.

Moved by Robinson Seconded by Mayor Marks Unanimously carried

The City Manager pointed out that this was a special set of conditions which had required the subdividers to build a sewer which would serve other areas and this Council decision should not establish a different policy on participation of costs for other sub-trunk sewer lines.

RESOLUTION NO. 57-269

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND U.Z. BRANNON AND GENEVA BRANNON FOR THE FURNISHING OF SEWER AND WATER SERVICE IN MONTGOMERY VILLAGE NO. 1 SUBDIVISION

Introduced by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

RESOLUTION NO. 57-270

A RESOLUTION ACCEPTING GRANT OF EASEMENT FROM MERL McHENRY, ET AL, AND ALFONSE PFEIFER, ET UX FOR SEWER AND WATER FACILITIES IN MONTGOMERY VILLAGE NO. 1 SUBDIVISION

Introduced by Robinson Seconded by Hammond

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

PROCEDURE FOR CLEARING RIGHTS OF WAY FOR WIDENING OF McHENRY AVENUE APPROVED 8-60

The City Manager reported on his investigations to secure additional help for securing of rights of way for widening of McHenry Avenue. He recommended the hiring of the firm, American Right of Way and Appraisal Contractors, to do the work. He reported on the references furnished by the company, which had been checked with various cities where work had been done.

Mr. Robert A. Martin, representing the company, spoke on the various arrangements which could be made for the work and the costs involved.

Paul Hudelson and E.S. Wilbourne, members of the McHenry Avenue Improvement Committee expressed approval of this method of acquiring the rights of way. They also offered assistance to the company in securing the rights of way.

MOTION

That the staff be instructed to prepare the necessary agreement to put this program in effect, with the American Right of Way and Appraisal Contractors.

Moved by Hammond Seconded by Robinson Unanimously carried

CONSIDERATION OF SALARIES FOR CITY EMPLOYEES 9-55

The City Manager noted that the brief summary requested by the Council on the salary recommendations for 1957-58 had been distributed for study.

Councilman Hammond pointed out that there were two basic recommendations approved by the Personnel Commission for Council consideration, 1) a flat 5% increase for all employees except 25 classifications and 2) 10% and 15% increase for others. He suggested that the first recommendation be resolved before consideration was given to the second recommendation.

Mayor Marks recommended that in considering the 5% increase that both the appointed and classified employees be included.

City Manager recommended that, as previously explained to the Council, the one exception to this would be the salary of the Director of Finance which should be reduced relatively to be more in line with other department heads.

MOTION

That the staff be authorized to prepare the necessary papers to provide a 5% increase for both the classified and appointed city personnel, with the exception of the Director of Finance, as of July 1, 1957.

Moved by Hammond Seconded by Merrill Unanimously carried

The Council members commended Mr. Bird on his work and made it clear that the change in salary range was no discredit to his work but was being done to place the salary in line with the other department heads.

Elwood Ennis, representing Louis J. Kroeger and Associates, reported on the positions which had been recommended by the Commission and staff for more than 5% increase in the salary schedule for 1957-58.

Bob Carter, member of the Personnel Commission stated that the Commission, after numerous meetings and a thorough consideration of all problems, recommended the salary adjustments as proposed in the reports.

The City Manager reported that through error the traffic painter had been placed in range 13 instead of range 14, and the sewage plant superintendent in range 20 instead of range 21 and that the duties of these two personnel warranted the change in range. He pointed out that an adjustment of ranges for certain planning positions might need to be considered later on.

Councilman Hammond commented that the Council was recognizing the need for additional increased salaries for the various classes recommended by the Commission and staff but also recognized the "difficulty of scraping the money together to pay them".

Councilman Arata pointed out that "the employees were not overpaid but the economy picture has changed".

Mr. Carter pointed out that the city had a special problem since the surveys fairly show that the city has actually been and is, relatively speaking, from 5 to 10% low in salaries for comparable position in various cities. This year there is one other factor to be considered, there has been a substantial increase in the cost of living.

MOTION

That the staff be instructed to prepare the necessary papers to

provide for an additional 5% increase for the 25 classes listed in the City Manager's report and the sewage plant superintendent and traffic painter (section 1a in report)

Moved by Hammond Seconded by Robinson Unanimously carried

MOTION

That item 1B (15% increase for 3 police classes) of the City Manager's report be included in item 1A.

Moved by Hammond Seconded by Robinson Unanimously carried

MOTION

That the hours for the fire department personnel remain as is until such time as the analysis is made of the department to determine what other activities it could assume and when the report is presented to the Council the matter of reducing hours be reopened for discussion.

Moved by Hammond Seconded by Merrill

Mayor Marks announced that the motion carried.

Councilman Robinson commented that it would probably be a number of months before this report could be submitted. The City Manager reported that as soon as the new Assistant City Manager reported for duty on July 1, he would be assigned the job of assembling the report.

Councilman Arata considered that the hours should be reduced at this time instead of holding it off for the report.

Item III - Group Insurance which provided for city participation per employee of $4 per month was discussed.

Points of view expressed on the proposal were as follows:

1- Mayor Marks - the employee should have the opportunity to handle his own problem on this one since some employees would object to being included in a group insurance plan.

2- Councilman Robinson - the fact that the fringe benefits to the employee are presently costing the city 17.58% of the payroll should be noted.

The City Manager considered that this matter warranted a further discussion, the factors to be considered are 1) the employees can not continue the present health plan which is being discontinued, and 2) a thorough analysis was made by the employees of the new type proposed. He considered that it would be to the city's interest to share the cost on some basis, as it would be part of the compensation and an incentive to come to work for the city and to stay with the city; and if the city did participate the participation by employees would be practically unanimous.

3- Councilman Merrill contended that insurance would not be a factor in retaining employees.

Mrs. Mitchel pointed out the advantage in recruiting employees and membership of employees in a group plan if city participation was furnished. City participation insures a broad basis of experience which will automatically keep the rates lower.

The City Manager urged the Council to consider sharing the costs

on some other basis if theproposed $4.00 cost was not satisfactory.

MOTION

That the matter be tabled until the Council has a complete analysis of the fringe benefits and that the employees have a representative to speak on the insurance plan.

Moved by Hammond Seconded by Arata Unanimously carried

MOTION

That item 4 of the City Manager's report relating to Suggestion plan and service award pins be approved.

Moved by Hammond Seconded by Robinson Unanimously carried

CONSIDER CITY HALL MATTER 15-15

MOTION

That with the facts available on the former Hotel Modesto building the staff be instructed to proceed at the earliest possible moment with whatever is necessary to get a new city hall built and the old building demolished.

Moved by Mayor Marks Seconded by Robinson

After Councilmen Merrill and Arata voted "no" on the motion Mayor Marks declared that the motion carried.

Councilman Merrill stated he had voted "no" because of his original stand opposing the demolishing of the building.

Councilman Arata's reason for voting "no" was he had asked for additional reports which had not been made. However, he continued, in order for the city to start building the Council should make the vote unanimous because a bond issue would have to be floated and if the members are not all in accord it would be "rough", to get the program over.

Mayor Marks asked for a roll call on the previous motion.

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

CHANGE NAME OF CARLA AVENUE BETWEEN COLLEGE AND MILLS AVENUE TO CECIL WAY 15-40

Resolution No. 399 adopted by the Commission on June 11 recommending the changing of the name of that portion of Carla Avenue between College Avenue and Mills be changed to Cecil Way, was noted by the Council.

RESOLUTION NO. 57-271

A RESOLUTION CHANGING THE STREET NAME OF CARLA AVENUE BETWEEN COLLEGE AND MILLS AVENUE TO "CECIL WAY" IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

PRESENTATION OF "METROPOLITAN PATTERNS 1981" 15-45

Copies of the Advance Planning Department Report "Metropolitan Patterns 1981?"were distributed by the City Manager for Council study.

GRANT SEWER SERVICE AT SCENIC DRIVE AND COFFEE ROAD 15-50

The City Manager reported that a request for sewer service at Scenic Drive and Coffee Road had been filed which could be served by existing facilities and that the area had agreed to annex to the city, and reviewed a report and recommendation by the Director of Public Works.

MOTION

That the staff proceed in accordance with the recommendation.

Moved by Robinson Seconded by Arata Unanimously carried

FURTHER DISCUSSION ON BOND ISSUE FOR BUILDING OF CITY HALL 15-57

Mayor Marks recommended that any bond issue floated for the construction of a new city hall be on the basis that a portion of the income derived from the ½¢ sales tax, earmarked for capital improvements, be pledged to retire the bonds so that it will not necessitate any increase in taxes. He suggested that this be brought before the public continuously so that it is a well known fact.

APPROVING AGREEMENTS FOR PLANTING OF STREET TREES 15-60

RESOLUTION NO. 57-272

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WORKMON DEVELOPMENT COMPANY FOR PLANTING OF STREET TREES IN McHENRY VILLAGE SUBDIVISION NO. 2

Introduced by Robinson Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

RESOLUTION NO. 57-273

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND H. RUSSELL BRIGGS AND ROSE A. CHAPMAN FOR PLANTING OF STREET TREES IN LA-VILLA ROSE SUBDIVISION

Introduced by Arata Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

ORDINANCE AMENDING THE PLUMBING REGULATIONS 15-65

ORDINANCE NO. 177-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 9-2.01, 9-2.03, 9-2.04, 9-2.08, 9-2.09, 9-2.20 and 9-2.21 of CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 9-2.04.1 and 9-2.12.1 THERETO, RELATING TO THE PLUMBING REGULATIONS

Introduced by Hammond Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

Director of Public Works Ray made a statement on behalf of John Rollins, representing the Associated Plumbing Contractors that both

George Hansen and he were in complete accord with the recommendations as proposed for the uniform plumbing code.

CORRECTION ON REPORT ON COSTS OF WATER INSTALLATION 15-75

A report was submitted on a minor error which had been made in the Department of Public Works' report on the cost of water main installations in Gregory Gardens Subdivision #2.

REPORT ON INDUSTRIAL TOUR 15-80

Mayor Marks reported that members of the Council had toured the Barium Products Ltd. plant today with Mr. Pederson, Industrial Director.

ADJOURNMENT

Motion

That the meeting now in session be adjourned.

Moved by Arata Seconded by Hammond Unanimously carried

The meeting was adjourned at 7:40 P.M.

ATTEST: REX E. GAILFUS, CITY CLERK

The adjourned special session of the Council of the City of Modesto held on Tuesday, June 18, 1957 was reopened at 4:00 P.M., this date, as provided by Section 2-1.02, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, to further consider the proposed budget for the fiscal year 1957-58, Mayor Marks presiding.

Acting City Clerk Collins called the roll and there were

Present: Arata, Hammond, Merrill, Robinson, Mayor Marks
Absent: Adams, Anderson

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Mayor Marks reviewed the previous discussion on this department's budget -- that the best way to determine the question of additional personnel for this department was for the Council to decide on the project work load.

The City Manager asked that the work load be considered on the basis of what should be done and what should be deferred.

Proposed Budget Report to City Manager and Planning Commission from Planning Director, May 17, 1957 - Planning Department - Project List

a copy of which is on file with the records of this meeting, was the subject of Council and staff discussion at this time. The City Manager noted the "urgent" "necessary now" and "deferrable" projects on page 1 of the report, related to annexation and spoke briefly on the necessity, citizen interest, urgency and possibility of deferring the various items listed. He suggested that the annexation of the North Crows Landing Road Area (J) be removed from the urgent list and placed in different classification.

Planning Director Smeath believed that the problems in this particular area would continue to increase to such a degree that early annexation was desirable. He listed these as the freeway which is to be located in this general area, 12% of all traffic accidents at the present time in Stanislaus County occur on Crows Landing Road, and other problems. The question is -- does the city wish to take an interest in this area at this time since it will eventually be a part of the city.

The City Manager considered that from a standpoint of annexation that this particular area was less urgent than some of the other areas under consideration.

Neighborhood studies 1-86

The City Manager reported that the staff was working on a number of the neighborhood areas but considerable more work remained to be done.

Street Studies: Closings, widening, relocation 1-87

The City Manager pointed out that Haddon, Covena, and Rosemary Lane were all active and should be cleared.

Zoning

The City Manager listed the special types of studies which should be made, on zoning where problems existed, industrial zones (no place in the zoning for a sausage factory, since there is no M-2 zone, was cited as an example), Non-Conforming provisions, the Commission has not set the time for the start of the eventual elimination of the non-conforming uses.

The time involved in amending the zoning ordinance which would have permitted the applicant to operate a sausage factory in the city was discussed. Under the present regulations and time schedules for amending this ordinance, the City Manager pointed out, it would be approximately 10 weeks before permission could have been approved. The study proposed will provide the means for revamping the ordinance to take care of similar cases.

Planned Community areas 1-120

The City Manager stated this is the kind of procedure the city has been trying to do in some of the sections being developed.

Flood Plain Zoning

The County has done some substantial work on this, he reported, and is included in the City ordinance but has never been defined as to what area it covers.

Airport Zoning

This is extremely important, the City Manager stated, some work has been done on it already by the city and county but it still hasn't been "pinned down".

Off Street Parking 1-126

Mr. Smeath stated that the provisions were written in the ordinance. The Traffic Engineer and Planning staff had worked out approximately 20 changes in the ordinance which are considered desirable, to make more fair and equitable the provisions for parking. He pointed out that the McHenry Avenue widening project presented additional off street parking problems which would be urgent.

B. Study of Revision of Map 2-15

The most important area to be considered is the area between the tracks and the freeway, the City Manager stated, but there were other instances also. Mr. Smeath reported on the progress being made by the Commission on permitting professional offices in the R-3 zone, after the granting of a conditional use permit by the Board of Zoning Adjustment, as requested by the Council.

C. Study of Miscellaneous Changes 2-26

About 20 changes are now before the Commission and there are over 100 changes which the staff is trying to complete.

SPECIAL PROJECTS 2-29

A. Removal of Tidewater Southern tracks from Ninth Street.

The City Manager stated some special help will be needed to resolve this matter.

Councilman Hammond considered that the city had more important matters to consider.

The City Manager answered a question of Councilman Arata on the subject -- that in the long run it will be done and the city should be doing what it could. The staff has done what it can but special help, who really knows the problems and how to resolve them, is needed to push the project forward. This project should be tied in with the master plan for streets.

Mr. Smeath reported that the staff considered that it was essential to designate a specific location for the railroad to relocate its tracks, which might be with, or adjacent to the S.P. tracks. This requires a study to determine the number of buildings to be removed, what street width would be left, etc. This portion could be done by the staff if help is made available and provided there is also someone who knows technical railroad problems.

Councilman Merrill stated that he disapproved of the tracks being on Ninth Street but when the city embarked on this project it should be recognized that it will be a long, drawn-out affair, similar to the case of the City of Fresno where many years and large costs were involved. The City of Modesto has more pressing and important projects but he recommended that the staff keep "on top of it", but not to "bend ourselves over backwards" by expending the staff's time but to "keep abreast of what is going on". The City Manager stated that there wasn't anything to keep abreast of unless we were working at it, otherwise nothing would happen.

Mr. Smeath commented that the Council was working with the Division of Highways on the problem of getting a grade separation over the tracks and knowing whether the Tidewater tracks are going to stay on Ninth Street is important. If a determination could be made to this question prior to that decision, even though the actual relocation of the Tidewater tracks would have to be delayed, it would make a large difference in costs and designing. When a building is destroyed, as in the case of the J.S. West Building, in this general location, the question is should it be rebuilt in the same location. If the Tidewater tracks should be adjacent to the S.P. Co., and the plans are known, then the merchants are aware of what should be done on new structures. He pointed out that what happens to the Tidewater tracks and the M.I.D. canals is basic to what kind of physical plan this community has.

B. Study of use of M.I.D. Lateral in Highway and Street System 2-87

The City Manager considered that it would be a grave error if the city did not resolve concurrently with the development of the master plan for this area, what should be done about the use of the canal routes and where the Tidewater tracks should be relocated.

F. Street studies -- 4 projects on future street and highway needs 2-95

The City Manager reported that the staff was now working actively on three different areas of street planning, 1- general street plan; 2- working with the state on the development of a long range plan for the future freeway and express way pattern in the city; 3- report to state and federal authorities on the future street needs. The staff feels, that as it moves ahead with the master plans for streets and community development, etc., if it was possible to say, this is the logical place for the Tidewater tracks even if it takes 10 years, then plans could be made on this premise and the same with the canals.

Councilman Robinson pointed out that the planning staff was so bogged down with the day to day detail work that it was impossible to get at these types of projects. Mr. Smeath reported on plans for cutting down of detail work. He contended that the detail was not excessive but it was a matter of not having enough employees in the department to do the detail work plus the other projects.

Councilman Robinson asked Mr. Smeath if the additional help requested, Senior Planner, Associate Planner and half time typist clerk, was approved, whether substantial progress could be made on the project list.

Mr. Smeath stated that the majority of the projects listed in the

report could be completed, while others could not be cleared. He discussed the question of whether any of the projects could be handled by the Advance Planning staff and pointed out that the federal funds limited the matters which could be handled by this department.

The Council discussed the question of the amount estimated for this fiscal year remianing in the general reserve as compared to the 1956-57 budget as it related to salary increases, employment of new personnel, and revenues.

The City Manager considered that the question to be resolved by the Council on the budget of this department was -- is substantial progress to be made on the items enumerated in the project list. If the Council wants to work along with the present help, it can be done.

Councilman Merrill considered that the city should "drag along with the same personnel".

Mr. Smeath stated that it was even very difficult to do a good job on the present program with the present insufficient staff. Some of the things being done at present will have to be cut down. The staff cannot continue to handle the Planning Commission, Board of Zoning Adjustment and all other activities with the present staff.

This was briefly discussed by some of the members. Councilman Hammond commented that in analyzing the amount of money being spent on planning in relation to the total amount of the budget, too much money is being spent. He suggested that an analysis of the work load of the present staff be made for the Council so that a time schedule could be worked out on the various projects and after study is presented and the Council considers that things should be moved along a little faster, additional help could be considered.

The City Manager stated this information is on the list under consideration and asked the Council to go down the list of pending projects and designate the items to be deleted in this year's work load.

Mayor Marks considered that it would be to the advantage of the city to cut down any other department except planning. Many of the projects listed have been under consideration for six years and most have been "conversation instead of cash". He pointed out that opponents to the Tidewater tracks on Ninth Street would be returning again to the Council with their requests. He questioned whether some of the projects should be "farmed out". Councilman Merrill concurred in this suggestion that the staff should not spend too much time on this particular one but to keep abreast of the project. Mayor Marks noted that 20 man days would be saved.

The City Manager suggested that if this was the general opinion of the Council that the city might as well start collecting franchise money from the Tidewater Southern Railway.

A motion was introduced by Councilman Merrill, seconded by Councilman Hammond to remove this item from the work list, but no vote called as the Council wished to consider other items also.

Councilman Hammond considered that it would be good business for the city to drop the project as far as staff work was concerned and when someone with special experience in this field is found, the Council can consider hiring them. He contended that the Council should designate the projects to be worked on by the Planning Department, set the time they could be accomplished, get those out of the way and move into the next bunch of projects rather than try to do so many at once.

The City Manager asked for an expression from the Council on the projects they considered most important.

He pointed out that

Item L- Tidewater Southern Industrial Area should be project No. 1, at this point.

Mr. Smeath stated another important matter to place high on the priority list was -- how the land between the railroad and freeway was to be used.

The total number of man days for the "urgent" projects was estimated to be 536. Councilman Hammond recommended the city slow down on annexation. He noted that items A through F, page 1, the city had already started some activity but from item G through M no activity had been started and recommended that they be tabled until the items through F had been completed, a total of 59 man days required to complete.

Neighborhood studies Could be done in two years, the Council contended, and it was agreed that it be cut down to 25 man days for this year. Mr. Smeath outlined the proposed program which would have required 125 man days.

Street studies: 4-105

Councilman Hammond suggested that this be shifted over to the traffic department. Mr. Smeath pointed out they were planning problems instead of traffic problems. The Council agreed that items A through D page 2 should be considered as urgent since work had already been started on the four streets, and the number of man days was reduced to 17 days.

Summary for zoning, pages 3 and 4

The total number of man days of 240 shown in the report was reduced to 120 by the Council. Mr. Smeath reported that the preliminary master plan for this area would be out October 15, 1957, which would show land use but did not relate to present zoning except as it indicates future land use. Mr. Smeath considered that the staff spent 30% of its time on day by day discussions with people, department head conferences, answering telephones, correspondence; 20% of the time in meetings and the preparation for these meetings of the Commission, Board and Zoning Adjustment, Council, etc. The equivalent of the entire staff, he reported, spends 50% of its time in the above day by day duties. The other 50% is spent in special projects, long term studies, capital improvement program, working with subdivisions, making of reports, research which goes into the reports, attempt to write zoning revisions and maps for special projects. Councilman Hammond recommended that in the study of revision of the text of the zoning ordinance consideration should first be given to items 1. industrial zones, 2. commercial zones and 3. nonconforming provisions. When these are brought up to a reasonable standard, consideration be given to the other items. He considered that the Traffic Department should take over the problem of off-street parking (7).

The Council members discussed the responsibility of the city in relation to airport zoning.

Mr. Smeath answered a question of Councilman Hammond on the approximate time involved on solving the nonconforming provisions of the zoning ordinance -- the main thing was not a big work job but getting an understanding and a policy on what the Commission and Council thinks is desirable.

Special projects E- page 4, Preparation of maps for church locations, home occupation location, conditional use, etc. 5-75

Councilman Hammond considered this to be an important item.

F- Street studies, 4 projects on future street and highway needs

Mr. Smeath considered this item important. The City Manager pointed out the city was committed to this project already.

C- Corporation Yard expansion.

The Council suggested this could be handled by the Public Works Department. Mr. Smeath outlined the problem involved which automatically should be handled by the planning department. The City Manager stated the staff should know within the year whether the present location was to be the permanent location, since buildings were being proposed in the budget and they would be of a different type if this was to be the permanent location. A little time spent on this project, as the staff has the time would possibly save the city considerable funds.

D- Police Building space needs 6-15

Mayor Marks considered this to be of great importance. Councilman Hammond stated the Council should make a decision on whether the Police Department would be included in the city hall before this was considered.

The City Manager expressed his belief that the department should not be combined with the city hall. It was agreed that this matter be placed on the Council agenda at an early date.

F- Street studies

Councilman Hammond considered the planning department should spend 5 man days on this project which should be referred to the Traffic Engineer.

J- Set back ordinance 6-56

The City Manager reported on the joint consideration by both the city and county. Councilman Hammond considered that items K through L (Page 5) should be finished since work had already been started on these projects.

Mayor Marks recommended that the Planning Department avail itself of the services of the Planning Department of the Southern Pacific Company on the study of the land between the freeway and railroad.

G- Census Tract Study (Page 5) 6-92

The City Manager pointed out that the 1960 census was less than 3 years away and if the city is to have the kind of census tract set up which will give the city the maximum use from the data, it should be completed by sometime in 1959, the exact date is not available at this time. If the city is interested it should be started this year as it is a long process to clear the census tracts.

Councilman Hammond considered that it was not important to get at this project at this time but that it might be considered later in the year.

Mayor Marks pointed out if this became urgent the work could be delegated to an outside agency to get the data.

P- Urban renewal program 7-15

Mr. Smeath asked for Council guidance on the time to be spent on this project. Mayor Marks commented that this would be one long range project which could be turned over to the Chamber of Commerce.

R- Zoning booklet, W- parking booklet, X- Booklet on procedures (Page 5) 7-20

The City Manager suggested that these booklets be finished in some form to save employee time in explanation of municipal code provisions. Mr. Smeath stated that the zoning booklet should not be prepared unless the staff had the time to work on the ordinance to make certain changes.

The savings in personnel time in explaining code regulations to the general public was discussed as it related to the savings of time if these booklets were available for distribution.

MOTION

That the Planning staff remain at its present status, on the basis of these Council recommended studies and if later on in the year if the degree of emergency should exist then it be reconsidered by the Council.

Moved by Hammond Seconded by Merrill

At the request of Councilman Robinson for clarification Planning Director Smeath pointed out that the project list included items which could not be cleared by the present staff due to the lack of time available, as 50% of the time is spent on current day by day work projects and meetings, and a considerable remainder of time goes for other jobs which arise and are not listed in the project list.

He stated that the present staff could not do all the work outlined by the Council during the year.

Mayor Marks offered a compromise suggestion -- the Council has asked the department to take care of approximately three-eights of the man days required on the project list and it seemed reasonable to give the department additional personnel to take care of this percentage. He suggested approval of the employment of the Senior Planner only.

Councilman Robinson offered a substitute motion

That approval be given to the hiring of additional help in this department equivalent to the 3/8th man days of the projects as initially proposed, and that the Planning Director be given the opportunity to work out the number and type of personnel.

Moved by Robinson Seconded by Mayor Marks

Mayor Marks called for the vote on the substitute motion first and declared that the motion failed to carry.

Mayor Marks called for the vote on the original motion and declared that the motion carried and the staff remained at its present status.

Councilman Arata reminded the Council that if there were urgent matters which could not be handled by the staff the Council should reconsider the matter on hiring extra help.

Councilman Hammond pointed out that the Council had assumed the burden for the work not getting done that should be done.

The City Manager asked if it was the Council's position that there

would be no provision made for the items relating to the removal of the Tidewater tracks and study of use of M.I.D. laterals, as far as special consulting services were concerned. It was agreed by the Council that this was the conclusion. Councilman Hammond considered that the Council could give further consideration to matters in this department during the year if it was warranted, due to changed situations.

The City Manager pointed out that some of the items shown in the Capital Outlay section would not be needed now since the additional personnel had been deleted. He stated that a revised budget of this department would be presented at a later meeting showing the deletions which had been approved by the Council at this meeting.

The City Manager reported that a proposal would be presented later on the leasing of a building close to the city hall to house a portion of the city staff during the interim period until the new city hall is completed.

Mayor Marks summed up the policy made on this department's budget by saying that if there is any special project presented during the fiscal year that the Council will consider it and funds from the General Reserve could be used.

Director of Planning Smeath stated that the staff would do the very best job it could.

Mr. Bird pointed out that the budget proposed for the replacement of the Planning Technician position with an Engineering Aide position and asked for Council clearance. The proposal for shift of personnel was to be worked out by the staff later, it was agreed by the Council.

Adjournment

MOTION

That the meeting be adjourned until Tuesday, June 25 at 4:00 P.M.

Moved by Hammond Seconded by Arata Unanimously carried

ATTEST: Anne M. Collins, Acting City Clerk

The special meeting of the Council which had been adjourned on June 20 to this date at 4:00 P.M. was reopened, as provided by Section 2-1.02, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, to further consider the proposed budget for the fiscal year 1957-58, Mayor Marks presiding.

Acting City Clerk Collins called the roll and there were

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

PROGRESS REPORT ON STUDY BEING MADE BY REMINGTON-RAND CO.

Prior to the commencement of the Council meeting a brief progress report was made by Margaret Bennett, representative of Remington-Rand Company on the investigation of the records in the Clerk's, Personnel, Finance, as it applied to personnel records, and the City Manager's departments, to make recommendations to the Council on changes to be made in filing records, indexing, etc., which would save time and money.

She pointed out that the study was not on procedures and paper flow but primarily a record keeping study. A study could be made by the company on this aspect of the city office, she stated, but it would be approached from a different standpoint. She reported on some of the recommendations she was proposing for the transferring of personnel records from the Clerk's and Finance Departments to the Personnel office.

Councilman Hammond suggested that a study of procedure and handling of records should be considered jointly.

City Manager Miller reported that it was proposed that the new Assistant City Manager would be spending sometime on the study of procedure. He stated that as soon as Mrs. Bennett's report was ready it would be submitted to the Council for consideration and if the additional report on procedures was desired, it could be considered at that time. Mrs. Bennett pointed out that the city would not have lost any time or costs by having had the present studies done.

PLANNING DEPARTMENT

Copies of the revised budget, taking into account the changes made by the Council at the meeting of July 20, were distributed by the City Manager.

MOTION

That the revised Planning Department budget, including the items for capital outlay, be approved.

Moved by Hammond Seconded by Arata Unanimously carried.

FINANCE DEPARTMENT

The City Manager stated that if it were agreeable to the Council he would proceed with the proposed reorganization within this department. No Council objections were offered to this proposal.

DISCUSSION ON NEW 18 HOLE GOLF COURSE (CAPITAL IMPROVEMENT SECTION OF BUDGET 2-52

The City Manager briefed the report sent to him by the Director of Parks and Recreation, dated June 19, 1957, Progress Report on Development of Dryden Park Municipal Golf Course, a copy of which is

on file with the records of this meeting. He stated that operations performed at the site by city crews totaled $3,112.54; donated equipment and fuel for the rough grading operations, $9,943.05; expenditures from advance green fees $1500; and actual and anticipated expenditures by the city not including purchases of land $8,112.54. He estimated the value of the work already done at the course to be $30,000. He reported that the watering plan had been completed by Golf Course Architect William Bell. Studies made on the possibility of using plastic pipe have resulted in the conclusion that it should not be used, he stated.

Report prepared by William Bell, Golf Course Architect and Lloyd T. Lowrey, Director of Parks and Recreation, dated June 25, 1957, "CITY OF MODESTO TENTATIVE COST ESTIMATE, 18 HOLE GOLF COURSE" 2-85

A copy of this report is on file with the records of this meeting. A discussion was held on -- what might logically be included in the 1957-58 budget for the Dryden Park Municipal Golf course. The report indicated that the cost for completing the course, without the water supply would be approximately $137,300; main water supply system, $14,800; and water supply to clubhouse, fire and domestic, $5,300; making a total of $157,400. (This did not include a clubhouse.) He pointed out that this could be reduced by volunteer labor, equipment, etc.

Mr. Lowrey pointed out in line of proceeding that there was still some rough grading to be completed, putting sufficient dirt into existing tees and green location, would be the first item; the complete irrigation system would be the second item in line; preparation of seed bed and finish grading would be next and several other items could be grouped into one item, and sand for sand traps could come as a final item. Trees should be planted at the same time as the grass.

The question was raised by the Council on logical portions of the entire project which could be considered separately in this years budget.

Mr. Bell stated that before the irrigation system could be installed, the rough grading of the green should be completed to avoid ripping out the pipes (estimated at $6,000) and the irrigation system of $82,000, approximately $25,000 of this sum would be for labor, and the balance for pipe.

The City Manager stated that one suggestion discussed was the possibility that the city might complete nine holes, but this was not recommended.

Mr. Bell pointed out that with two nine hole courses, neither would operate at a profit or break even, and the maintenance of the second course would be a problem, which would be of considerable cost. He estimated the time for seeding of the course, after grading, to be six weeks, with three to five months before the lawn would be ready for use, depending upon the season.

Mayor Marks considered that the controlling of two 9 hole courses would also be an item to consider. He considered that from the standpoint of basic economics of the community, it would be best to proceed as rapidly as possible, fitting the rapidity into the city's financial framework, on the entire 18 hole course.

Mr. Bell recommended that the city consider completing the irrigation system first. He pointed out that it would be possible to call for separate contracts on the water mains and the water laterals.

Mr. Lowrey answered a question of Mayor Marks -- that $7100 was included in the golf course capital outlay budget for the replacement of a portion of 6" mains at the present golf course. The present

water system at the 9 hole golf course would be more suitable for park purposes than golf course purposes because of it being smaller lines.

The City Manager stated that 1) in laying the pipe in the 18 hole golf course it would be necessary to have water available for testing; 2) in the Dryden agreement, the city has agreed to construct a fence between the course and the Dryden property. This should come high on the list, if it would assist Mr. Dryden, and will be checked out further, he stated.

Mr. Dryden has also raised with the city, the possibility that the clubhouse might be at a different location and that the whole arrangement of the course might be changed somewhat. Mr. Dryden has a house and feed storage building located at the end of Colorado Avenue which might be used, and has asked the city to check out the possibility that this might be the best location for the clubhouse. Mr. Bell considers, the City Manager reported, that the present proposed location for the clubhouse would be the best and if it were changed that the whole plans would have to be rearranged.

The Council indicated that the location of the clubhouse proposed by Mr. Bell would be ideal since it would be close to the ball park and the parking area could be used by the golfers, and also close to the proposed driving range.

The City Manager pointed out that most of the city's expenditure had been for the acquiring of land and more would have to be acquired when the city's option on the Durand property would be exercised, prior to December, 1958.

Mr. Lowrey pointed out that the sum of $3800 shown in the report for, power line to pump, is for an underground line. If this line was constructed overhead, a large amount could be done by the Modesto Irrigation District. Also if this sum is to be expended an additional possibility would be to develop another well closer to the power source. The Council generally agreed that there would be satisfaction if the power line was developed overhead.

Lester Barrett filed petitions with the City Clerk which had been circulated by members of the Modesto Golf Club urging the Council to include in the 57-58 budget sufficient funds to finance the cost of the purchase and installation of the sprinkling system required for the development of the 18 hole golf course. He considered that some of the members would offer their free service in installing some of the pipe.

Councilman Hammond suggested that the golfers be prepared to discuss the extent of free labor which they would furnish at the time the capital improvement program was considered by the Council. The Clerk was ordered to notify the golfers of the time this program was to be discussed so they could be represented.

Mr. Barrett asked the Council if sufficient funds could be appropriated this year to complete 9 holes and a clubhouse.

This was generally discussed by the Council and the following points were brought out:

1- That the present plans for the course called for the construction of the clubhouse after the entire 18 holes were developed;

2- That the development of the course on a nine hole basis would not be good economics as far as installing the irrigation system;

Mr. Barett expressed his confidence in the ability of the

Council to work out some satisfactory program on the development of the new golf course.

E.R. Curran, 415 Tuolumne Blvd., pointed out that funds allocated by the Council for the golf course was really "buying recreation". Since the annual revenue from the present golf course has practically paid all the operating expenses, he contended, that the Council would be really buying "cheap recreation", if funds could be allocated for the development of the new course.

Mayor Marks pointed out that this would be taken into consideration at the time the capital improvement fund allocation was determined by the Council at a later meeting. He stated that the offer of free labor by the golfers would also be an item which would be taken into consideration at this time.

Mr. Curran indicated that the members of the Golf Club were making arrangements to furnish not only labor but equipment as well. He considered that another consideration for the Council to bear in mind would be the advantages afforded for recreation if the present golf course could be abandoned for a recreational park area.

The City Manager pointed out that any implication that the city wasn't doing anything on the program for the development of the new golf course was not true -- that funds provided for the purchase of land, as the city has done, were just as important as donating funds for the actual funds for development of the course itself. He asked that it be made clear that "the city has been stretching itself" to get the new course, The City has already "laid out a lot of cash on this golf course and will have to lay out a lot more before it is completed". It has been put ahead of a number of projects which have been planned for many years prior to the new course. This has been done, he pointed out because a portion of the land was donated and free labor and equipment was also donated. He pointed out that the funds allocated for this particular project was for golfers only, while funds allocated for general parks was for the general public, that projects such as the swimming pool at Downey High School permitted hundreds of children to learn to swim.

Mayor Marks assured the golf club representatives that the Council would proceed on the development of the new course as rapidly as possible, "fitting the rapidity within the economic framework of the community".

Page 29 - Parks & Recreation - parks 5-90

Mayor Marks asked if the infestation of the Modesto Ash trees would ultimately be controlled.

Mr. Lowrey reported that at the present time, the staff was not too encouraged. A representative from the U.C. Agricultural Extension recently visited Modesto to study the city's procedures in controlling the infestation, and agrees that it had been in order. Mr. Lowrey stated that funds were being included in the budget to provide for two instead of one spraying to control the fungus disease. He stated that it was not harmful to the extent that the trees would be killed. He reported that the same treatment in different areas of the city resulted in good control in certain areas and none in others.

Mr. Lowrey reported on the changes proposed in the present personnel, the addition of two additional maintenance men and the elimination of one leadman position to be replaced by one foreman position which would release the present foreman for the tree program only, which is one-half of the park budget.

He reported on the programs which the department had not been able to carry out because of the lack of personnel -- proper care for approximately 30 small park areas and traffic islands and a program for the removal of suckers on trees and removal of weeds by property owners in the downtown areas.

To a question from the Council he noted that item 235, services, professional and others, $3,663 would provide for the assistance in the precise development of plans laid out by him.

No other comments were made by the Council on this budget.

Page 30, Modesto Community Service Center 6-35

Councilman Hammond's only concern on this center was that it ultimately be self-liquidating.

The City Manager pointed out that this policy had been established.

No further questions were raised on this budget.

Page 31 - Golf Course

Mr. Lowrey reported that due to weather conditions, it had been impossible to replace the pipe in the present golf course this fiscal year although $7100 had been allocated in the Capital Improvement Fund for the purpose.

Councilman Hammond questioned the use of capital improvement funds for this purpose since it was an operating expense, even though it was major repairs, and considered the item should show in the departmental budget as a "capital outlay" item.

The City Manager pointed out that by definition in the ordinance, it could be considered as a capital improvement item but it would be up to the Council to establish the policy.

502 - 500' chain link fence (Capital Outlay) $1,000

Replacement of an existing fence between the parking area and the golf course, was cleared.

Discussion on green fees

A suggestion that the green fee of 50¢ for week days be increased was generally discussed by the staff and Council but no action recommended.

Mr. Lowrey was to check with Andy Silva to determine the percentage of the income from the course which related to the 50¢ green fee.

Page 27, Recreation Division, 7-92

503 - Public Address System $181 -- Mr. Lowrey reported that this was part of a program for replacing a present obsolete system, and that with the addition of a new school a new system was needed.

315 - Vocational and recreational supply $4717 -- Mr. Lowrey reported was for supplies for all of the programs, crafts, balls, bats, tennis balls, etc.

A question raised on the revenue derived from the adult recreation programs and contributions by other governmental units was cleared.

210 - Utilities, swimming pool. Mr. Lowrey recommended that the sum of $150 proposed should be increased by $71.00, making a total of $221.00, to take care of the operation of the Downey Swimming Pool which had been omitted in error. It was agreed to consider this later if necessary but that the budget remain "as is".

No further questions were raised by the Council.

Page 28 - Maddux Youth Center 7-125

120 - Extra help $6,033. Mr. Lowrey stated this covered part time employees who conducted programs under the supervision of the recreation supervisor, during the evening, i.e. dances to see that order is kept.

235 - Services, professional and other $1,163 -- covered costs for bands, which is completely self supporting. The income usually exceeds the expenses, Mr. Lowrey reported.

No other questions were raised.

Adjournment

Mayor Marks declared the meeting adjourned until 4:00 P.M. Thursday, June 27, at which time the Public Works Budgets would be considered.

ATTEST Anne M. Collins
ANNE M. COLLINS,
ACTING CITY CLERK

6-25-57 PAGE 6

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, Robinson and Mayor Marks

Absent: Councilmen: Adams and Anderson

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

The invocation was given by Rev. Ruben Olson, pastor of the First Baptist Church.

APPROVAL OF MINUTES 1-20

Council members having received copies of the minutes of the Council meeting of June 11, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM FOURTH OF JULY CELEBRATION COMMITTEE RE: INVITATION TO PARTICIPATE IN PARADE 1-25

The letter inviting the Council members to participate in the parade to be held on Thursday, July 4, 1957, at 10:00 A.M., was read. The City Clerk was instructed to check with the Council members and advise the Committee on the members who will participate.

LETTER FROM FOURTH OF JULY CELEBRATION COMMITTEE RE: USE OF REVIEWING STAND AND CLOSING OF STREET 1-40

A letter requesting that I Street between 11th and 12th Streets be closed between the hours of 9:30 A.M. and 3:30 P.M. on July 4, 1957, and that permission be granted to use a public address system at the reviewing stand, was read from the Fourth of July Celebration Committee. The Committee also requested the use of the reviewing stand and asked that it be placed on the south side of Eye Street, between 11th and 12th Streets.

MOTION

That permission be granted to close Eye Street between 11th and 12th Streets, Thursday, July 4, between 9:30 A.M. and 3:30 P.M., on the same basis as it has been done in the past.

Moved by Robinson Seconded by Merrill Unanimously carried

REQUEST FOR USE OF CITY PARKING LOT FOR SALE ON THE 4TH OF JULY -- VETERANS OF FOREIGN WARS 1-45

A letter from the Veterans of Foreign Wars was read, requesting permission to use the parking lot at 12th and I Streets to locate a refreshment booth on the 4th of July.

Mayor Marks read an excerpt from the minutes of June 29, 1955, relating to the use of parking lots on the 4th of July.

Considerable discussion was held by the Council members, during which time the City Manager pointed out that he had received other requests for use of the parking lots, but had advised them of the policy

which the Council adopted in 1955.

Mayor Marks suggested that the Council set a policy granting permission to charitable organizations to use the parking lots on the condition that the organizations furnish their own electricity, the city be held harmless from any damages that might occur, and that the area be cleared by 10:00 P.M. the evening of July 4th.

MOTION

That the Veterans of Foreign Wars be granted permission to put a concession on the parking lot at 12th and I Streets on July 4, 1957, on the basis that they hold the City harmless, make their own arrangements for electricity, and understand that the food must be inspected; that they clean up the area properly and that everything be removed by 10:00 P.M. of that date.

Moved by Robinson Seconded by Mayor Marks Unanimously carried

MOTION

That the staff handle all requests for charitable or non-profit groups which request permission to place concessions on the two city-owned parking lots at 12th and I, and the city-owned lot on 15th Street, on a "first come, first served" basis, under the conditions that they hold the City harmless, make their own arrangements for electricity, and understand that the food must be inspected; that they clean up the area properly and that everything be removed by 10:00 P.M. of that date.

Moved by Hammond Seconded by Robinson Unanimously carried

COMMUNICATION FROM THE CALIFORNIA MARINE PARKS & HARBORS ASSOCIATION RE: ASSISTANCE IN THE DEVELOPMENT OF CITY'S FACILITIES FOR BOAT OWNERS AND USERS 2-55

The letter was read and ordered filed.

HEARING ON APPEAL OF DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING PERMIT TO ROBERT WATSON FOR EXTENSION OF PARKING AREA 2-60

Mayor Marks announced that the hour of 7:45 P.M. had arrived, the time set for the hearing on appeal of decision of the Board of Zoning Adjustment denying permit to Robert Watson for extension of Parking Area in Block 6000-A.

Mr. John Trimbur, representing Mr. Robert Watson, withdrew the appeal at this time.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 57-274

A RESOLUTION CONSENTING TO THE WITHDRAWAL OF APPEAL OF DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING PERMIT TO ROBERT WATSON FOR EXTENSION OF PARKING AREA IN BLOCK 6000-A.

Introduced by Robinson Seconded by Hammond

Ayes: Councilmen: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

LETTER FROM CONGRESSMAN JOHN J. McFALL RE: POSSIBLE NAVY INSTALLATION AT VERNALIS 2-80

A letter from Congressman John J. McFall announcing that the Modesto area (Vernalis) is still one of the three sites being considered for the possibility of a Navy installation, was read.

MOTION

That Mayor Marks be authorized to write Congressman McFall asking him to continue working toward the possible location of a Navy installation at Vernalis.

Moved by Arata Seconded by Robinson Unanimously carried

CONSIDER AWARD OF BID FOR ONE NEW FIRE TRUCK 2-95

Fire Chief Jack Wemyss reported that the low bidder for the one new fire truck was Coast Apparatus Company, but due to certain discrepancies in their bid, he recommended that the bid of P.E. Van Pelt Company of Oakdale, in amount $27,240.72, less trade-in of $350, be accepted.

RESOLUTION NO. 57-275

A RESOLUTION ACCEPTING THE BID OF P.E. VAN PELT COMPANY FOR ONE TRIPLE COMBINATION FIRE TRUCK (1250 GALLON PUMPER)

Introduced by Merrill Seconded by Hammond

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

The City Manager reported that only $26,000 had been allocated for this equipment, so it would be necessary to transfer additional funds for the purchase of the fire truck.

Councilman Hammond raised a question whether Capital Improvement Funds should be used for the purchase of this type of equipment. This matter was generally discussed by the Council.

RESOLUTION NO. 57-276

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $891 FROM CAPITAL IMPROVEMENTS PROGRAM, SPECIAL CAPITAL OUTLAY RESERVE TO CAPITAL IMPROVEMENTS PROGRAM FOR FIRE PUMPER

Introduced by Arata Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

HEARING ON 1957-58 CITY BUDGET 3-85

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the hearing on the 1957-58 City Budget.

As there was no one in the audience who desired to speak on the budget, Mayor Marks declared the hearing closed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF SUB-TRUNK AND PERIMETER SANITARY SEWER LINE IN MONTGOMERY VILLAGE SUBDIVISION 3-90

The City Attorney presented an agreement with U.Z. Brannon, et ux, and Frank Francek, et ux, for participating in a portion of the cost of the sub-trunk and perimeter sewers, in Montgomery Village Subdivision, No. 1 and 2, for Council approval.

RESOLUTION NO. 57-277

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND U.Z. BRANNON AND GENEVA BRANNON AND FRANK FRANCEK AND MARY J. FRANCEK FOR SEWER SERVICE IN MONTGOMERY VILLAGE SUBDIVISION

Introduced by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson and Adams

RESOLUTION NO. 57-278

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALLING FOR BIDS FOR CONSTRUCTION OF SUB-TRUNK AND PERIMETER SANITARY SEWER LINE IN MONTGOMERY VILLAGE SUBDIVISION

Introduced by Merrill Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

CONSIDER FURTHER THE AWARD OF BID FOR OFFICIAL ADVERTISING YEAR 1957-58 3-105

The Council discussed the advantages and disadvantages of publishing in a daily paper and in a weekly paper. The following points were brought out in regard to publishing in a daily paper:

1. It would cut down on the time spent proofreading the legal advertising;
2. Larger circulation available;
3. The time element in setting hearings before the Planning Commission, Board of Zoning Adjustment and City Council would be improved.

RESOLUTION NO. 57-279

A RESOLUTION ACCEPTING THE BID OF THE MODESTO BEE FOR OFFICIAL ADVERTISING FOR THE YEAR 1957-58

Introduced by Arata Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

The Councilmen pointed out that this was no reflection on the weekly papers.

The City Clerk was instructed to keep a comparative record on the advertising, which will be considered in 1958, when bids are called for again.

RESOLUTION AWARDING BID FOR CONSTRUCTION OF STREET LIGHTING SYSTEM IN GREGORY GARDENS NO. 2 AND CAMPUS HEIGHTS SUBDIVISIONS 4-75

The City Manager reported that one bid had been received from Collins Electrical Company in the amount $5,490.00, which exceeds the City's estimate by $1,403.00 or 34%.

RESOLUTION NO. 57-280

A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF STREET LIGHTING SYSTEM IN GREGORY GARDENS NO. 2 AND CAMPUS HEIGHTS SUBDIVISIONS AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Robinson Seconded by Mayor Marks

Ayes: Councilmen: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

FINAL ADOPTION OF ORDINANCE NO. 174-C.S. - TAXICAB RATES 4-90

ORDINANCE NO. 174-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-6.307 of CHAPTER 6 OF ARTICLE 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 4-6.217 THERETO RELATING TO TAXICABS"

introduced on June 12, 1957, 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 Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

FINAL ADOPTION OF ORDINANCE NO. 175-C.S. - ADOPT UNIFORM BUILDING CODE 4-90

ORDINANCE NO. 175-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.03, 9-1.10, 9-1.11, 9-1.11.1, 9-1.13, and 9-1.14 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 9-1.03.1 THERETO AND REPEALING SECTION 9-1.15 THEREOF RELATING TO THE BUILDING REGULATIONS

introduced on June 12, 1957, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

INTRODUCTION OF AN ORDINANCE APPROPRIATING FUNDS FOR THE PAYMENT OF THE USUAL CURRENT EXPENSE OF CITY FROM JULY 1, 1957, TO THE DATE OF ADOPTION OF THE 1957-58 BUDGET 4-95

ORDINANCE NO. 178-C.S. entitled

"AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO"

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

Moved by Merrill Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

RESOLUTION AUTHORIZING ACCEPTANCE AND FINAL PAYMENT ON SOUTH MODESTO TRUNK SEWER LINE 4-105

RESOLUTION NO. 57-281

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE SOUTH MODESTO TRUNK SEWER FROM CONTRACTOR MANUEL MARQUES, JR., AUTHORIZING PAYMENT OF AMOUNTS DUE, AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

RESOLUTION ESTABLISHING SALARY COMPENSATION FOR CITY EMPLOYEES 4-105

The City Manager pointed out that the position of Finance Director was placed in the same range with the Assistant Director of Public Works and Police Chief (Range 30).

RESOLUTION NO. 57-282

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

Introduced by Arata Seconded by Hammond

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

FURTHER CONSIDERATION OF RECOMMENDATION OF THE PERSONNEL COMMISSION THAT THE CITY SHARE IN THE COST OF GROUP HEALTH INSURANCE 4-110

The City Manager read a letter from Frank Reynolds, President of the Modesto City Employees' Association requesting that the Council defer consideration of city participation in a group health insurance, until July 3, 1957, in order that certain members of the Association could appear before the Council.

The Council members agreed to defer action until July 3, 1957.

RESOLUTION ACCEPTING A 10' RIGHT-OF-WAY FROM DAN H. RENFRO, ET UX, FOR WIDENING OF GRANGER AVENUE BETWEEN TIDEWATER SOUTHERN RAILROAD AND McHENRY AVENUE 4-120

RESOLUTION NO. 57-283

A RESOLUTION ACCEPTING GRANT DEED FROM DAN H. RENFRO AND ADIEL R. RENFRO FOR WIDENING OF GRANGER AVENUE AND AUTHORIZE RECORDATION WITH THE COUNTY RECORDER

Introduced by Arata Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

FURTHER CONSIDERATION OF CITY HALL MATTERS - POLICE DEPARTMENT 4-120

The City Manager presented a report on the location of new police facilities in which he recommended:

1. That the Police Building be located adjacent to the Fire Department headquarters.

2. That because of the critically urgent need, it be planned and constructed concurrently with the City Hall.

A copy of the report is on file with the records of this meeting.

A short Council discussion was held on the location of the police facilities, and Councilman Hammond stated that on the basis of the report, he felt the Police Department should not be a part of the City Hall.

MOTION

That the Police Department not be considered as a part of the City Hall structure.

Moved by Hammond Seconded by Robinson Unanimously carried

The City Manager stated that with that decision clear, the architect can be advised to proceed with the drawing of plans for the new City Hall.

FURTHER CONSIDERATION OF THE ANNEXATION OF THE McBRIDE ADDITION TO THE CITY OF MODESTO 5-105

The City Attorney reported that the County Boundary Commission had suggested that the description of the McBride Addition be extended to the middle of the river and that the Council adopt a resolution of intention to initiate proceedings to annex this uninhabited territory. He stated that this resolution would rescind the previous resolution (Res. No. 57-181) and would include the new description of the territory.

RESOLUTION NO. 57-284

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 THE McBRIDE ADDITION, TO THE CITY OF MODESTO; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO FILE SUCH PROPOSAL WITH, AND SUBMIT SUCH PROPOSAL TO THE BOUNDARY COMMISSION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, FOR A REPORT THEREON AS REQUIRED BY LAW.

Introduced by Arata Seconded by Hammond

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

CLEAR PROVISION OF FIRE PROTECTION TO NEW CALIFORNIA VEGETABLE CONCENTRATES PLANT 5-120

A letter from California Vegetable Concentrates, Inc., requesting fire protection at their plant on Whitmore Avenue, during the

time the agreement is being approved between Western Pacific Railroad and the City of Modesto, was read.

MOTION

That fire protection to the California Vegetable Concentrates, Inc. plant on Whitmore Avenue, be provided during the interim period pending approval of the agreement with the company.

Moved by Robinson Seconded by Arata Unanimously carried

RESOLUTION APPROVING AGREEMENT WITH MODESTO CITY SCHOOLS FOR CONSTRUCTION AND USE OF SWIMMING POOL AT DOWNEY HIGH SCHOOL 6-5

The City Manager presented an agreement with the Modesto City Schools for construction and use of swimming pool at Downey High School for Council approval. He stated that it had been cleared with the administrative staff of the schools, but that the Board of Education had not acted upon it, as yet.

RESOLUTION NO. 57-285

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR CONSTRUCTION AND USE OF SWIMMING POOL AT DOWNEY HIGH SCHOOL

Introduced by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

REPORT ON CITY'S COST OF GROUND OBSERVER CORP DINNER CHARGES 6-15

The City Manager reported that a total of 146 tickets to the dinner were charged to the city at a cost of $401.50. This included tickets for City officials and guests, citizens committee, G.O.C. officials, military, Hollywood and civil officials, press, radio and photographers. He stated it would be charged to the Music and Promotion Fund.

MOTION

That the staff be authorized to make the necessary transfers to cover the city's cost of Ground Observer Corp dinner charges.

Moved by Arata Seconded by Hammond Unanimously carried

CLEAR YEAR END FISCAL MATTERS 6-25

The Traffic Engineer reported that $2200 was still available in construction materials due to the fact that the paint was 10% less than last year and that striping had not been done as fast. He stated that the stock pile of road signs was quite low and requested that the money which was available in construction materials, be used to purchase additional signs from the California State Auto Association, to replenish the stock pile.

RESOLUTION NO. 57-286

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,960 FROM TRAFFIC ENGINEERING, CONSTRUCTION MATERIALS, TO TRAFFIC ENGINEERING, TRAFFIC SIGNS FOR THE PURCHASE OF SIGNS FROM CALIFORNIA STATE AUTO ASSOCIATION.

Introduced by Robinson Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

In answer to a question from Councilman Arata, City Manager Miller reported that he had contacted Codding Enterprises in regard to the purchase of the hangar at the airport, and that the necessary documents were being prepared.

CONSIDERATION OF REPORT ON METROPOLITAN PATTERNS OF 1981 6-65

Councilman Robinson reported that the purpose of presenting the report at this time, is so that it may be reviewed by the City Council and the Planning Commission. Any comments on the contents should be presented to the Modesto-Ceres Committee for presentation in about 6 weeks to the Master Committee.

He briefly outlined the contents of the report for the benefit of the Council members. He stressed the importance of this report in aiding the staff with the master plan of the area. He stated that the report has also been presented to the Ceres Planning Commission and the Ceres City Council, and upon receipt of the recommendations from each body, the Modesto-Ceres Committee will meet again to present the report back to the Master Plan Committee, with any recommendations for change. He suggested that the Council wait until the Planning Commission presents their views before discussion is held by the Council.

APPOINT DR. THOMAS SPAULDING MEMBER OF THE BOARD OF ZONING ADJUSTMENT TO FILL THE UNEXPIRED TERM OF JAMES O'KEEFE 7-5

RESOLUTION NO. 57-289

A RESOLUTION APPOINTING MEMBER OF THE MODESTO BOARD OF ZONING ADJUSTMENT (DR. THOMAS SPAULDING)

Introduced by Hammond Seconded by Robinson

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

The term of Dr. Thomas Spaulding will expire on January 1, 1961.

CONSIDER PURCHASE OF ADDITIONAL PARKING METERS 7-15

Traffic Engineer Carmody reported on the proposed purchase of 400 parking meters from the Miller Meter Company. He stated they would cost $8.50, plus tax and freight, per meter.

MOTION

That the Council indicate its intention to purchase 400 parking meters from Miller Meter Company, after July 1, 1957.

Moved by Arata Seconded by Robinson Unanimously carried

RESOLUTION AUTHORIZING LOADING ZONE ON 11th STREET BETWEEN C AND D STREETS 7-50

RESOLUTION NO. 57-287

A RESOLUTION ESTABLISHING A FREIGHT LOADING ZONE ON THE WEST SIDE OF 11th STREET BETWEEN C AND D STREETS IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Merrill

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

RESOLUTION AUTHORIZING "YIELD" SIGNS ON 8th STREET AT G STREET 7-55

RESOLUTION NO. 57-288

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Arata

Ayes: Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Adams and Anderson

CONSIDER HOLIDAY AND EARLY MORNING PARKING RESTRICTIONS 7-65

Council discussion was held on the recommendation of the staff that:

1. Included on the street parking signs would be the hours of parking and the words "Sundays and Business Holidays excepted";

2. That consideration be given to putting decals on the parking meters listing the various business holidays.

The City Manager stated that in order to clear the streets for sweeping the staff is recommending that signs be installed which limit the parking on streets which run one-way from 3:00 A.M. to 4:00 A.M. On the alternate streets it would prohibit it from 4:00 A.M. to 5:00 A.M.

The total cost of the resigning (made necessary by a recent court decision) would be approximately $3,000, he stated.

Traffic Engineer Carmody reported on a poll which he had conducted on 33 California cities to find out what they are doing in regard to this matter.

The City Manager read a letter from the Modesto Retail Merchants, Downtown Division, recommending that the City Council declare certain business holidays as "Parking Holidays".

MOTION

That the City Attorney be instructed to prepare the necessary documents to carry out the recommendations of the staff.

Moved by Hammond Seconded by Mayor Marks Unanimously carried.

It was pointed out that purchase of the decals was not authorized and that documents only be prepared indicating the parking holidays and the hours where parking is limited during the night.

CONSIDER STREET IMPROVEMENTS - COLLEGE & NEEDHAM; BURNEY & DOWNEY 8-85

The City Manager presented a proposal for the improvement of the northeast corner of College and Needham. He stated it would involve a wider radius for turning movements -- cost approximately $700,

including some renovation of the drainage.

MOTION

That the staff be authorized to proceed as outlined in the report.

Moved by Arata Seconded by Robinson Unanimously carried

The City Manager reported that there was an old traffic island at Burney and Downey which the staff would like to be authorized to remove and resurface and then paint on an island. A permanent island could be installed when the one way streets go into effect, he stated.

MOTION

That the staff be authorized to proceed with the plans as outlined in the report.

Moved by Hammond Seconded by Merrill Unanimously carried

PROGRESS REPORT ON THE DRYDEN PARK MUNICIPAL GOLF COURSE 8-110

Report on the progress of the Dryden Park Municipal Golf Course was made at the special budget session of the Council on June 25, 1957, the City Manager stated.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Hammond Seconded by Arata Unanimously carried

The Meeting was adjourned at 9:30 P.M.

ATTEST: _____
REX E. GAILFUS, CITY CLERK

6-26-57 Page 11

The special meeting of the Council which had been adjourned on June 28, 1957 to this date at 4:00 P.M. was reopened, as provided by Section 2-1.02, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, to further consider the proposed budget for the fiscal year 1957-58, Mayor Marks presiding.

City Clerk Gailfus called the roll and there were

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

Councilman Merrill arrived at 4:15 P.M.
Councilman Anderson arrived at 4:16 P.M.
Councilman Adams arrived at 5:37 P.M.

CITY HALL BUILDING 1-15

In answer to a question from Mayor Marks regarding the Improvement to City Hall Annex (503) -$3,200, the City Manager stated that was the proposal for additional space in an adjacent building, if approved by the Council.

The City Manager suggested that a specific proposal for additional space be presented to the Council for their consideration.

MOTION

That the amount of $3,200 be placed in the General Reserve and a report be made to the Council on additional space.

Moved by Hammond Seconded by Mayor Marks Unanimously carried

Councilman Hammond questioned the $1800 for rent of real property (215) and the City Manager stated that that was for the rental of additional space and could now be omitted from the budget.

MOTION

That the previous motion be rescinded and that $3,200 (Improvement to City Hall Annex) and $1,800 (Rental of Real Property) be placed in the General Reserve, and that a report be made to the Council on a specific proposal for additional space.

Moved by Robinson Seconded by Mayor Marks Unanimously carried

A short discussion was held by the Council on the progress of the City Hall plans. The City Manager stated that he was meeting with Mr. Pflueger next week and would be able to report to the Council at a later date on just how fast the plans were progressing.

FIRE DEPARTMENT - Page 23

The City Manager stated that additional firemen had not been included in this budget for the McHenry Avenue station, when it is completed, since it will be near the end of the year.

Councilman Hammond questioned the Special Fire Equipment (306) $4,591, and asked the reason for the increase.

Director of Finance Bird explained that these were supply items which had been budgeted as capital expenditures in the past, and are now budgeted as a supply item. He listed the items which are included

in this account (Special Fire Equipment).

Councilman Hammond asked if the fire trucks were included in the Equipment Rental (218). Mr. Bird stated that the fire trucks are emergency vehicles and therefore are not included in the equipment rental pool.

The City Manager stated that the Fire Chief has suggested that consideration be given for additional manpower which is not included in the budget.

The Fire Chief outlined his reasons for suggesting additional manpower.

After considerable Council discussion on this matter, the City Manager stated that he had not recommended additional manpower in the present budget. He stated that fire protection was not just manpower, but fire equipment, water, buildings, operations and other things that go into this schedule. He stated that he did not believe the manpower could be built up any faster without money which was not available at this time, but that this was basiclly a policy matter.

As there were no further questions, this Department was cleared.

POLICE DEPARTMENT Page 24

Councilman Robinson questioned the increase in Contractural Services (240), $23,000. Chief of Police Jim Neel stated the increase was due to the increase in arrests. He stated it would cost approximately $5,000 more this year for feeding city prisoners. He distributed copies of a report "Analysis of Drunk Arrests from January 1, 1956, through December 31, 1956.", for Council information.

The City Manager reported that he had received notice that the legislature had approved an appropriation of $1,100,000 for assistance to Counties for rehabilitation facilities for youths.

Councilman Hammond asked what was included under "Special Police Equipment" (306). Chief Neel listed the items included in this account.

Councilman Hammond questioned the increase in Other Special Charges (429). Chief Neel stated the increase was due to the proposal for sending an officer to the FBI National Academy, which would cost approximately $1,200. He listed the other training programs and items which were included in this account.

Chief Neel distributed copies of a report entitled "Modesto Police Department Field Training Guide".

Council discussion was held on the various training programs which the policemen attend.

Councilman Robinson asked Mayor Marks if any type of action had been taken at the Cities-County meeting relating to a rehabilitation center. The Mayor replied that no action had been taken.

Police Chief Neel stated that it was his feeling that the Department needed 6 additional policemen, besides the 3 typists-clerks which are requested. He stated that it was the staff's opinion that either something be done about the alcohol problem, or that more policemen be authorized for the department.

The City Manager stated that in his opinion, if the City, with the County, could do what other counties are doing in the field of rehabilitation and control of the drunk problem it would save the community

considerable money. He recommended that the City continue to work actively toward whatever type of program that can be developed to control this problem.

Considerable discussion was held by the Council on the drunk problem in the City and what steps could be taken to control it.

Councilman Hammond asked if the department was short of patrolmen, why didn't they ask for them rather than the typist-clerks? Chief Neel stated that he was asking for patrolmen as a supplemental item. Chief Neel explained the reasons for requesting the additional typist-clerks. He stated one is needed in the Detective and Juvenile Division, where there is only one Steno-Clerk and eight employees from whom she takes dictation. One typist-clerk is needed to type officers' reports, so that the patrolmen will be able to stay on their beats. He stated that they now have new report forms which can be filled out in the field, and the patrolmen do not need to leave the beats. They are brought in at the end of their shift and the typist-clerk types them.

Councilman Hammond asked why the reportshad to be typed over again when they are turned in. Chief Neel explained that they were in handwriting and sometimes hard to read. Councilman Hammond asked why they were not left as they are turned in. Copies have to be sent to the District Attorney, Court and other agencies, Chief Neel stated, and he did not like them to be sent out unless they are clear. He stated that if copies are left in handwriting, extra copies would have to be made on the Verifax machine.

Councilman Hammond felt that it was a duplication of the work to have the report retyped after they are turned in by the patrolmen.

City Manager Miller reported that Mrs. Bennett, representative of the Remington Rand Company, and George Tomsho, Assistant City Manager, were now working in the Police Department on this problem. Councilman Hammond recommended that the Council defer the request for additional typist-clerks and consider more patrolmen.

Councilman Anderson asked what the duties of the Police Clerks were, and Chief Neel stated that they man the radio desk, handle the phone and radio and type the daily bulletin. When possible, they type index cards.

Lieutenant Jack Morris outlined for the Council, the duties of the typist-clerks in the Records and Service Division.

Chief Neel suggested that the Council consider hiring the typist-clerks on a temporary basis until the survey being conducted by Remington Rand and the Assistant City Manager, is completed.

Councilman Hammond stated that he felt with modern day equipment (i.e. microfilming, indexing) that machine operations could be set up to eliminate a good deal of the burden of the paper work, that the Police Department has to handle.

The City Manager urged that the Council grant permission to hire two typist-clerks at least on a 60 day basis. He stated that there is one typist-clerk working on a temporary basis at the present time, and one additional is needed to help carry the work.

Councilman Anderson questioned the request for the additional sergeant. Chief Neel stated that at the present time a sergeant has been taken off patrol, to handle the Reserve Police, acting as a training sergeant, and handling Civil Defense. He stated that it is proposed to make this a permanent position and assign another sergeant to Patrol. This item was cleared by the Council.

MOTION

That the Salaries and Wages, Regular, be reduced in the amount of $8,532, and Extra Help be increased by $729, to provide for the hiring of two typists-clerks on a temporary basis for 60 days.

Moved by Merrill Seconded by Hammond Unanimously carried

Councilman Merrill questioned the requests under Capital Outlay. Chief Neel explained the requests as follows:

1. That the 12-drawer 3 x 5 File Cabinet -- $300 is not now needed and can be deleted from the budget;

2. The transcribing machine would be used by the additional typist-clerk in the Detective budget;

Councilman Hammond recommended that this item be deferred for consideration at a later date.

3. That the dictating machines are proposed for the Detective Division and Tranffic Sergeant (Patrol Division).

4. The bookcase is to hold the training materials.

5. The two electric typewriters are proposed for the Detective Division and the additional typist-clerk which had been proposed to type the Police Officers' reports. Since the typist-clerk has not been authorized, one typewriter can be held up at the present time. This would amount to a decrease in the budget of $437.00.

5. The double door wall cabinet is for storage space in the Records Room.

6. The four 5-drawer letter size files are for the storage of files, and at the present time there is no space available.

7. The tape recorder is proposed to be used for investigating procedures and for interrogation purposes. At the present time the department has a tape recorder and a wire recorder. It is proposed that these two be traded in and purchase the tape recorder, as proposed.

8. The three desk chairs are for Lieutenant Morris, Captain Meier and Sergeant Sturm.

9. The 10 posture chairs are for the 6 desks which are from the Health Department; and for the detective division.

10. The 3 steel desks are for one typist who has no desk at the present time; the other two are to replace desks used by Captain Meier and Sergeant Sturm.

MOTION

That the following items be deleted from the Capital Outlay Fund: 1 Dictating Machine in the sum of $370; 1 Electric Typewriter in the sum of $437, and one 12-drawer 3 x 5 File Cabinet in the sum of $300.

Moved by Merrill Seconded by Hammond Unanimously carried

HEALTH DEPARTMENT PAGE 25

This department was cleared by the Council. The City Manager reminded the members that the amount paid to the County is provided in Miscellaneous Unclassified - Contractual Services.

ADJOURNMENT

Mayor Marks declared the meeting adjourned until 4:00 P.M., Tuesday, July 9, 1957.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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 and Mayor Marks
Absent: Councilmen: Adams, Anderson and Robinson

Councilman Adams arrived at 4:15 P.M.
Councilman Anderson arrived at 4:16 P.M.
Councilman Robinson arrived at 4:43 P.M.

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

The invocation was given by Rev. Magnus B. Anderson, of the Calvary Lutheran Church.

APPROVAL OF MINUTES 1-15

Council members having received copies of the minutes of the Council meetings of June 12, 13, 18 and 19, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

REQUEST OF 4th OF JULY COMMITTEE FOR FIREWORKS PERMIT 1-20

Cal Purviance, Chairman of the 4th of July Committee, filed the certificate of approval for a public fireworks display and the certificate of insurance, with the Council.

RESOLUTION NO. 57-290

A RESOLUTION GRANTING PERMIT TO THE R. BORGMAN SALES COMPANY TO CONDUCT FIREWORKS DISPLAY AT THE DEL WEBB FIELD ON JULY 4, 1957

Introduced by Arata Seconded by Hammond

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

Mr. Purviance requested the use of two city street sweepers and stated that the same policy would be followed as in the past regarding the salary of the city employees.

MOTION

That permission be granted to the 4th of July Committee to use two city street sweepers in the parade.

Moved by Merrill Seconded by Arata Unanimously carried

REPORT OF PARADE ROUTE - July 4th - 1-40

The City Manager reported on the parade route for the 4th of July and stated that the Council members who are participating are requested to be at 10th and F Strects, at 9:30 A.M.

LETTER CONCERNING PARK DEVELOPMENT IN LA LOMA AREA 1-50

The City Manager read a letter from property owners in the LaLoma Area regarding the development of a park in this area.

The Council members agreed that the Mayor be authorized to write to these property owners and point out that the City has acquired property across Dry Creek and development is proceeding on a park in this area.

RESOLUTION AWARDING BID FOR REMOVAL OF BUILDING AT 14th and J STREETS 1-90

The City Manager pointed out to the Council that until the budget is adopted, funds are not available to make the payments on certain items on the agenda. He stated that they must be made available by appropriation before these payments become due.

Doug Carmody, Traffic Engineer, reported that the low bidder for the removal of the building at 14th and J Streets was Central Building Wreckers, Modesto, in amount $674.

RESOLUTION NO. 57-291

A RESOLUTION ACCEPTING THE BID OF CENTRAL BUILDING WRECKERS, MODESTO, FOR THE REMOVAL OF DWELLING AT 14th AND JAY STREETS

Introduced by Hammond Seconded by Merrill

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR IMPROVEMENT OF THE 14th AND J STREET PARKING LOT 1-110

Traffic Engineer Carmody displayed a drawing of the proposed parking lot at 14th and J Streets, for the Council.

RESOLUTION NO. 57-292

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF THE 14th AND JAY STREET PARKING LOT

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: None Absent: Robinson
Bids to be opened on July 23, 1957 at 2:00 P.M.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR BIDS FOR TWO PUMP HOUSES (STATIONS NO. 19 & 20) 1-120

RESOLUTION NO. 57-293

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR TWO PUMP HOUSES (STATIONS 19 and 20)

Introduced by Hammond Seconded by Merrill

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

Bids to be opened on July 22, 1957, at 2:00 P.M.

FINAL ADOPTION OF ORDINANCE NO. 177-C.S. ADOPTING UNIFORM PLUMBING CODE 2-5

ORDINANCE NO. 177-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 9-2.01, 9-2.03, 9-2.04, 9-2.08, 9-2.09, 9-2.20, and 9-2.21 OF CHAPTER 2 of TITLE IX OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 9-2.04.1 AND 9-2.12.1 THERETO, RELATING TO THE PLUMBING REGULATIONS

introduced on June 19, 1957, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Hammond Seconded by Arata

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

FURTHER CONSIDERATION OF RECOMMENDATION OF THE PERSONNEL COMMISSION THAT THE CITY SHARE IN THE COST OF GROUP INSURANCE 2-15

Mayor Marks reviewed for the Council members who had been on vacation, the proposal that the city share in the cost of a group insurance plan for the City employees.

City Manager Miller reviewed the action of the Personnel Commission, which recommended that the City Council pay $4.00 per month, per employee on a group insurance plan. He stated that the City Employee's request is that the Council pay a portion of the plan which relates to the employee himself. He stated that it would cost approximately $16,000 per year, if the Council paid $4.00 per employee, per month.

Frank Reynolds, President of the Modesto City Employees' Association, spoke on behalf of city participation on the insurance program. He answered questions which had previously been expressed by the Council members, regarding this plan, and also reviewed the studies and action of the Committee which had been appointed to work on a new insurance plan. He stated that at a meeting of all city employees held recently, a votewas taken and the employees indicated that the plan presented by Connecticut General Life Insurance Co., was the plan that they wanted and they authorized him to continue his efforts to obtain city participation. He stated that the Association realizes that there are some employees who will not or cannot be a part of the program, and that they will not get unanimity. He stated that according to the State Personnel Commission, as of January 1, 1956, 50% of the counties participate all or a part in a group insurance plan, and 53% of the cities in California participate in a health insurance plan. He pointed out that the proposed plan includes not only health insurance, but also life and accident insurance.

He introduced Mr. William Carter, representative of the Connecticut General Life Insurance Company and Mr. Richard Harris who was appointed by the Insurance Brokers Association to work with the Employees' Committee and the Personnel Commission.

Mr. Carter reviewed the proposed insurance plan for the Council members. He pointed out the reasons why an individual cannot buy this insurance other than in a group plan 1) because of the economic reasons; this type would cost 3-4 times higher on an individual basis; and 2) many of the employees who would prefer to buy individual insurance cannot do so because they are medically noninsurable. He stated that this plan consists of two parts: 1) life insurance in the amount of $1,000 for each employee, the proceeds of which to be payable to the employees beneficiary; there is life insurance on the dependants in varying amounts from $50 to $500 -- and varying amounts on children depending on age with $50 as a minimum, and $500 on the spouse. The life insurance portion contains the standard provisions of all group life insurance contracts which are in effect in the State of California, he stated. 2) The benefits under the hospitalization portion are the same for the employee and the dependents. The plan provides a maximum benefit of $10,000 per person on a per-disability basis. In the event of hospitalization, the first $500 of charges are paid in full; after the $500 maximum is reached the company will pay 80% of the remainder of the charges up to the maximum of $10,000. On non-hospital cases and non-hospital charges, there is $50 deductible. Then the insurance company will pay 80% of those charges

up to the $10,000 maximum. The employee can have his choice of any legally qualified physician and any legally licensed hospital in the state, province or country in which he is hospitalized.

In answer to a question from Councilman Hammond, Mr. Carter stated that the cost per employee would be $4.32 per month. An employee and one dependent would be $9.52, and an employee and his wife and one or more children, the total cost would be $11.81.

Councilman Hammond asked what percentage of the group has to belong to obtain the rate outlined. A minimum of 75% of the employees must be enrolled, Mr. Carter stated.

Councilman Hammond asked if the group could still participate in this plan without city participation. Mr. Carter stated that they could, but would not be able to have the life insurance.

Councilman Anderson stated that he felt the employees should handle their own insurance benefits.

Frank Reynolds pointed out to the Council that this insurance policy would not be a perpetual plan; that if the rates are raised the Association will again have to negotiate for a different policy. He stated that it is felt that this would not be just an expenditure of city funds but would be a wise investment of the public money.

He urged on the behalf of the Modesto City Employees' Association that the Council contribute to the group health, life and accident insurance plan, to the extent of $4.00 per individual.

The City Manager stated that the basic reason for his recommendation of city participation in a plan was that it would be to the city's interest to have the employees in this type of plan, from the standpoint of hiring and keeping employees and having them reasonably protected while working here. He stated that from the city's and the employee's standpoint it would be better to give the $4.00 towards an insurance plan, rather than put it in salaries, because if it was put in salaries there would be no assurance that the employee would get the benefit of the group insurance. He distributed to the Council, a memorandum regarding fringe benefits, which he reviewed with them.

Councilman Adams stated that he felt that by participating in the amount of $4.00 towards insurance, it would "buy" more for the employee, than if the amount was added onto their salary. He stated that it would increase the city's benefits, which he felt were low. The benefits are what attract employees, he stated, and keep them. He stated that the benefits mean security to the employee.

Mayor Marks stated that the City should help the employees as much as they can; they should pay them the maximum amount that they can within the economic framework.

Councilman Hammond stated that he was still of the opinion that this was a problem that the employees can solve for themselves and that the City should not try to run an employees' personal affairs.

Mr. Hammond suggested that the Council reject the recommendation of the Personnel Commission and that the Association make another request next year "in the terms of money".

MOTION

That the recommendation of the Personnel Commission that the City participate in the amount of $4.00 per employee towards a health insurance plan be rejected and that the Employees' Association make another request next year "in the term of money".

Moved by Hammond Seconded by Merrill

Before the vote was taken, further discussion was held by the Council members. City Manager Miller asked if the Council would like the staff to check with the employees to see whether or not, from their standpoint, they would like the $4.00 to go towards insurance, or if they would rather have it in salary.

Councilman Anderson stated that he would rather give the employee the wages he is entitled to, and let him do what he wants to with it. He felt that the Council would be taking away the incentive of the employee if the city participated in the plan.

At this time the Mayor called the vote on the above motion and declared the motion carried.

Mayor Marks stated that he was speaking from a standpoint of principle on the insurance plan and that he felt the employees should get everything that the City can afford to pay them, and he would continue to do whatever he could for them.

City Manager Miller thanked the Council for their consideration of this plan and stated the staff would work on a plan for the employees to handle on their own.

Mr. Carter of the Connecticut General Life Insurance Company asked if the Council would continue to provide the payroll deduction method of paying for insurance, as they have in the past, and the Council answered that that was an established procedure and would continue the policy.

City Attorney Grimes pointed out to the Council that in considering any future action on adding the money onto the salaries, as against the health insurance contribution, there would be a tax consequence factor which would be involved. The participation of the city towards any health program would not be subject to income tax, as far as the employees are concerned, and also would not be subject to retirement payments, he stated.

SET DATE OF HEARING FOR PROPOSED AMENDMENTS TO ZONING ORDINANCE 6-40

RESOLUTION NO. 57-294

A RESOLUTION OF THE MODESTO CITY COUNCIL SETTING DATE OF JULY 24, 1957, at 8:30 P.M. FOR A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE

Introduced by Arata Seconded by Adams

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

SET DATE OF HEARING FOR PROPOSED ABANDONMENT OF ALLEY, BLOCK 6717 6-50

RESOLUTION NO. 905-S.P.

Resolution of Intention No. 259

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF THE ALLEY IN BLOCK 6717 IN COLLEGE VILLAGE NO. 2 in THE CITY OF MODESTO

Introduced by Anderson Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

The hearing was set for 7:45 P.M., July 24, 1957.

REPORT ON STREET LIGHTS IN SUBDIVISIONS OUTSIDE CITY, WITH AGREEMENT FOR CITY SERVICES AND ANNEXATION 6-60

The City Manager read Planning Commission Resolution No. 407 entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO RECOMMENDING TO THE COUNCIL REGARDING STREET LIGHT INSTALLATION IN SUBDIVISIONS UNDER AGREEMENT TO ANNEX TO THE CITY". He stated that this was in line with the Council's policy and indicated the Commission's approval.

REQUEST FOR EXTENSION OF TIME FOR COMPLETION OF IMPROVEMENTS IN McHENRY VILLAGE SUBDIVISION NO. 2 6-65

The City Manager reported that there had been some delay in the completion of the improvements in this subdivision by the Workmon Development Company and recommended that the time be extended to December 31, 1957.

RESOLUTION NO. 57-295

A RESOLUTION EXTENDING THE TIME FOR COMPLETION OF IMPROVEMENTS IN McHENRY VILLAGE SUBDIVISION NO. 2

Introduced by Adams Seconded by Arata

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

RESOLUTION AUTHORIZING INSTALLATION OF PARKING METERS ON J STREET BETWEEN 13th and 15th STREETS 6-75

RESOLUTION NO. 57-296

A RESOLUTION ESTABLISHING A PARKING METER ZONE ON BOTH SIDES OF J STREET BETWEEN THIRTEENTH AND FOURTEENTH STREETS AND ON BOTH SIDES OF J STREET BETWEEN FOURTEENTH AND FIFTEENTH STREETS IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Arata

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

ORDINANCE APPROVING LEASE OF PARKING LOT ON 13th STREET NEAR J STREET 6-80

ORDINANCE NO. 179-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH JOHN E. GRIFFIN AND JEAN C. GRIFFIN RELATING TO THE RENTAL OF PROPERTY FOR OFF-STREET PARKING PURPOSES IN THE CITY OF MODESTO"

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

Moved by Anderson Seconded by Robinson

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

Traffic Engineer Carmody presented a report to the Council on the Municipal Parking Facilities, a copy of which is on file with the records of this meeting.

RESOLUTION AUTHORIZING "YIELD" SIGN ON STATE STREET AT MORTON 6-95

RESOLUTION NO. 57-297

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Merrill

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

RESOLUTION AUTHORIZING PURCHASE OF 400 PARKING METERS 6-100

RESOLUTION NO. 57-298

A RESOLUTION AUTHORIZING THE PURCHASE OF 400 MILLER PARKING METERS FROM THE TRAFFIC APPLIANCE CORPORATION OF LOS ANGELES

Introduced by Robinson Seconded by Adams

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

Traffic Engineer Carmody stated that the cost per meter was $8.50, plus tax and transportation.

Mayor Marks reported to Traffic Engineer Carmody that the traffic signal on the northeast corner of 9th and I Streets is twisted and asked him to check on it.

INTRODUCTION OF NEW ASSISTANT CITY MANAGER 7-0

City Manager Miller introduced George Tomsho, the new Assistant City Manager, to the Council members.

LETTER OF RESIGNATION FROM JAMES C. NEEL, CHIEF OF POLICE 7-5

The City Manager read a letter of resignation from James C. Neel, Chief of Police, effective July 31, 1957.

The City Manager stated that Chief Neel has done an outstanding job as Police Chief. He has enlisted the cooperation of the employees in the Police Department and of other departments and with their help has built a very fine police department, he stated.

Mayor Marks stated that he has a tremendous respect for Chief Neel, also. He stated that Modesto now has a police department that is second to none of any cities the size of Modesto.

The City Manager stated that the position would be filled on the same basis that all department head positions are filled -- on the basis of both promotional and open competitive basis.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Hammond Unanimously carried

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

ATTEST: Rex E. Gaulfus
REX E. GAULFUS, CITY CLERK

Special Adjourned Council
Meeting
July 9, 1957

The adjourned special session of the Council of the City of Modesto which had been adjourned on July 2, 1957, to this date at 4:00 P.M. was reopened, as provided by Section 2-1.02, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets to further consider the proposed budget for the fiscal year 1957-58, Vice Mayor Hammond presiding.

The Secretary called the roll and there were

Present: Councilmen: Adams, Anderson, Robinson and Vice Mayor Hammond
Absent: Councilmen: Arata, Merrill and Mayor Marks

Councilman Arata arrived at 4:17 P.M.
Councilman Merrill arrived at 4:19 P.M.

DISASTER AND CIVIL DEFENSE

Council discussion was held on the operation of the Disaster and Civil Defense Program. City Manager Miller explained to the members the federal participation in the purchase of radio equipment and Reserve Police Officers' equipment. He stated that the Fire Department would continue with a radio frequency of their own, but that Public Works would be tied in with the Police Department radio.

He explained that the Surplus Property item had been placed in this budget because the city is now eligible to buy federal surplus property. He stated that two generators had just been purchased -- one for the fire department.

Vice Mayor Hammond asked why the item Special Police Equipment - $1,414, was included in this budget. City Manager Miller stated that that was primarily the equipping of the Reserve Police Officers.

He stated that the federal government will share the cost if the whole project is completed.

Vice Mayor Hammond brought up the matter of the salary of the Assistant City Manager, one-third of which is placed in the Civil Defense budget. He stated that some discussion had been held prior to this meeting in regard to placing the salary in the Fire and Police budgets and return this portion of the Assistant City Manager's salary to the Manager's budget.

City Manager Miller recommended that the salary be left in the Civil Defense Budget. He stated that the revision of the Civil Defense Ordinance would be presented to the Council at its meeting tomorrow. It is essentially the same as the present ordinance, he stated, but it takes into account some of the changes which have been made in the State law.

He stated that from 6:00 P.M. to Midnight on Friday, July 12th, there will be a command post exercise in Stanislaus County. He explained the program for the evening, for the Council's information. He presented the operational plan to the members for their study, but asked that they be returned as there are a few corrections which need to be made.

As there were no further questions, this department was cleared.

ADDITIONAL HELP FOR POLICE AND FIRE DEPARTMENTS

City Manager Miller asked permission to discuss with the Council again, the requests for additional employees in the Police and Fire Departments. He stated that it was requested that 6 additional patrolmen be budgeted, at a cost of approximately $30,000. He stated that in the Fire Department the request was for 10 additional employees, which would put 3 men on duty at all stations at all times, instead of 2. He stated that these requests are not included in the budget as presented.

Acting Mayor Hammond asked if the Police Chief would report on how many men are in each division (i.e. Detectives, Patrolmen, Traffic Enforcement), and the area that each has to cover while on duty. He asked that this be a written report. Chief Neel stated he could present information now and showed maps of beats and answered questions regarding beat coverage, and other assignments.

Fire Chief Wemyss stated that his request for additional men was based on the factor that at the present time there are only 2 men on a truck, and he would like to have 3 men. As it is now, one man must stay with the truck at all times, which leaves only one man to fight the fire until the second truck arrives. If there were 3 men on a truck, there would be 2 men available to fight the fire, while one man stayed with the truck.

Vice-Mayor Hammond asked how many men are on the Fire Prevention Bureau, and Fire Chief Wemyss stated that there is just the Fire Marshal, but that he utilizes the entire manpower strength of the department in fire prevention.

The Fire Chief read the recommendations of the Board of Fire Underwriters of the Pacific regarding manpower in the department.

Vice-Mayor Hammond reminded the Council that it has a review pending regarding the hours of the Firemen and he suggested that the request for additional manpower be deferred until such time as the hours are discussed.

City Manager Miller stated that the request for additional manpower in the Police Department would provide for one detective, one on traffic enforcement, and 4 patrolmen.

No action was taken by the Council on the matter at this time.

PUBLIC WORKS - ENGINEERING & ADMINISTRATION 3-100

The City Manager reported that the firm is now making the study on local revenue and expenditures and services.

Vice Mayor Hammond asked if Construction and Maintenance Superintendent and Public Works Foreman was two different jobs, and what was the difference in them.

Director of Public Works Ray stated that the Construction and Maintenance Superintendent was budgeted in Engineering and Administration because he oversees the work of several crews. The Public Works Foreman, he stated, is a part of the Utility crew, which is a "floating" crew and is charged to this budget, but is also charged back out of it through the year to the operating divisions of Public Works and other departments.

Vice Mayor Hammond asked what the Construction Inspectors duties were. Mr. Ray stated they inspected the work which is let out on bid, work in improvement districts, sewer bond projects and one is the regular inspector of curbs and gutters, sidewalks, improvements of subdivisions,

etc. He stated that the inspectors are not used full time and are assigned to other duties also.

Vice Mayor Hammond asked what caused the increase in Salaries and Wages. Mr. Ray stated that the addition of a full time Right of Way Agent at approximately $6,000 was placed in this budget. He stated that the engineering personnel is being reduced by one and the staff of the Utility Crew by two employees, in this budget.

Councilman Anderson questioned the increase in Equipment Rental Charges. Mr. Ray stated that it was caused by the rental of a car full time for the Land Agent and also for a car for the associates which have not been used full time prior to this time.

Councilman Anderson also questioned the increase in Office Supplies. Director of Finance Bird stated that this was increased because the Public Works Department is now charged for supplies for the blueprinting. It had previously been charged to Services, Professional and Others.

Director of Finance Bird stated that there was a correction in Services, Professional and Other which the staff would recommend be approved. He stated that included in the $2,803 was an item for title search for the McHenry Avenue widening. It is now being proposed, he stated, that that money be budgeted in Special Capital Outlay. It is recommended that Services, Professional and Other be reduced to $1,003, he stated.

MOTION

That Services, Professional and Other be reduced by $800, making the total $1,003.

Moved by Robinson Seconded by Arata Unanimously carried

PUBLIC WORKS - BUILDING INSPECTION 4-70

City Manager Miller asked that since the decrease in activity in building, why is it necessary to maintain the same kind of staff which there has been in the past. Mr. Ray stated that there is still about the same level of building right now as there was a year ago. He stated that the department never had enough man power to cover all of the inspections that needed to be made.

As there were no further questions, this division was cleared.

PUBLIC WORKS - ELECTRICAL

Vice Mayor Hammond wanted to know what was included in Utilities - $32,470, and what caused the increase. Mr. Ray stated the charge was for street lights and traffic signals. The increase is due to the 8 new traffic signals which are under construction ($1,020); 150 new street lights ($3,060).

Vice Mayor Hammond questioned the item Street Light Electroliers - $5,100. Mr. Ray stated that this was for lamps and bulbs for the various signals and street lights.

There being no further questions, this division was cleared.

PUBLIC WORKS - AIRPORT 5-5

A short Council discussion was held on Taxes at the Airport. The City Manager was asked to make a report on the annexation problem at the airport and report back to the Council.

MOTION

That Councilmen Hammond and Arata be appointed to discuss with the County annexation and tax problems at the airport.

Moved by Adams Seconded by Merrill Unanimously carried

Director of Public Works Ray stated that if the purchase of the building from Codding Homes is approved, the item for Rent of Real Property - $1,360, could be removed. City Manager Miller reported that the signed agreement has been received and will be presented to the Council tomorrow. He advised that the item be removed at this time.

MOTION

That the item "Rent of Real Property" in amount $1,360, be removed from the budget.

Moved by Robinson Seconded by Adams Unanimously carried

Councilman Robinson asked about the request for Storm Drain, under Capital Outlay. Mr. Ray stated that this was proposed to be a small line to drain the area in front of the airport entrance on Conejo Street side.

PUBLIC WORKS - SERVICE DIVISION 5-65

Councilman Arata questioned the request for the 3 wheel motor scooter. Mr. Ray stated that it is proposed to use the scooter at the Sewage Treatment plant for picking up samples, and taking them to the lab.

Councilman Adams asked if it was proposed to get an electric starter on the scooter. He recommended that the electric starter be included when it is purchased. It was pointed out that it would cost an additional $100 to include the electric starter.

Vice Mayor Hammond asked what the Dump Truck W/Gondola Body was proposed to be used for. Mr. Ray stated it would be used for garden refuse. He stated that they are proposing another crew, which is necessary in order to maintain the level of service.

Vice Mayor Hammond asked what type of Asphalt Compactor was proposed to be purchased. Mr. Ray stated that it was a small portable unit, one-man operated. It is for compacting patches, compacting materials over ditches, etc. It is not for large work, he stated.

MOTION

That the Service Division Budget be increased by $100 to include an electric starter on the 3-wheel motor scooter.

Moved by Adams Seconded by Merrill Unanimously carried

PUBLIC WORKS - SERVICE DIVISION (Working Capital Fund)

In answer to a question from Vice Mayor Hammond, Mr. Ray explained the difference between Equipment Serviceman and Special Maintenance Man.

Vice Mayor Hammond asked if it was possible to get any of the equipment under Capital Outlay from the government.

The City Manager stated that catalogs are received all the time listing the available equipment and the staff does not buy anything new that they can get from surplus.

PUBLIC WORKS - Water Division 6-50

In answer to a question from Councilman Adams regarding sand traps, Mr. Ray replied that 4 wells and 4 old pumping stations had been replaced and each one has a sand trap. All new wells which have been developed have sand traps. The two under construction in South Modesto have combination sand traps and pressure tanks. There is a request in the budget, he stated, for two sand traps for old wells where there is no other improvements necessary.

Director of Public Works Ray reported that $2,950 in the Maintenance and Repair, Equipment Other, had been budgeted last year for the maintenance and painting of one of the water tanks. He stated that it had not been possible to get the work completed before the end of the fiscal year, and therefore was asking that Maintenance and Repair, Equipment Other be increased by that amount.

MOTION

That the amount of $2,950 in Maintenance and Repair, Equipment Other, be rebudgeted from the 1956-57 appropriations to the 1957-58 appropriations.

Moved by Arata Seconded by Merrill Unanimously carried

PUBLIC WORKS - STREETS 7-5

Council discussion was held on the garden refuse service. Councilman Robinson asked what the outcome would be if the service was reduced to twice a month instead of once a week. The primary problem, Mr. Ray stated, would be that materials would be stored in the gutters for two weeks instead of one. This would cause two problems; one, the materials have a habit of washing down the gutter and into the drains, and two, the appearance of the city.

Mr. Ray pointed out that the cost and need for manpower will steadily increase because of the growth of the city. The total cost for operating at the present time, is approximately $75,000, he stated.

Mr. Ray stated that the staff had met with the Council Garbage Committee and that the staff was gathering information at the present time on using incinerator and other methods of disposal of the refuse. A report will be made later to the Council.

PUBLIC WORKS - SEWER DIVISION 7-90

As there were no questions on this budget, this division was cleared.

PUBLIC WORKS - SEWAGE DISPOSAL 7-120

Councilman Anderson asked that Mr. Ray explain the reason for the decrease in Maintenance and Repair, Equipment Other, 1956-57, then the increase in the 1957-58 budget. Mr. Ray stated that the reason for the decrease was that in 1955-56 ($6,008) it included major repairs to the old clarifier which was put out of operation while construction was going on. The reason for the increase in 1957-58 budget was because there are more units to maintain than in 1956-57.

PLANNING 8-10

The City Manager reported that the staff had just learned that federal assistance can be obtained for the city, for some of the projects in planning. He presented a report regarding this matter, for council study.

SPECIAL CAPITAL OUTLAY 8-25

The City Manager presented the Work Sheet for Special Capital Outlay Proposed Allocation 1957-58, for the Council's study. He briefly reviewed the work sheet and explained various items to the Council members.

Vice Mayor Hammond asked if the City Manager would check with the firm making the survey on the sales tax matter, and find out what a study of the fiscal relationships of the M.I.D. would cost.

ADJOURNMENT

The meeting was adjourned until 4:00 P.M., Thursday, July 11, 1957.

ATTEST: Rex E. Gallfus
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 Marks presiding.

The City Clerk called the roll and there were

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

Councilman Arata arrived at 7:40 P.M.
Councilman Merrill arrived at 8:00 P.M.

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

The invocation was given by Rev. Bernard Den Ouden of the First Christian Reform Church.

APPROVAL OF MINUTES 1-15

Council members having received copies of the minutes of the Council meetings of June 25 and 26, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM WARD C. ROWE, GENERAL CHAIRMAN CIRCUS COMMITTEE REQUESTING WAIVING OF CIRCUS LICENSE PAYMENT 1-20

The City Manager read a letter from Ward C. Rowe, General Chairman of the Circus Committee, Modesto Order American Legion, Post 74, requesting that the circus license payment be waived on the annual Pollack Bros. Circus to be held on August 2 and 3, 1957.

The Council agreed that this matter be handled administratively.

LETTER FROM FRANK ANDREWS

MOTION

That this letter be filed with the records of the meeting.

Moved by Hammond Seconded by Anderson Unanimously carried

RESOLUTION AWARDING BID FOR REMODELING OF MODESTO COMMUNITY CENTER 1-40

Tabulations of the bids were presented to the Council. Director of Public Works reported that the low bidder was E.A. Tomlinson in the amount of $11,950.00. He stated that this was a conditioned bid which provides for a completion date of 60 days after award of bid if fabricated beams may be used, instead of the rolled beams provided for in the specifications. If the rolled sections are used, another 100 days would be needed for completion of the contract. He stated that if the rolled beams were used it would also result in a reduction in the contract price of $340.00. Since the beams are to be covered, appearance is of no importance, he stated. He recommended that the fabricated beam be substituted for the rolled sections. Although the low bid exceeds the engineers estimate by the sum of $1,450, he stated that the staff felt the proposal was in line, and therefore recommends that the bid of E.A. Tomlinson be accepted.

RESOLUTION NO. 57-299

A RESOLUTION ACCEPTING THE BID OF E.A. TOMLINSON FOR THE REMODELING OF THE MODESTO COMMUNITY SERVICE CENTER

Introduced by Anderson, Seconded by Robinson

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

RESOLUTION AWARDING BID FOR IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 6 1-95

Bid tabulations on this project were presented to the Council. Director of Public Works Ray reported that the low bidder was Wm. Schallock in the amount of $32,835.02, which was well below the engineer's estimate of $42,220.00. He recommended that the bid be accepted.

RESOLUTION NO. 906-S.P.

RESOLUTION OF AWARD OF CONTRACT

Introduced by Hammond Seconded by Robinson

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

ORDINANCE APPROVE AGREEMENT WITH CODDING BUILDERS FOR PURCHASE OF AIRPORT PROPERTY 1-105

ORDINANCE NO. 180-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FOR USE FOR AIRPORT PURPOSES FROM CODDING HOMES

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

Moved by Arata Seconded by Hammond

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

The City Manager reminded the Council that funds would have to be made available in this budget for the purchase of the property.

ORDINANCE SETTING UP CIVIL DEFENSE AND DISASTER ORGANIZATION 1-120

The City Manager stated that this ordinance had been rewritten to comply generally with State changes in legislation, and pointed out certain changes.

ORDINANCE NO. 181-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 4 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO CIVIL DEFENSE AND DISASTER TO PROVIDE FOR A DISASTER RELIEF AND CIVIL DEFENSE ORGANIZATION WITHIN THE CITY OF MODESTO

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

Moved by Adams Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

ORDINANCE AMENDING TRAFFIC REGULATIONS (PARKING) 2-10

The City Attorney reported that this ordinance would permit parking on the left hand side of the curb when one-way streets go into effect.

ORDINANCE NO. 182-C.S. entitled

"AN ORDINANCE AMENDING SECTION 34 of ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, RELATING TO TRAFFIC REGULATIONS"

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

Moved by Anderson Seconded by Arata

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

CONSIDER REQUEST FOR WIDENING OF RUE DE YOE STREET (MRS. RUBY E. REID) 2-25

Mrs. Ruby E. Reid appeared before the Council to request the widening of Rue De Yoe Street. She presented maps to the Council members showing the proposed project. She reviewed for the Council the history of this matter, and read a letter which she had sent to the Council on April 14, 1954. She stated that her reason for presenting the history to the Council was to bring the facts to the Council showing that the 13 foot strip on Rue De Yoe was intended for a street and had been deeded by Mr. De Yoe to another party for street purposes. She asked that the Council consider widening the north side of Rue De Yoe thirteen feet.

Mayor Marks pointed out that as a matter of policy the City does not purchase land for the widening of streets, and unless it is deeded to the City by the property owner, nothing can be done about widening it.

He stated that the Council was sympathetic with the problem, but as the City Attorney has pointed out, the validity of the chain of deeds to the 13' strip is a problem for the courts to decide upon.

The City Manager stated that it should be pointed out that the Council's policy also is that it does not pave residential streets. The policy is that the City will pay 20% of the cost of paving of such streets under certain conditions, he stated.

After some discussion by the Council, Mayor Marks stated that the question before the Council was -- "do we desire to widen that street?"

Herbert Ramont, owner of the 13 foot strip on Rue De Yoe, stated that the property was for sale and that he would not consider deeding it to the city for widening of the street. He stated that he felt if anything was considered at all, the street should be closed instead of widened.

Mayor Marks stated that there were only two solutions, 1) that everyone on the block who is interested in widening the street get together on a pro-rata basis, and work out the purchase price, and 2) that Mr. and Mrs. Reid purchase it.

The City Manager stated that the recommendation of the staff is that the Council take no further consideration on the matter, and that petitioners be advised that the request for widening was not granted.

MOTION

That the petition requesting the widening of Rue De Yoe Street be denied.

Moved by Adams Seconded by Robinson Unanimously carried

HEARING ON PROPOSED ADOPTION OF PLANNING GOALS 4-30

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the consideration of the proposed adoption of the Planning Goals.

The City Clerk reported that the Notice of Hearing had been published in the official newspaper as required by law and that no written protests had been received.

Mayor Marks asked if there was anyone in the audience who had any oral protests and there were none.

City Manager Miller presented Planning Commission Resolution No. 395 adopting the goals, and recommending that the Council hold a public hearing.

Mayor Marks declared the hearing closed.

Since the Council had studied the goals and there were no further questions, the following resolution was adopted.

RESOLUTION NO. 57-301

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING GOALS, A PORTION OF THE GENERAL PLAN OF THE CITY OF MODESTO

Introduced by Robinson Seconded by Hammond

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

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE McBRIDE PROPERTY (AUGUST 21, 1957, at 4:30 P.M.) 4-55

RESOLUTION NO. 57-302

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 THE "McBRIDE ADDITION", AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION

Introduced by Anderson Seconded by Arata

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

RESOLUTION SETTING DATE FOR HEARING ON APPEAL BY JOE F. MITCHELL FROM PLANNING COMMISSION DENIAL FOR REZONING (JULY 24, 1957, 8:45 P.M.) 4-65

RESOLUTION NO. 57-303

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY JOE MITCHELL ON THE REZONING OF PROPERTY LOCATED IN BLOCK 406

Introduced by Robinson Seconded by Anderson

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

The letter from Mr. Mitchell requesting the hearing was ordered filed.

CLEAR PROCEDURE FOR RELOCATION OF MODESTO TERMINAL COMPANY SEWER LINE AT AIRPORT 4-70

Director of Public Works Ray reported that approval for the relocation of the Modesto Terminal Company's sewer line at the airport had been approved by the Civil Aeronautics Administration and the County Board of Supervisors. He read a draft of a letter proposed to be sent to the Beard Land and Investment Company outlining the procedure to be followed in relocating this line. He stated the City would be paying the Modesto Terminal Company and the work would be under their supervision, which would relieve the city of the responsibility. The cost of the relocation is to be shared by the C.A.A., the County and the City.

RESOLUTION NO. 57-304

A RESOLUTION APPROVING AGREEMENT WITH THE MODESTO TERMINAL COMPANY TO RELOCATE SEWER LINE AT THE AIRPORT

Introduced by Arata Seconded by Robinson

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

RESOLUTION APPROVING AGREEMENT WITH AMERICAN RIGHT OF WAY AND APPRAISAL CONTRACTORS FOR McHENRY AVENUE WIDENING PROJECT 4-105

RESOLUTION NO. 57-305

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE AMERICAN RIGHT OF WAY AND APPRAISAL CONTRACTORS RELATING TO McHENRY AVENUE WIDENING

Introduced by Hammond Seconded by Merrill

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

REQUEST FOR VARIANCE IN CURB CUT REGULATIONS - JON B. SHASTID 4-120

Director of Public Works Ray reported that Jon B. Shastid now has an existing driveway 26' in width, at the north end of Carolyn Avenue, on the east side, and would like an additional driveway 16' in width, in order to provide for off-street parking for guests and employees. He stated the matter to be considered is that the two curb cuts would be separated by a distance of only 3 feet, whereas the Code requires a minimum of 18 feet. He stated that the proposed work is in connection with the installation of curbs and gutters and sidewalks in this area. He recommended that the variance for the curb cut be granted, under the condition that standard concrete driveway approaches be constructed.

RESOLUTION NO. 57-306

A RESOLUTION APPROVING THE REQUEST OF JON B. SHASTID FOR A VARIANCE FROM THE PROVISIONS OF THE MUNICIPAL CODE RELATING TO CURB CUTS

Introduced by Arata Seconded by Anderson

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

REQUEST FOR CHANGE OF NAME OF SYCAMORE AVENUE TO SHERWOOD AVENUE BETWEEN BRIGGSMORE AND BOWEN AVENUES 5-10

RESOLUTION NO. 57-307

A RESOLUTION CHANGING THE STREET NAME OF "SYCAMORE AVENUE" BETWEEN BRIGGSMORE AND BOWEN AVENUES TO "SHERWOOD AVENUE"

Introduced by Anderson Seconded by Robinson

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

RESOLUTION APPOINTING GEORGE TOMSHO CITY MANAGER PRO TEMPORE DURING ABSENCE OF THE CITY MANAGER 5-35

RESOLUTION NO. 57-308

A RESOLUTION APPOINTING GEORGE TOMSHO, CITY MANAGER PRO TEMPORE DURING THE ABSENCE OR DISABILITY OF THE CITY MANAGER

Introduced by Anderson Seconded by Arata

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

REQUEST FOR VARIANCE IN CURB CUT PROVISIONS OF CITY CODE (EVERETT TURNER) 5-35

Director of Public Works Ray presented a request from Everett Turner for a variance in curb cut provisions on his property at Brady and Fairmont. He stated that there were two requests 1) a curb opening 35' in length in order to take care of the existing driveway, and 2) that he be permitted to extend a concrete block driveway the full width of 29 feet out to the sidewalk line. He stated that he had informed Mr. Turner that his recommendation would be that the request to extend the concrete block driveway be denied, due to the potential hazards involved in that type of construction. He stated that the reason Mr. Turner wished to extend the driveway with the blocks was in uniformity of design and architecture in line with their present driveway which comes out to the property line. He recommended that the variance for the curb cut be granted, but that the request to extend the driveway with concrete blocks be denied.

MOTION

That the request for a variance of the curb cut provisions be granted to Everett Turner

Moved by Anderson Seconded by Merrill Unanimously carried

RESOLUTION NO. 57-309

A RESOLUTION APPROVING THE REQUEST OF EVERETT W. TURNER ON BRADY AVENUE, NORTH OF FAIRMONT, TO CONSTRUCT A 35 FOOT CURB CUT AND DENYING THE REQUEST TO CONTINUE THE PRESENT DRIVEWAY CONSTRUCTION OF CONCRETE BLOCK OUT TO THE SIDEWALK LINE

Introduced by Anderson Seconded by Adams

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR IMPROVEMENTS ON MILLER AVENUE AND G STREET EXTENSION 5-110

RESOLUTION NO. 57-310

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF MILLER AVENUE FROM LA LOMA TO EL VISTA AVENUE (UNIT A) AND EXTENSION OF "G" STREET BETWEEN BURNEY STREET AND LA LOMA (UNIT B)

Introduced by Arata Seconded by Merrill

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

APPROVE AGREEMENT WITH THE TIDEWATER SOUTHERN RAILWAY COMPANY ON THE DEVELOPMENT OF THE MODESTO INDUSTRIAL PARK AREA 5-115

RESOLUTION NO. 57-311

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE TIDEWATER SOUTHERN RAILWAY COMPANY FOR THE DEVELOPMENT OF THE MODESTO INDUSTRIAL PARK AREA

Introduced by Merrill Seconded by Hammond

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

LETTER FROM CITY OF ATWATER REGARDING QUARTERLY MEETING OF THE CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES 5-120

Mayor Marks read a letter from the City of Atwater inviting the Council members and city officials to the quarterly meeting of the Central Valley Division of the League of California Cities which will be held in Atwater on Thursday, July 25, 1957 at 6:30 P.M. The City Clerk was instructed to check with the Council members regarding their attendance at this meeting.

The Mayor informed the Council that he would be in town between now and September, for only about three days a week, but that he would be here for the Council meetings.

REPORT ON RECEPTION HELD BY CALIFORNIA VEGETABLE CONCENTRATES 6-10

Councilman Hammond, Chairman of the Industrial Committee, reported on the reception held by California Vegetable Concentrates for the people who had a part to play in the production of their new plant.

ADJOURNMENT MOTION

That the meeting now in session be adjourned.
Moved by Anderson Seconded by Mayor Marks Unanimously carried
The meeting was adjourned at 8:47 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The adjourned special session of the Council of the City of Modesto which had been adjourned on July 9, 1957, to this date at 4:00 P.M. was reopened, as provided by Section 2-1.02, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, to further consider the proposed budget for the fiscal year 1957-58, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill and Mayor Marks
Absent: Councilmen: Adams

Councilman Adams arrived at 4:06 P.M.

REQUEST FOR ADDITIONAL MANPOWER FOR POLICE AND FIRE DEPARTMENTS 1-10

City Manager Miller stated that he had asked Chief Neel and Chief Wemyss to be present to consider with the Council the request for additional manpower in the Police and Fire Departments, and to clear any further questions they had regarding this request, and to determine whether the Council wished to take any action on the requests at this time.

Councilman Arata reminded them that a study was being conducted at the Police Department at the present time and also that the Chief of Police would be leaving on July 31, and suggested that the request be deferred until the results of the study have been completed and a new Chief of Police has been appointed.

Councilman Hammond stated that he felt the Council should discuss the budget as it is now set up and then discuss the requests for manpower as a separate item at a later date.

City Manager Miller stated that the need for additional man power was being pointed out for consideration by the Council.

MOTION

That the matter of additional man power for the Fire and Police Departments be deferred until after the studies which have been asked for in these departments are completed.

Moved by Merrill Seconded by Anderson Unanimously carried

City Manager Miller reported that Assistant City Manager Tomsho had been working with the Police Department and they were setting up a new system of reporting and that the staff believed that they could make some substantial progress in simplifying some of these procedures. It will take at least 60 days to complete this study, he stated, and particularly in view of the fact that there will be a new Chief of Police, the staff would like the Council to consider extending the temporary help until this study can be cleared.

The Council agreed that it would wait until the end of 60 days before considering the extension of the temporary help.

TRAFFIC ENGINEERING 1-65

City Manager Miller reported that $3,000 for street signing which was not used last year in this department, should be added under Capital Outlay - Traffic Signs.

Councilman Hammond questioned the request for Dictating and Transcribing Equipment and an Electric Typewriter. He asked Traffic Engineer

Carmody what his letter load was a day. He stated that they averaged about 10 letters a day, plus about 10 to 15 memos a day. He explained the department's procedure for answering complaints. He stated that the reason for requesting the typewriter and the dictating equipment was so they would not have to ask for an additional steno-clerk in the department, at this time.

Councilman Arata questioned the $2,000 for parking meters - Capital Outlay - and Mr. Carmody replied that that was for the meters which were just purchased (400 Miller meters).

Councilman Hammond wanted to know if the Jr. Engineering Aide which was requested, would be shared with another department. Mr. Carmody explained that it was a request for a part time person to help out with the parking meters.

Further discussion was held by the Council on the overtime and work load of the steno-clerk in this department.

At the request of Councilman Anderson, City Manager Miller explained the type of dictating equipment which was proposed to be purchased for this department. He stated that consideration would be given also to a Stenorette model (foreign made) and much cheaper than the other type of equipment. It is a tape-recorder type of machine. The Council asked that the City Manager make a report on this machine, for its study.

MOTION

That Capital Outlay - Traffic Signs be increased by $3,000, making a total of $10,000.

Moved by Anderson Seconded by Adams . Unanimously carried

TRAFFIC ENGINEERING - PARKING FUND 2-75

Councilman Anderson asked what the Photo Electric Cells - Capital Outlay, were to be used for. Mr. Carmody replied that they were to be used to turn on the lights on the parking lots.

Councilman Anderson asked why only ¼ was provided for in this budget for the Bench Vise and Parking Meter Parts Cabinets. Mr. Carmody stated that they are pro-rated according to the number of parking meters, on-street and off-street.

Mayor Marks questioned the Horticultural Supplies and Mr. Carmody stated that this was for the plants at the off-street parking lots.

Councilman Hammond asked if it would be possible to find out what it would cost in the way of manpower to handle the interfund transfers from one department to another. The City Manager stated that he did not know just what it would cost, but that the staff does not allocate costs unless it feels it is important for management, policy or fiscal information purposes.

In answer to a question from Councilman Merrill, Mr. Carmody stated that the increase in Utilities was due to the addition of the 10th Street parking lot and the addition of lights to the other lots.

Traffic Engineer Carmody stated that since the lots which the City leased recently are not clean lots and have houses which have to be removed, it will probably be necessary to increase the New Parking Lot Development ($9,800) allocation, by $1,200. He suggested that the Council wait until the contracts are ready, and then increase the fund.

Traffic Engineer Carmody reported that on the lots at 12th and I Streets and the one at 11th and G Streets, sidewalks are not as wide as the right-of-way, therefore there are dirt areas nearby. He stated that the dirt areas cause a lot of maintenance and the Director of Parks has suggested that these areas be paved. He stated that on all the new lots the entire area between the curb and the right of way is being paved with sidewalks. On the three lots, he stated, it would require $3,000 to pave the area.

A general discussion was held by the Council members on the paving. The members felt that the areas on the city owned property should be paved, but the leased lots should not. The City Manager suggested that the Council increase the Improvements to Present Parking Lots by $2,400, and pave the two lots the City owns, and the staff check the other lot out and report back to the Council.

MOTION

That Improvements to Present Parking Lots - Capital Outlay be increased by $2,400, making a total of $3,850.

Moved by Merrill Seconded by Hammond Unanimously carried

Councilman Anderson suggested that the Traffic Engineer work with the owner of the leased parking lot on a participation basis for paving the area at this lot.

Councilman Merrill asked the City Manager to check with the Southern Pacific Company in regard to cleaning up their burned building on 7th Street.

MUSIC AND PROMOTION 5-20

The City Manager reminded the Council that requests had been received from the Modesto Band for $350 to pay the costs of taking the Band to the State Fair in Sacramento; a request from the California Relays that $750 be placed in the budget; and a request from the 4th of July Committee that $750 be placed in the budget. He stated that $1,200 for Modesto Band does not include the $350. The other two requests have been placed in the budget.

The Council decided to leave the appropriation for the Modesto Band at $1,200 and consider the additional request of $350 at a later date.

FEDERAL ASSISTANCE ON PLANNING 6-0

City Manager Miller asked if the Council would like to consider clearing the application for federal assistance on Planning.

The Council members indicated that they had not been able to study the report which had been presented to them, but that they were in favor of the staff preparing the application and that they would discuss at a later date the projects to be undertaken in this program.

MOTION

That the staff be authorized to proceed on the preparation of the application for Federal Funds to assist the Planning program.

Moved by Anderson Seconded by Hammond Unanimously carried

LIBRARY 6-40

Librarian Hamilton stated that the reason for requesting the Bulletin Board (Capital Outlay) was simply that it was a public relations project and would inform the public of meetings to be held at the Library.

Councilman Adams felt that the sign was needed to inform the public of the meetings and various activities.

Councilman Hammond felt that if a sign was erected it would distract the motorists attention and cause accidents at this intersection (14th and I Streets). Librarian Hamilton explained that this would be a pedestrian type of sign -- that the motorists would not be able to read it.

Council discussion was held on the expansion program for the library, and the possible purchase of the adjoining property. The Council asked that a plan for expansion be presented to them for consideration.

MOTION

That item 503 - Bulletin Board, in amount $500 be deleted from the budget.

Moved by Merrill Seconded by Hammond Unanimously carried

Councilman Merrill questioned the request for $3,000 for shelves. Mr. Hamilton replied that there is $5,555 included in the budget as the city's contribution to a west side branch. It was not included in the County's budget this year, however, so the money can be deleted from this budget.

MOTION

That the following items be deleted from the Library Budget: 505 - Charging Desk - $500; Salaries and Wages Extra Help - $675; 505 - Shelves - $3,000; Rent of Real Property - $1,350.

Moved by Anderson Seconded by Arata Unanimously carried

Councilman Merrill asked where the Awning, N.W. Side - $1,750 would be used. Mr. Hamilton stated that when the traffic lights were considered for this intersection, it was suggested that the trees on the northwest side of the library be removed so as not to obstruct the view of the motorists. The trees have now been removed, and a considerable amount of light comes into the reference room; therefore it is being suggested that the awnings be installed. He suggested that permanent aluminum awnings be purchased.

Councilman Anderson questioned the amount budgeted for Mtc. & Repair, Bldgs. and Grounds ($2,500). Mr. Hamilton stated that it was proposed to install approximately $1,000 worth of fluorescent lights, which would replace old incandescent lights. It is also proposed to remodel the charge desk in the adult section of the library. He stated he would also like to start a program of paint maintenance - repainting the inside and outside as it is needed. New shades are needed to replace some old ones now on the windows, he stated. The rest would be used for the minimum floor repairs and the unanticipated repairs.

In answer to a question from Councilman Anderson, Mr. Hamilton explained that the Contractual Services is the portion the City pays the County for the extra people that have been added at the library.

MISCELLANEOUS UNCLASSIFIED 7-65

The City Manager stated that $2,188 - Conference and Travel was for the League of California Cities Conference. The Memberships and Dues is for the dues to the League of California Cities, which is a

general City expense, he stated.

The City Manager stated that the funds for the Independent Audit should be reduced $100, making a total of $1,500.

Director of Finance Bird stated that the Compensation Insurance - $21,000 must be increased to $24,610, due to the salary increase. The Retirement Contribution also must be increased to $104,063, which is also based on the salary and wages. He also pointed out that the Public Liability Insurance will probably be higher next year but he could not estimate just exactly how much it will be. He stated that the Insurance Company had made an audit and had increased their inventory based on the audit. He stated that the staff will have to report back to the Council on this item.

The reduction in the Taxes is due to the fact that the City will not have to pay on an Improvement District this year, which was included in the last budget.

MOTION

That the following items be changed: Item 235 - Independent Audit be decreased by $100 making a total of $1,500; Item 411 - Compensation Insurance be increased to $24,610; 425 - Retirement Contribution be increased to $104,063.

Moved by Merrill Seconded by Adams Unanimously carried

SPECIAL GAS TAX STREET IMPROVEMENTS 7-112

Director of Finance Bird reported that Project 72 - Miller Avenue from LaLoma to El Vista should be $52,900 and Project 73 - Extend G Street from Ross to LaLoma should be $33,800. He stated that the reason for the two changes was that the City just did not get work done as anticipated, so it is carried over.

MOTION

That Project 72 be increased to $52,900 and Project 73 be increased to $33,800.

Moved by Anderson Seconded by Hammond Unanimously carried

AIRPORT DEVELOPMENT FUND 7-124

This budget was cleared by the Council.

BOND REDEMPTION AND INTEREST REQUIREMENTS 7-125

This budget was cleared by the Council.

ADJOURNMENT

As there were several items which the Council needed to clear, the meeting was adjourned to Tuesday, July 16, 1957, at 4:00 P.M.

ATTEST: Rex E. Gailfus, am
REX E. GAILFUS, CITY CLERK

The adjourned special session of the Council of the City of Modesto which had been adjourned on July 11, 1957, to this date at 4:00 P.M., was reconvened as provided by Section 2-102, as amended, of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, to further consider the proposed budget for the fiscal year 1957-58, Vice Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Merrill, and Vice Mayor Hammond
Absent: Councilmen: Adams, Robinson and Mayor Marks

Councilman Adams arrived at 5:22 P.M.

REPORT ON DAMAGE TO DEL WEBB FIELD 1-15

The City Manager reported on the fire damage to the Del Webb Field on July 14, 1957. He stated that the insurance adjusters are working on it now, and the procedure he felt should be followed was to clear the matter of the insurance adjustment, then proceed to get it cleaned up so minor repairs can be made. Since it was such a short time, until the ball season was over, the staff did not feel it was appropriate to start a construction program. After the clean up, he stated, some minor repairs will be needed so that the field can be put back into useable shape pending the completion of the season. At the end of the season it would need to be reconstructed either on the same basis or on a more fireproof nature. He stated that the insurance compny will pay 90% of the costs and the City will provide the 10%.

Director of Public Works Ray reported that he had talked to the adjuster and the contractor and if it is possible to take any action tonight, it would be possible to have the debris cleaned up and the bleachers rebuilt by the end of the week, which would make it possible for the use of the rest of it, in a reasonably safe condition, for the balance of the season.

He stated that the adjusters state the loss at the concession section is approximately 35%. He stated if that is correct, he would recommend that that portion be rebuilt with the insurance funds, as originally constructed, even if a different type of construction is used on the grandstand. He stated that the insurance company's contractor had offered his assistance to the City and is willing to proceed at once.

The Council agreed to defer any action until the Council Meeting of July 17, 1957, where a further report will be given by the City Manager.

SPECIAL CAPITAL OUTLAY 1-105

The Council discussed the Special Capital Outlay Proposed Allocation for 1957-58, and took the following action:

City Hall, Communications Center & Police Bldg. - $102,400

Under this item, the City Manager suggested that Misc. Engineering be increased to $11,000 and that Condemnation, Western Union, $600 be deleted. He stated that the staff felt the $102,400 proposed was the amount needed to start the City Hall project. The Council cleared this item.

Community Service Center - $12,000

The City Manager stated that this was for the contract the Council had already awarded.

Additional Space, Police Building, 14 x 22 - $3,200

The City Manager stated that this was an additional room proposed in the area between the two buildings for interviewing. After Council discussion, during which time the City Manager pointed out that at the present time, there is no place available to talk with the person arrested. The Council deleted this item from Capital Outlay until such time as they can consider it with the Police Chief. (See action later in meeting.)

Fire Station McHenry Village Area - $35,000

The City Manager stated that this was the No. 1 area in need of Fire Protection at this time. The Council agreed to leave this item as proposed.

Land Acquisition - Parks - $30,000

The City Manager stated that this involved two parks -- one, the Garrison School Park Area, which the Council has already committed itself; and two, the El Vista Area. This item was approved.

Aerial Mobile Tower and Truck - $9,875

The City Manager stated that this was for the Parks Department and was the basis of the department's budget when it was stated that if this was purchased no additional tree crew would be needed.

Director of Parks and Recreation Lowrey stated that it takes only one man to operate the machine. This item was approved.

Acquisition of Codding Building - $3,700

The City Manager stated this was the balance over the amount presently in the Gas Tax Fund. He stated that it is probable that some of this can be reimbursed as additional allocations are obtained. This item was approved.

Dennett Dam - $50,000

Vice Mayor Hammond asked if the County had made any formal commitment by putting any money in the budget this year for Dennett Dam. The City Manager stated that they had not formally committed themselves, but some money had been placed in the Reserve which some of them have indicated they might use.

Councilman Anderson suggested that the City meet with the County and make some definite plans regarding this project.

City Manager Miller suggested that the Council Committee composed of Councilmen Adams and Arata, meet with the County again on this matter. This matter was cleared.

General Parks Improvement - $31,550 ($22,950)

Some discussion was held on the proposal for restrooms at the John Muir Park, Beard Brook Park and Pike Park. Vice Mayor Hammond asked Director of Parks and Recreation Lowrey which of the rest rooms was the most important and he replied that he felt the ones at John Muir Park and Pike Park were the most important since there were none available at the present time. There are facilities at Beard Brook Park, he stated, but are in a rather poor condition.

Mr. Lowrey stated that the improvement at Roosevelt Park was the development of another one-fourth of the park, for irrigation system and lawns.

He stated that development at the Kewin Park would involve pedestrian and truck service into the park and an irrigation system, lawns and some minimum playground equipment.

Some Council discussion was held on the use of the Moose property as a park.

MOTION

That the restroom, Beard Brook Park, $5,100 and Whitmore Park Development, $3,500, be deleted, leaving a balance of $22,950 in the General Parks Improvements.

Moved by Hammond Seconded by Arata Motion carried

Water Mains, Golf Course - $7,100

This item was cleared.

18-Hole Golf Course - $94,500 ($53,500)

The City Manager stated that the rough grading would have to be completed and a pump and sand trap would be needed before water lines would be installed, and the Architect's fee would have to be paid. If the Council put in only half of the water system, $41,000, then if volunteer help is forthcoming, the Council would have the money to buy additional pipe.

MOTION

That the Irrigation System be reduced from $82,000 to $41,000, making the total for the 18-hole Golf Course $53,500.

Moved by Arata Seconded by Merrill Unanimously carried

Industrial Park Water Development - $10,000 ($7,000)

The City Manager stated that this was for the pump stations in the Tidewater Industrial Park Area, and also stated that it should be reduced to $7,000.

MOTION

That the Industrial Park Water Development be reduced from $10,000 to $7,000.

Moved by Merrill Seconded by Arata Unanimously carried

Cooperative Street Paving Program - $10,000

The City Manager pointed out that the amount allocated isn't as much as has previously been allocated primarily because there hasn't been any great activity on this. The staff feels there should be money there, in case some activity does occur.

This item was cleared.

McHenry Avenue Widening - $75,000

This item was cleared.

Northern Blvd. Property Acquisition - $35,000

The City Manager stated that this was property for which the Council had authorized the staff to negotiate.

A brief discussion was held on this project and the item was cleared.

Kansas Avenue and 99 Highway

The City Manager stated that considerable discussion had been held with the oil company, and Southern Pacific Railroad on the possibility that the company on the south side of this intersection moving a little further south, so that it would be possible for the traffic to go straight across. He stated that this would simplify the intersection and reduce the cost of the signal installation. The Council agreed to keep this project in mind and bring it up again at a later date.

Other Traffic Signals, Channelization and Grade Crossings $30,190

The City Manager stated that these are signals which the Council tentatively approved. Councilman Anderson asked if there were any State signals included, and Mr. Miller replied that the ones at LaLoma - Santa Ana, Yosemite - Santa Ana, and Yosemite - Santa Cruz include State participation. He reviewed the other items under this allocation for the Council's information.

This item was cleared by the Council.

One Way Street Program - $7,200 ($5,840)

The City Manager stated that this item could be reduced to $5,840.

MOTION

That the One Way Street Program be reduced from $7,200 to $5,840.

Moved by Merrill Seconded by Arata Unanimously carried

The reduction was due to the deletion of the installation of signs - $1,600 and the addition of Cutter blades for stripe remover machine - $240.

DISCUSSION RELATING TO APPLICATION FOR PLANNING FUNDS 6-0

Director of Planning Smeath outlined the plans for the use of the Federal Funds for Planning if it is allocated to the City. He stated that the staff had felt that the projects which should be worked on were the ones which the Council and the Commission had both expressed interest in specifically. He stated the four projects proposed are 1) precise study of the central business district; 2) the study of the industrial district; 3) neighborhood studies; and 4) preliminary land use and research data on the Railroad relocation from 9th Street (Tidewater Southern property). He stated that most of this work would have to be done by consultants; it cannot be done by the City's staff.

MOTION

That $5,000 be included in the Planning Departments' Budget for Contractual Services (Federal Funds for Urban Assistance).

Moved by Adams Seconded by Merrill Unanimously carried

Water Companies Survey - $10,000

City Manager Miller stated that the Council Committee was working on it and suggested that it be left in the budget. This item was cleared.

Tidewater Southern and M.I.D. Canal Surveys - $10,000

MOTION

That Tidewater Southern and M.I.D. Canal Surveys - $10,000 be deleted.

Moved by Anderson Seconded by Arata Unanimously carried

Corporation Yard Building - $12,000

Director of Public Works Ray stated that it was proposed to have a Butler type building, utilizing the existing foundations. The building would be open-faced except for one section which would be used for storage of materials. The section that is occupied by the painters would be enclosed. It would be the same size area-wise as the old building.

Council discussion was held on the proposed building. It was pointed out by Councilman Merrill that there were a number of companies in town which did not keep their rolling stock under cover. Councilman Adams pointed out that there would be a lot more maintenance and upkeep of the equipment if it was allowed to sit out in the weather.

Mr. Ray stated that the building was used also to work on the street sweepers.

City Manager Miller stated that he felt the building should be torn down, since it is a firetrap and a disgrace to the City.

MOTION

That the old building at the corporation yards be removed.

Moved by Anderson Seconded by Arata Unanimously carried

Councilman Merrill suggested that the fence surrounding the area for the proposed new City Hall be painted and a sign erected stating that it was the future home of the City Hall.

MOTION

That the fence surrounding the area for the new City Hall be painted and a sign erected stating that it is the future home of the new City Hall.

Moved by Merrill Seconded by Arata Unanimously carried

The Council agreed to leave the $12,000 in the budget for the corporation yard building.

Additional space, Police Building, 14 x 22 - $3,200

The Council again discussed the additional space at the Police Department and agreed to delete it until further study.

MOTION

That the additional space, Police Building - $3,200 be deleted from the budget.

Moved by Hammond Seconded by Merrill Unanimously carried

Street Sweeper - $13,100

Director of Public Works Ray reported that at the present time the City has 2 large mechanical street sweepers and one old one. He stated the old one is occasionally used to sweep the light oiled streets where the heavy sweepers can't be used. This new one was proposed as a medium weight sweeper which could be used on all the new streets which come under the new subdivision regulations. He stated that there are several miles of this type now, and the City has no equipment to sweep them with. He stated that the old sweeper would still be used on the light oiled streets, if the new sweeper is authorized.

This item was approved by the Council.

Incinerator for Garden Refuse - $150,000

Director of Public Works Ray stated that at this time the staff did not have any precise recommendations to make, as the Council Garbage Committee is working on the project and the staff has additional reports to make to the Committee. He stated that this was put into the budget for consideration because there is a problem with the present method of operation. He stated he did not see how the City could continue operating as they have been doing, since it is imposing an intolerable situation on a large group of residents near the burning site. He stated that it appears at the present time that the cheapest method of operation over a period of years would be by incineration of the garden refuse materials. He stated they have received two estimates from two manufacturers of incinerator equipment and they both amount to approximately $150,000.

The City Manager stated he did not think the City would be able to burn at the airport another year. He stated that if the Council would allocate at least $25-30,000, the staff would be able to begin the engineering studies.

MOTION

That the $150,000 allocated for Garden Refuse Disposal be reduced to $30,000, and the balance placed in the Reserve.

Moved by Arata Seconded by Merrill Unanimously carried

Director of Public Works Ray suggested that the title of the item be changed from Incinerator for Garden Refuse to Garden Refuse Disposal.

City Manager - Page 15 8-65

The City Manager presented for Council study a list of pending projects and reviewed the list with the Council.

He stated that one of the items on the pending projects was "Analyses of departmental organization, operation, and procedures", and that it was his suggestion to have George Tomsho, Assistant City Manager, assigned to work two weeks or so with each department head and work out the various problems in each of the departments. He stated that for at least 6 or 8 months, Mr. Tomsho's time could be well utilized in these departments. He stated that if this suggestion is approved by the Council, it would mean that he would not be available to do the things that the Assistant City Manager normally does. In that case, he stated, he would need some help to do this work.

Councilman Hammond stated that he felt it was just piling "overhead on top of overhead". He stated he recognized the need was there and acute, but that it was an administrative problem and serving as an Assistant City Manager in consultation with the department heads can solve those problems without specialized study.

City Manager Miller stated that the Assistant City Manager could not do this specialized work and help him, unless the Council removes something like half the items from the pending list. He pointed out that about half of the items had been on the list for 2½ years.

Councilman Arata stated that most citizens either want to talk to the City Manager or the Assistant City Manager, and he felt they both should be familiar with the problems of the City.

City Manager Miller stated that another alternative then would be to bring someone in to do this specialized work.

Councilman Merrill stated that he felt the Council members should take the list home and study it and then come back with their recommendations.

Vice Mayor Hammond stated that as soon as the Council has completed their study of the pending list, they will review the request again.

MOTION

That Salaries be reduced by $4,860 to delete the Administrative Assistant, pending further study by the Council.

Moved by Vice Mayor Hammond Seconded by Merrill Unanimously carried

City Attorney - Page 16

The City Manager stated that there was a request for an assistant to the City Attorney. The City Attorney stated that this was an oral request and was not included in the budget. He stated that there was just not enough time in the Attorney's office to handle all the projects on the pending list.

The Council denied the request for the assistant, at this time, and agreed to consider again at the time that administrative assistance is considered for the City Manager.

Miscellaneous Unclassified - Page 43

Director of Finance Bird reported that the item City-County Health Agreement - $1,550 did not include an item of $10,000 which represents milk inspection fees that will be collected by the City and then in return paid to the County.

MOTION

That the item City-County Health Agreement - $1,550 be increased by $10,000, making a total of $11,550.

Moved by Merrill Seconded by Adams Unanimously carried

Capital Outlay Work Sheet

MOTION

That the Capital Outlay budget as amended, be included in the 1957-58 Budget.

Moved by Merrill Seconded by Adams Unanimously carried

Special Gas Tax Street Improvement Fund - Page 45

Director of Finance Bird reported that an analysis had been made and it has been found that the conditions have changed somewhat making it necessary to amend the budget as follows:

Project 60 - Improvement of Tully Avenue from 9th Street to Coldwell Avenue should be reduced from $52,030 to $35,500;

Project 66 - College Avenue from Coldwell to Briggsmore should be reduced from $71,320 to $45,000;

Project 72 - Miller Avenue from LaLoma to El Vista $52,900 should be allocated;

Project 73 - Extend G Street from Ross to LaLoma should be reduced from $33,800 to $6,600.

MOTION

That the above changes to the budget for Special Gas Tax Improvement Fund be approved.

Moved by Anderson Seconded by Arata Unanimously carried

Summary of 1957-58 Budget by Funds - Page 3

Director of Finance Bird reported that the following changes should be made under Estimated Available Balance in this Summary:

Special Gas Tax Street Impr., should be increased from $124,000 to $160,000;

Special Capital Outlay should be increased from $155,000 to $191,000;

Park and Recreation Facilities should be decreased from $32,000 to $27,577;

1953 Sewer Improvement Bond Fund should be decreased from $60,000 to $44,000.

MOTION

That the above changes to the Estimated Available Balances in certain funds be approved.

Moved by Anderson Seconded by Vice Mayor Hammond Unanimously carried

The City Manager reported that the General Fund Balances would be somewhat higher than estimated and would give the City some additional reserve which is unappropriated, but available for use if required.

ADJOURNMENT

MOTION

That the special meeting of the Council be adjourned

Moved by Anderson Seconded by Merrill Unanimously carried

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

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

The City Clerk called the roll and there were

Present: Adams, Anderson, Arata, Merrill and Mayor Marks
Absent: Hammond and Robinson

Councilman Robinson arrived at 4:03 P.M.
Councilman Hammond arrived at 4:05 P.M.

Due to the absence of City Manager Miller, Assistant City Manager Tomsho acted in his place.

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

Rev. Cecil Morriston, pastor of the Free Methodist Church, gave the invocation.

RESOLUTION AUTHORIZING CALL FOR BIDS FOR REMOVAL OF HOUSE ON 13th STREET PARKING LOT (REAR OF FIRESTONE STORE) 1-15

RESOLUTION NO. 57-312

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR DEMOLITION AND REMOVAL OF DWELLING AT 1011 13th STREET, CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

Bids to be opened on August 6, 1957, at 2:00 P.M.

FINAL ADOPTION OF ORDINANCE NO. 180-C.S. PURCHASE OF PROPERTY FROM CODDING HOMES INC., - AIRPORT PROPERTY 1-25

ORDINANCE NO. 180-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FOR USE FOR AIRPORT PURPOSES FROM CODDING HOMES"

introduced on July 10, 1957, 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 Adams

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

FINAL ADOPTION OF ORDINANCE NO. 181-C.S. CIVIL DEFENSE AND DISASTER ORDINANCE 1-30

ORDINANCE NO. 181-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 4 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO CIVIL DEFENSE AND DISASTER TO PROVIDE FOR A DISASTER RELIEF AND CIVIL DEFENSE ORGANIZATION WITHIN THE CITY OF MODESTO"

introduced on July 10, 1957, 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 Anderson

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

FINAL ADOPTION OF ORDINANCE NO. 182-C.S. AMENDING TRAFFIC REGULATION - PARKING 1-32

ORDINANCE NO. 182-C.S. entitled

"AN ORDINANCE AMENDING SECTION 34 OF ORDINANCE NO. 345-N.S. ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO", AS AMENDED, RELATING TO TRAFFIC REGULATIONS"

introduced on July 10, 1957, and having been printed and published as required by the Charter, and coming on for final consideration was moved and adopted.

Moved by Anderson Seconded by Arata

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

ORDINANCE ADOPTING THE BUDGET FOR THE 1957-58 FISCAL YEAR 1-35

Council members received copies of the changes made in the 1957-58 Budget.

ORDINANCE NO. 183-C.S. entitled

"AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1958, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

was adopted pursuant to Section 722 of the Charter, and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Adams

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

RESOLUTION AUTHORIZING THE ACCEPTANCE OF DEEDS GRANTING RIGHT OF WAY FOR WIDENING OF ORANGEBURG AVENUE BETWEEN MAGNOLIA AND McHENRY AVENUE FROM VITO LOCONTE, ET UX, AND L.W. CRABTREE, ET UX AND AUTHORIZING RECORDATION WITH COUNTY RECORDER 1-45

RESOLUTION NO. 57-213

A RESOLUTION ACCEPTING GRANT DEED FROM VITO LOCONTE AND ROSE LOCONTE AND L.W. CRABTREE AND EDITH V. CRABTREE FOR THE WIDENING OF ORANGEBURG AVENUE BETWEEN MAGNOLIA AND McHENRY AVENUE

Introduced by Merrill Seconded by Hammond

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

REPORT ON CONSTRUCTION OF 12" WATER MAIN IN TIDEWATER SOUTHERN INDUSTRIAL TRACT 1-50

Acting City Manager Tomsho read a report from Director of Public Works Ray on the cost of installation of a 12" water main in the Tidewater Southern Industrial Tract by City forces. The report showed that the total cost of the project was approximately 2½% below the engineers estimate and 87% below the low bid which had been submitted on May 29, 1957 and rejected by the Council.

RESOLUTION AUTHORIZING THE CITY MANAGER OR THE ACTING CITY MANAGER TO SIGN WAREHOUSE ISSUE SHEETS OF THE CALIFORNIA STATE EDUCATIONAL AGENCY FOR SURPLUS PROPERTY AND RESCINDING RESOLUTION NO. 57-247 1-70

Acting City Manager Tomsho reported that this would authorize him to sign the warehouse issue sheets of the California State Educational Agency for surplus property, in the absence of the City Manager.

RESOLUTION NO. 57-314

"A RESOLUTION AUTHORIZING THE CITY MANAGER OR THE ASSISTANT CITY MANAGER OF THE CITY OF MODESTO TO SIGN WAREHOUSE ISSUE SHEETS OF THE CALIFORNIA STATE EDUCATIONAL AGENCY FOR SURPLUS PROPERTY AND RESCINDING RESOLUTION NO. 57-247

Introduced by Hammond Seconded by Robinson

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

RESOLUTION REVISING SERVICE CHARGE FOR KEEPING CITY MAPS CURRENT BY THE PLANNING COMMISSION 1-80

Director of Planning Smeath reported that at the present time the service charge for keeping city maps current is $10.00 per map, including the paste-ons for one year. He pointed out that a number of people have 5 or 6 maps and they feel that the charge of $10.00 for each one is too high. The staff has checked and it was found that it cost less than $5.00 where paste-ons are mailed to the same individual and he attaches them to the maps himself. He recommended that the charge be $10.00 for the first map and service and $5.00 for each succeeding map and service, where the service goes to one address and one individual.

RESOLUTION NO. 57-315

A RESOLUTION ESTABLISHING SERVICE CHARGES FOR KEEPING CITY MAPS CURRENT BY THE PLANNING DEPARTMENT

Introduced by Anderson Seconded by Robinson

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

LETTER OF AGREEMENT ON CONSTRUCTION OF SUB-TRUNK SEWER ON TOKAY TO SERVE GREEK ORTHODOX CHURCH 1-95

Director of Public Works Ray reviewed the letter-type agreement with the Greek Orthodox Community for the construction of a sub-trunk sewer on Tokay Avenue to serve the Greek Orthodox Church. He stated that the City has a letter from the church agreeing to annex to the City. He recommended that the Council approve the agreement.

RESOLUTION NO. 57-316

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE GREEK ORTHODOX COMMUNITY FOR THE CONSTRUCTION OF SANITARY SUB-TRUNK SEWER ON TOKAY AVENUE

Introduced by Adams Seconded by Robinson

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

RESOLUTION RELATING TO APPLICATION FOR PLANNING FUNDS 1-115

Director of Planning Smeath reviewed for the Council the request for urban Planning Assistance from the Federal Government. If the funds are applied for, he stated, the staff suggests that the following projects be undertaken:

1. Precise plan of central business district;
2. Precise plans of neighborhoods;
3. Industrial district precise plan;
4. Railroad relocation study (relocation of Tidewater Southern Railroad)

He pointed out that if the funds are granted to the City, it would be required that the work be done by Planning consultants, except for one-fourth of the work which can be done by the local staff. The consultants can be the Advance Planning staff or the County Planming staff, he stated.

RESOLUTION NO. 57-317

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING PLANNING ASSISTANCE FROM THE STATE DEPARTMENT OF FINANCE

Introduced by Arata Seconded by Anderson

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

INVITATION TO ATTEND INTERNATIONAL YOUTH BAND CONCERT, JULY 20, 8:00 P.M., MODESTO HIGH SCHOOL AUDITORIUM 2-40

Acting City Manager Tomsho read a letter from The Independent Order of Foresters inviting the Council to attend the International Order of Foresters Robin Hood Band Concert to be held on Saturday, July 20, at 8:00 P.M. at the Modesto High School Auditorium.

Ada Hubband, Secretary to the City Manager, stated that the group would like to know how many Councilmen would be present so that reservations may be held for them.

Mayor Marks stated that he would see that the City is represented at the welcoming ceremony in the morning and also at the performance in the evening.

MATTERS FOR THE CONSIDERATION OF THE COUNCIL AND GOOD OF THE COMMUNITY 2-70

Mayor Marks reported on the method used by the City of Carson City for paying parking fines. He suggested that a study be made by the staff on this method and report back to the Council. The City Attorney stated that it would be legal to have containers to drop the fines in, but it was illegal to substitute an envelope citation, like those used in Carson City, for the ticket procedure now used by the City.

Councilman Robinson asked and received permission to bring up an item not on the agenda. He reported that the Planning Commission had taken action on the booklet "Metropolitan Patterns of 1981" and asked that this matter be placed on the Council agenda for the meeting of July 24, 1957, for Council consideration and action.

Councilman Arata suggested that a circular be sent to the property owners in the City advising them of whether the City has or has not raised the taxes.

MOTION

That a circular be sent to the property owners in the City advising them as to whether the City has or has not raised the taxes.

Moved by Arata Seconded by Mayor Marks Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE RACQUET CLUB 2-120

Mayor Marks announced that the hour of 4:30 P.M. had arrive, the time set for the consideration of the proposed annexation of the Racquet Club.

The City Clerk reported that Resolution No. 57-234 had been published in the official newspaper as required by law and that notices of the proposed annexation had been mailed to owners of property within the area on June 21, 1957. No written protests had been received, he reported.

Mayor Marks asked if there were any oral protests and there were none.

Mayor Marks declared the hearing closed.

ORDINANCE NO. 184-C.S. entitled

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

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

Moved by Anderson Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

RESOLUTION AWARDING BID FOR CONSTRUCTION OF SUB-TRUNK SEWER IN MONTGOMERY VILLAGE SUBDIVISION 3-15

Copies of the bid tabulation were distributed to the Council members for their information. Director of Public Works Ray reported that the low bidder was Ted Swinford Construction Company in the amount of $6,496, and recommended that the contract be awarded to that company. He reported that the subdividers had advanced to the City their share of the cost of this project.

RESOLUTION NO. 57-318

A RESOLUTION ACCEPTING THE BID OF TED SWINFORD CONSTRUCTION COMPANY IN THE AMOUNT OF $6,496.00 FOR THE CONSTRUCTION OF A SUB TRUNK AND PERIMETER SEWER IN MONTGOMERY VILLAGE NO. 1 and 2.

Introduced by Robinson Seconded by Anderson

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

REPORT ON MUTUAL BROADCASTING PROGRAM "BEHIND THE STORY" ON MODESTO 3-25

Ada Hubbard reported that Modesto would be featured on Marvin Miller's "Behind the Story" program on Thursday, July 18, 1957. She distributed to the Council a memorandum listing the radio stations and the time of the program, for the Council's information. She stated that the City Manager would contact officials at the Mutual Broadcasting Company to see if the City could obtain a tape recording of the program so that it may be used later on the City's regular weekly radio programs.

REPORT ON FIRE AT DEL WEBB FIELD 3-45

Director of Public Works Ray reported on the recent fire at Del Webb Field. He stated that the grandstand was a complete loss and it appeared that there might be a 35-40% loss to the concession buildings. There is some damage to the bleachers at the end of the grandstand and to the fence and also to one dugout. The insurance adjuster has been working on it, he stated, and he hopes to have the estimate of the loss available by next Monday.

He stated that the clearing of the debris may proceed without any effect upon the adjustment by the insurance company. He listed the procedure which the Council could take, if they so desired: 1) removal of the debris from the burning of the grandstand which would be done by City forces; 2) the bleachers could be repaired and the dugout and fence also repaired; 3) the concession building could be repaired. The administrative staff feels that the rebuilding of the grandstand should wait until after the season is completed, he stated. He stated that for safety reasons it would be necessary to provide a safer railing on the back of the concrete section which will remain in use. This will not be compensated for by the insurance company.

Mayor Marks reappointed the Council's Baseball Committee, composed of Councilman Arata, Chairman and Councilman Adams, to work with the staff on making any necessary repairs to the Field.

MOTION

That the City staff be authorized to proceed to remove the debris of the grandstand, repair of the bleachers and the repair of the fence and cleaning of the dugout; the cost of the work not to exceed $1,500.

Moved by Arata Seconded by Adams Unanimously carried

NOTICE OF LEAGUE MEETING IN ATWATER ON JULY 25, 1957 3-120

Acting City Manager Tomsho reminded the Council members of the quarterly meeting of the Central Valley Division of the League of California Cities to be held at Castle Air Force Base, on Thursday, July 25, 1957.

FURTHER DISCUSSION ON DEL WEBB FIELD 4-10

Jerry Pepelis, Business Manager for the Modesto Reds Baseball Club, requested that the concession stands and the office be repaired so that operations can be continued, until the end of the season.

Mayor Marks suggested that Mr. Pepelis work with the Council's Committee and the City staff to see what repairs can be made to these buildings.

PUBLIC SALE OF THE BUTTS PROPERTY ON MILLER AVENUE 4-45

This being the time set for receiving and considering sealed and oral bids to purchase the Butts property on Miller Avenue, Mayor Marks declared the meeting open.

City Attorney Grimes reviewed the provisions of the Resolution of Intention relating to the sale of this property.

The Acting City Manager read a report from the City Clerk stating the Resolution No. 57-265 had been published in the official newspaper as required by law, and an unofficial notice of the sale was published in the Modesto Bee.

The City Clerk reported receipt of one written bid which was opened, examined, and noted by the Council as follows:

Bidder	Amount of Bid	Amount of Deposit
Arthur J. Wylie	$1,061.00	$110.00 (cashier's check)

At this time, Mayor Marks asked for oral bids. The following persons bid on the property: Art Wiley, Ora Skiles on behalf of the LaLoma Grace Brethren Church, and Francis Clemens. The highest oral bid was received from Mr. Francis Clemens, in the amount of $3,200.00. Mr. Clemens deposited $320.00 with the City Clerk.

Mayor Marks declared the bidding closed.

MOTION

That the City Attorney be instructed to prepare the necessary papers for the sale of this property, to Francis Clemens et ux, for the sum of $3,200.00.

Moved by Robinson Seconded by Merrill Unanimously carried

Art Wylie suggested that the City set a minimum price when they advertise property for sale, rather than put the phrase in that the City may elect to sell or may not, and refuse all bids. He also suggested that the wording be changed in the future to allow oral bidding if a sealed bid is not submitted.

REQUEST BY COUNCILMAN LYNDALL MERRILL TO BE ABSENT FROM CITY FOR TWO MONTHS 5-100

MOTION

That permission be granted to Councilman Lyndall Merrill to be absent from the City for two months.

Moved by Arata Seconded by Anderson Unanimously carried

REQUEST BY CITY CLERK FOR ANNUAL VACATION STARTING JULY 22, 1957 5-110

MOTION

That permission be granted City Clerk Gailfus to start his annual vacation on July 22, 1957
Moved by Merrill Seconded by Adams Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.
Moved by Arata Seconded by Hammond Unanimously carried
The meeting was adjourned at 5:15 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular 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 Acting City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Absent: Councilmen: Anderson and Merrill

Councilman Anderson arrived at 7:52 P.M.

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

The invocation was given by Rev. Lawrence Clark, pastor of the Church of the Brethren.

APPROVAL OF MINUTES 1-20

Council members having received copies of the minutes of the Council meetings of June 20, and July 2 and 9, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM RUBY L. REID RE: WIDENING OF RUE DE YOE 1-25

A letter from Ruby L. Reid was read thanking the Council for its consideration on the widening of Rue De Yoe.

REPORT FROM CENTRAL VALLEY REGIONAL WATER POLLUTION CONTROL BOARD RE: WATER POLLUTION STUDY - SAN JOAQUIN RIVER WATERSHED 1-30

This report was referred to the Chairman of the Council Sewer Committee for study and report to the Council, at a later date.

LETTER FROM CATHARINE SUMMERS RE: CONTROL OF CATS IN THE CITY 1-35

A letter was read from Catharine Summers regarding the control of cats in the City. The letter was referred to the Administrative staff for handling.

PRESENTATION OF CERTIFICATE OF ACHIEVEMENT IN POLICE TRAFFIC SUPERVISION FOR 1956 AWARDED TO CITY BY INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE 1-75

Mayor Marks presented a Certificate of Achievement in Police Traffic Supervision for 1956, to Chief of Police Neel.

PRESENTATION OF PEDESTRIAN PROTECTION CONTEST AWARD BY AMERICAN AUTOMOBILE ASSOCIATION 1-85

Mr. John Spencer, representative of the American Automobile Association, briefly explained to the Council the basis upon which the Pedestrian Protection Contest Award is presented to a city.

Mr. Norman West, representative of the California State Automobile Association and the American Automobile Association, presented the award to Mayor Marks.

MOTION

That the Mayor be authorized to write a letter to the local office, and the San Francisco office of the American Automobile Association, expressing the appreciation of the City

for the work they are doing in regard to accidents.

Moved by Arata Seconded by Hammond Unanimously carried

HEARING ON PROPOSED ABANDONMENT OF PORTION OF ALLEY IN BLOCK 6717 2-50

Mayor Marks announced that the hour of 7:45 P.M. had arrived, the time set for the consideration of the proposed abandonment of a portion of an alley in Block 6717.

The Acting City Clerk reported that Resolution No. 905-S.P. had been published in the official newspaper as required by law; that notices of the proposed vacation were posted along the alley; and that no written protests had been received by the City Clerk.

As there were no oral protests, the Mayor declared the hearing closed.

RESOLUTION NO. 907-S.P.

A RESOLUTION CLOSING AND ABANDONING A PORTION OF THE ALLEY IN BLOCK 6717 IN COLLEGE VILLAGE NO. 2 IN THE CITY OF MODESTO

Introduced by Arata Seconded by Hammond

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

CONSIDER AWARD OF BID FOR IMPROVEMENT OF 14TH AND J STREET PARKING LOT 2-60

Tabulation of the bids received for the improvement of the 14th & J Street Parking Lot were presented to the Council. Traffic Engineer Carmody reported that the low bidder was M. J. Ruddy & Son, in the amount of $5,900 and recommended that the contract be awarded to this company.

RESOLUTION NO. 57-319

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON, IN THE AMOUNT OF $5,900 FOR THE CONSTRUCTION OF A PARKING LOT AT 14th AND J STREETS

Introduced by Anderson Seconded by Hammond

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

CONSIDER AWARD OF BID FOR PUMP HOUSES NO. 19 & 20 2-65

Tabulation of the bids received for the construction of pump houses at Pump Stations No. 19 and 20, were presented to the Council. Director of Public Works Ray recommended that the bid of William Mineni, in the amount of $4,061, be accepted.

RESOLUTION NO. 57-320

A RESOLUTION ACCEPTING THE BID OF WILLIAM MINENI, IN THE AMOUNT OF $4,061.00 FOR THE CONSTRUCTION OF PUMP HOUSES AT PUMP STATIONS NO. 19 AND 20

Introduced by Arata Seconded by Anderson

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS ON CONSTRUCTION OF A WATER LINE IN MONTGOMERY VILLAGE NO. 1 AND NO. 2, AND BETWEEN CODDING DRIVE AND MONTGOMERY VILLAGE NO. 1 2-65

RESOLUTION NO. 57-321

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF A WATER LINE IN MONTGOMERY VILLAGE NO. 1 AND NO. 2, AND BETWEEN CODDING DRIVE AND MONTGOMERY VILLAGE NO. 1

Introduced by Adams Seconded by Arata

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

ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY (BUTTS) AND APPROVING AGREEMENT 2-70

ORDINANCE NO. 185-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO"

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

Introduced by Adams Seconded by Arata

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

FURTHER REPORT ON SIGNAL INSTALLATION ON YOSEMITE AVENUE 2-80

The City Manager reported that the staff had not been able to clear the right of way acquisition of property which lies on both sides of Covena, for the signal installation at Yosemite and LaLoma. He presented three alternatives for Council consideration:

1- That some revision of the type of installation at this intersection be made;

2- That consideration of the possibility of having one way traffic on Covena - north bound;

3- That the possibility of closing Covena at this point be considered.

Mr. Miller suggested that if it was agreeable with the Council, the staff would like to check all of the above alternatives and make a further report to the Council.

MOTION

That the staff proceed on the basis as outlined above.

Moved by Mayor Marks Seconded by Arata Unanimously carried

FURTHER REPORT ON SIGNAL INSTALLATION ON MCHENRY AVENUE 2-100

The City Manager reported that the staff had not been able to clear the right of way at the intersection of Orangeburg and McHenry Avenues, to install the signals on the ultimate width of the right of way. Since the contract had been let and the materials had to be ordered, the only alternative left was to install the signal on the present right of way, which the State is proceeding with at the present time.

The City Manager stated that the second problem on McHenry Avenue which the staff would like the Council to be aware of, was the radius of the curb returns at the corners. He stated that the staff has proposed a 25' radius for the curb returns, and that discussion had been held with M.I.D. on the installation of its poles, but the matter had not been cleared to a point of a final recommendation and the staff would check further with them.

He stated that the problem was getting trucks around the corners. He said that charts had been prepared by the Traffic Engineer and would be sent to the Council members, along with information concerning this matter, for their study. He stated that the final plans must be made on these curb returns before the staff continues with the acquisition of rights of way as it relates to these corners.

Further report on McHenry Avenue Widening Project

City Manager Miller reported that the State had asked the City to indicate the timing on the right of way acquisitions. He stated that the State needs to know the approximate date the acquisitions would be finished so that they may schedule its funds. He suggested that the Council inform the State that

1- The city will do everything within its power to get the rights of way, but would not be able to have them by January 1, 1958;

2- The City would hope to complete it during the year 1958.

The City could ask, he stated, if it was not possible, on that basis, for the State to budget the funds for the fiscal year 1958-59, that it at least be prepared to make them available if the city has the rights of way ready during that period.

In answer to a question from Councilman Hammond, City Manager Miller stated that it would be the latter part of August before the project would be in shape so that the firm employed could proceed with the acquisition of property. He stated that the company felt that the major portion of the rights of way could be obtained by January 1, but that there would still be a few which would take longer.

The City Manager stated that the State is working on the plans at the present time and would have them ready before the City can obtain all of the rights of way. The securing of the rights of way will determine the time schedule, he stated.

MOTION

That the staff proceed on the basis outlined by the City Manager.

Moved by Arata Seconded by Robinson Unanimously carried

PROGRESS REPORT ON CITY HALL PLANNING 3-85

City Manager Miller reported that he had met with Mr. Milton Pflueger and advised him of the Council's wishes regarding the City Hall building, and that plans are now under way. He stated he had given him the following information.

1- That the City Hall building would be a new building;
2- That the Police Building would not be included in the City Hall;
3- That the staff will work with the architect on the provisions for parking as it relates to both the immediate city hall use and public parking in the area;
4- The city has provided the architect with a revised statement of space needs.

He presented a tabulation on the City Hall space survey. He stated that the architect needs to be sure that the Council is clear on the amount of space needed. He stated that the total net space needs, other than halls, walls, and general reception areas, was 27,739 feet. He stated that the staff has also asked the architect to provide for extra space for expansion as the City grows.

Councilman Hammond stated that in discussions regarding the City Hall, the Council had discussed the possibility of providing space for the office of the Chamber of Commerce and asked if any further action had been taken on providing this space. He stated that he felt it would be worthwhile to consider it in order to provide an information center for the citizens.

Councilman Robinson and Mayor Marks both felt that space for the Chamber should not be included in the plans since they felt the Chamber was, at times, a criticizing body and would rather remain separate from the City.

Councilman Adams suggested that space be made available for utility companies for collection of bills. He felt it would be a convenience to the citizens to be able to pay all their utility bills at one place.

MOTION

That the staff proceed with the plans on the basis of 27,739 feet, not including halls, walls and general reception areas.

Moved by Robinson Seconded by Mayor Marks Unanimously carried

Councilman Arata asked if any progress had been made on posting a sign at the site of the new city hall. The City Manager stated that the staff had been unable to work on it, and he was instructed to present plans for the sign at the next meeting for Council study.

Mayor Marks suggested that the following words be used on the sign--"This building will be razed and a new city hall erected here, with ample parking. Another Forward Modesto Project."

Mayor Marks stated that he felt the staff should move "post haste" to place the city hall matter on the ballot.

City Manager Miller reported that at his request the City Attorney had indicated that it would take approximately 60 days from the date the Council took official action, to set the election up and have the results available. He stated that it would be possible in the next 2-3 weeks to have a rough preliminary figure to use on the ballot.

He stated that the Council would need to determine whether or not it would like to propose consideration of any other item (i.e. Police Building, communication center), at this bond election.

The Council stated that the decision was that the City Hall would be built first, and that it should be the only item on the ballot.

Councilman Robinson asked whether any discussion had been held on furnishing the City Hall and stated he felt that an estimate for furnishing the building should be included in the bond issue.

After Council discussion, it was decided that the estimate for the furnishing should be included so that the people would realize exactly what the cost will be for the new city hall, and the city would not be out of money when the time came to furnish the building.

MOTION

That the staff obtain the estimated costs of a new city hall and basic furniture and prepare the necessary documents for a general bond election for a city hall building only.

Moved by Robinson Seconded by Arata Unanimously carried

The City Manager stated that the staff had met with the representatives of the Western Union Company regarding its lease, and when additional information is received, a report will be made to the Council.

HEARING ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE 5-40

Mayor Marks announced that the hour of 8:30 P.M. had arrived, the time set for the consideration of the proposed amendments to the Zoning Ordinance.

The Acting City Clerk reported that the notice of the public hearing had been published in the official newspaper on July 11, 1957, and that no written protests had been filed.

Planning Resolution No. 404, adopted by the Planning Commission on June 25, 1957, was read.

Planning Director Smeath reviewed the proposed changes for the Council. He outlined the recommendations of the Planning Commission relating to permitted uses in an R-3 zone (Section 10-2.701). He stated that the Board had decided against recommending an R-3-P zone and instead had recommended that office buildings be permitted in the present R-3 zone (Section 10-2.701 (e) (5)) upon the granting of a conditional use permit by the Board of Zoning Adjustment.

He stated that the staff feels that there is sufficient area already zoned commercial, in good locations which have adequate existing buildings and vacant lots for professional office buildings.

Council discussion was held on Section 10-2.2106 "Time for Hearings" which relates to the hearing dates for amendments to the zone maps.

Director of Planning Smeath outlined the changes in Section 10-2.2204 "Filing Fees". He also discussed the change in Section 10-2.2206 "Notices." He stated that at the present time the Code requires that for an amendment to the zoning regulations there must only be a notice in the official newspaper. An appeal also must be advertised. Unclassified uses, conditional use permits and variances must be advertised by sending post cards to all the people on the last assessment roll within 300 feet of the property and both advertising in the paper and sending cards may be used at the discretion of the Planning Commission or Board of Zoning Adjustment. He stated that the recommendation of the Planning Commission was that there should be advertising as it is at the present time, but that on variances, unclassified use permits and conditional use permits the people be notified by posting on the property and in the vicinity of the property. The staff has been following the procedure that handbills of the notice be prepared and distributed to the people in the area. He stated that the distribution of the handbills had not been included in the amendments.

The City Attorney suggested that the distribution of handbills not be included in the amendments, so that in case of any legal action it can not be interpreted as a requirement.

The Council agreed that this section should be left as proposed. Director of Planning Smeath assured the members that the staff would continue to distribute the handbills.

Mayor Marks asked if there were any petitioners in the audience who

wished to speak on the zoning changes.

John Feltes, Chairman of the West Modesto Committee, spoke opposing Section 10-2.701 (e) (5). He brought out the following points:

1- That commercial uses should not be permitted in a residential area;
2- By permitting commercial uses in residential areas it would depreciate the surrounding area and also brings more traffic into the area;
3- That there is an overabundance of commercial property at the present time;
4- That the Council should wait until the Master Plan is completed before any definite changes in zoning are made.

Mr. Tod Campbell, 514 Scenic Drive, also spoke opposing Section 10-2.701 (e) (5). He agreed with Mr. Feltes that there was already an overabundance of commercial property and also pointed out that if a person has the opportunity to purchase property in an R-3 zone for commercial purposes, that he would purchase it in that zone rather than pay the higher rate for land in commercial areas.

Director of Planning Smeath pointed out that 1) there is adequate area, in the opinion of the staff, presently zoned for commercial for all of the professional office buildings that will come to Modesto for many years; and 2) the more you encroach on residential area with commercial and other non-residential uses, the more difficult it is to maintain the value of those areas for residential purposes. He stated that there was a serious problem about opening residential areas to commercial uses.

During the Council discussion which followed, it was pointed out that more restrictions should be included in the ordinance to protect the residential nature of the areas. Mayor Marks suggested that Section 10-2.701 "Permitted Uses" be referred to the Planning Commission for joint study with the Council and hold a public hearing at a later date.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 57-322

A RESOLUTION REFERRING THE PROPOSED AMENDMENT TO SECTION 10-2.701 OF THE MODESTO MUNICIPAL CODE TO THE MODESTO CITY PLANNING COMMISSION FOR JOINT STUDY WITH THE COUNCIL.

Introduced by Hammond Seconded by Robinson

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

HEARING ON APPEAL OF JOE MITCHELL TO THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST FOR RECLASSIFYING FROM R-2 AND C-2 TO R-3, LOTS 15-19, INC., BLOCK 406 AND A PORTION OF BLOCK B 12-80

Mayor Marks announced that the hour of 8:45 P.M. had arrived, the time set for the consideration of the appeal of Joe Mitchell to the decision of the Planning Commission denying the request for reclassifying from R-2 and C-2 to R-3, lots 15-19, inc., Block 406 and a portion of Block B.

The Acting City Clerk reported that Notice of the hearing had been published in the official newspaper and that notices had been mailed to property owners adjacent to this property. No written protests had been filed.

Resolution No. 408, denying the amendment to Section 32, adopted by the Planning Commission, on July 2, 1957, was reported on file.

Director of Planning Smeath reviewed the history of Mr. Mitchell's

case for the Council's information. He pointed out that since the section which would permit the establishment of professional buildings in R-3 area had been referred back to the Planning Commission, Mr. Mitchell's application would be of no effect.

Mr. Mitchell spoke briefly on his request.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 57-323

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF JOE MITCHELL TO AMEND SECTION 32 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 408 ADOPTED BY THE COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN THIS RESOLUTION.

Introduced by Hammond Seconded by Robinson

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

CONSIDER REQUEST FOR TWO PARKING SPACES ON 11th STREET PARKING LOT BY COUNTY FIRE WARDEN 13-70

County Fire Warden Ozzie Ball appeared before the Council to request two parking spaces on 11th Street for his emergency vehicles. He stated that his original request had been for two spaces on the 11th Street Parking Lot, but would now like to withdraw his request and change it to the two parking spaces in front of the old M.I.D. building along the west side of the street.

In answer to a question from Councilman Hammond, he explained that there were two parking spaces available in back of the building but that in an emergency it would necessitate having to move one car in order to let the other out to answer the call.

After discussion by the Council on the possibility of Mr. Ball getting his office transferred to a different location where parking would be provided, Councilman Hammond suggested that the matter be referred to the staff to work with Fire Warden Ball on a more suitable solution to his parking problem.

MOTION

That the request of the County Fire Warden for two parking spaces on the west side of 11th Street in front of the old M.I.D. building be referred to the staff to work on a more suitable solution to the parking problem.

Moved by Hammond Seconded by Anderson Unanimously carried

LEGISLATIVE MATTERS 14-55

City Manager Miller reported briefly on the results of action taken by the Legislature. A summary will be available shortly, he stated.

PRESENTATION OF CERTIFICATE OF SERVICE TO JAMES NEEL, CHIEF OF POLICE 14-60

Mayor Marks presented a Certificate of Service to James Neel, Chief of Police. He commended him on his outstanding service to the Community and the City of Modesto.

CONSIDER REQUEST FOR VARIANCE OF DRIVEWAY PROVISIONS OF THE MUNICIPAL CODE FROM ARTHUR J. WYLIE 11-70

A letter from Arthur J. Wylie requesting a variance of the driveway

provisions of the Municipal Code and waiving the 5 day notice was reported on file. Director of Public Works Ray reported that Mr. Wylie had installed an asphaltic driveway on Bodem Street adjacent to his property at 624 Scenic Drive without obtaining a permit. He stated that the construction consists of a fairly level surfacing out to a point near the gutter line where an abrupt slope of approximately 30 to 40° was used, which the staff feels is a potential hazard to pedestrians. He recommended that Mr. Wylie be required to remove the asphaltic material at once.

RESOLUTION NO. 57-324

A RESOLUTION DENYING THE REQUEST OF ARTHUR J. WYLIE FOR VARIANCE FROM THE PROVISIONS OF THE MUNICIPAL CODE RELATING TO DRIVEWAYS

Introduced by Mayor Marks Seconded by Anderson

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

CONSIDER THE REPORT OF ADVANCE PLANNING ON "METROPOLITAN PATTERNS 1981?" 14-90

Councilman Robinson reported that the Advance Planning staff is delaying some work until the Modesto City Planning Commission and City Council approve the report "Metropolitan Patterns 1981?" as a basic guide to the preparation of the preliminary general plan. He recommended that the Council approve the report, but not the principles and standards at the present time.

MOTION

That the Council approves the report "Metropolitan Patterns 1981?" as a basic guide to the preparation of a preliminary general plan provided that the principles and standards listed therein be subject to further study and action by the Commission and Council.

Moved by Hammond Seconded by Robinson Unanimously carried

REQUEST FOR RELEASE OF BALANCE OF BOND FILED BY ARTHUR J. WYLIE AND FLORENCE E. WYLIE CONCERNING THE DEVELOPMENT OF COLLEGE VILLAGE PARK TRACT 14-100

Director of Public Works Ray reported that all of the requirements of the agreement, dated August 24, 1955, with Arthur J. and Florence E. Wylie, have been fulfilled and recommended that the balance of the Performance Bond be released to the subdivider.

RESOLUTION NO. 57-325

A RESOLUTION AUTHORIZING THE RELEASE OF SURETY BOND TO ARTHUR J. WYLIE AND FLORENCE E. WYLIE TO GUARANTEE IMPROVEMENTS IN COLLEGE VILLAGE PARK TRACT

Introduced by Anderson Seconded by Adams

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

RESOLUTION ACKNOWLEDGING RECEIPT OF NOTICE OF INTENTION TO CIRCULATE A PETITION OF THE ANNEXATION OF NORTHEAST ADDITION 14-110

The Acting City Clerk reported that the Affidavit of Publication of the Notice of Intention to Circulate a Petition of the Annexation of the Northeast Addition had been filed.

RESOLUTION NO. 57-326

A RESOLUTION ACKNOWLEDGING THE RECEIPT OF A COPY OF NOTICE OF INTENTION TO CIRCULATE A PETITION FOR THE ANNEXATION OF THE TERRITORY DESIGNATED AS THE "NORTHEAST ADDITION" TO THE CITY OF MODESTO AND AN AFFIDAVIT OF PUBLICATION THEREOF AND APPROVING THE CIRCULATION OF A PETITION

Introduced by Hammond Seconded by Robinson

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

CLEAR MATTER OF COUNCIL PROCEDURE 14-120

Councilman Robinson asked that the Council give some recognition of the suit filed by Councilman Henry Anderson against Mayor Marks, as a result of discharging his duties and responsibilities as a member of the Council and Mayor of the City of Modesto, so that it could be made a matter of record in the Council minutes.

He stated that as a Councilman, he was concerned about the financial burden which any legal action of this type might imply for the Council members.

Mayor Marks stated that while he was not waiving any of his rights as a public officer under the city charter or the state code, he wanted it clearly understood that he would handle all of the costs of this suit himself.

Councilman Robinson pointed out that it was his understanding that provisions of the state code established procedures under which a city could assume the costs of defending a member of the Council in such a suit.

Councilman Hammond considered that the matter should be discussed as a matter of principle so that the present or future members of the Council would not be subjected to the burden of such costs. The Council should recognize, he stated, that this suit is an official Council matter and not a personal matter.

Councilman Arata questioned whether statements or actions of Council members outside the Chamber could be considered a Council matter.

Councilman Robinson pointed out that the members did not discharge all of their responsibilities to the electorate in the Council Chamber and that they carried out their responsibilities and duties in or out of the Chamber. The legal liability phase of serving as a Council member and the costs of defending such suits, he stated, was very important. He considered that the Mayor spoke in his capacity as a Mayor and that the Council should relieve him of the financial burden of the slander suit filed against him.

Councilman Arata suggested that the Council might be subject to a taxpayer's suit if it authorized payment of the costs in this particular suit.

Councilman Robinson asked that the City Attorney check the provisions of the State Code, as it applied to this particular suit, and report back at the next Council meeting.

MOTION

That the Mayor was acting in the Council's behalf and was discharging his duties as Mayor and that the Council does so recognize this.

Moved by Hammond Seconded by Robinson

7-24-57 Page 10

After a brief Council discussion on the motion the following motion was made:

MOTION

That the vote on the foregoing motion be tabled until the next Council meeting.

Moved by Hammond Seconded by Robinson Unanimously carried

Mayor Marks suggested that the Council request the Courts to bring the case to a speedy and rapid trial in the public interest and welfare. Councilman Anderson gave an affirmative nod to this suggestion when Mayor Marks asked if he agreed to this suggestion.

RESOLUTION NO. 57-327

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING AN EARLY TRIAL DATE ON CASE NO. 60774, HENRY E. ANDERSON PLAINTIFF, v. HARRY MARKS

Introduced by Robinson Seconded by Arata

Ayes: Adams, Arata, Hammond, Robinson and Mayor Marks
Noes: Anderson Absent: Merrill

Councilman Adams pointed out that if it was necessary for the Council members to bear the financial burden of costs for such suits it would limit the possibility of getting persons to serve as Councilmen or Mayor.

The City Attorney stated that it was his understanding of the law that when the Council acts in its official capacity and engages in activities for which it is authorized, which are not ultravires, that the defense is a legitimate charge to be paid by public funds. He stated before he rendered an opinion in the specific case of Anderson V. Marks, he would like to study it further.

The City Manager stated that Councilman Anderson had persistently followed a procedure which was adversely affecting the city in its operation and asked that the matter be cleared. He stated that it had been made abundantly clear what the proper relationships were between a Councilman, a department head and the City Manager, but Councilman Anderson had continued to follow the practice of going direct to the department head or employee for information instead of through the channels prescribed by the charter.

The City Manager read a report from Director of Planning Smeath regarding a discussion held with Councilman Anderson on the annexation of the Northeast Addition, which had consumed approximately one and one-half to two hours and which had been conducted in raised voices disturbing the efficiency of the planning staff during the discussion. Mr. Smeath had asked for guidance from the City Manager on the lines of authority from the department, through the City Manager, to the Council and pointed out the danger of having staff studies subject to pressure from individual members of the Council. If this procedure is approved by the Council, different arrangments will have to be made in order to get jobs done. He cited another instance where Councilman Anderson had gone direct to the President of the City Employees' Association to discuss group insurance after the Council had voted on the matter. The City Manager stated that he thought it was clear that the staff was working with the Council and that when a Councilman had a matter to raise or clear with the staff that he would do it at least with the knowledge of the City Manager. If the staff is expected to proceed under these conditions, he stated, it is in a different position than it considered it was. He pointed out that the Council had acted on the matter of group insurance and that he personally did not see any appropriate basis

upon which Councilman Anderson should now be discussing it with the employee groups without the City Manager's knowledge or the knowledge of the Council. He asked for Council instruction on the matter.

Councilman Anderson stated that as a private citizen or a city councilman that he considered he was entitled to obtain any or all information about the conduct of the business of the city.

The City Manager pointed out that it was not a question of how much information Councilman Anderson was entitled to, but it was a question of the method used in obtaining the information.

Councilman Anderson stated that if he wanted information from Mr. Smeath he certainly wasn't going to go through the City Manager to obtain permission to get the information.

Councilman Hammond pointed out that the lines of authority for the Council were defined in the charter and should be adhered to. The Council members should not bypass the channels of authority, he stated, because the minute this is done the machinery of government, of business or anything else , is broken down. If this line of authority is not spelled out sufficiently clear in the charter, an ordinance setting forth the channels with which the Council members function in relation to the staff of the city, should be adopted, he recommended.

Mayor Marks asked that copies of his statement of April 20, 1955, be sent to each Council member by the City Clerk.

A general Council discussion was held on the question---Council procedure on obtaining information---with the thought that infractions had been existing for too long a period of time and should be cleared in order to prevent a complete breakdown of the city manager form of government.

Councilman Hammond considered that Councilman Anderson was more guilty of carelessness in his interpretation of the line of authority than anything else. He suggested that he review his oath of office a little more carefully and pointed out that he was to function in the best interests of the city, and one of the best interests of the city was to follow the lines of authority. If Councilman Anderson has been guilty of infraction, the Council should strengthen the charter provision by other legislation which would spell it out more clearly.

The City Manager considered that Councilman Anderson's statement to Frank Reynolds, president of the Modesto City Employees' Association,--- the insurance matter should not have gone to the Personnel Commission and shouldn't have been acted upon by them, it should have been handled by a Council Committee---was grossly out of order. If this type of action continues, he pointed out, this city cannot be run on good faith and employees cannot work under these conditions.

At the request of Mayor Marks, Frank Reynolds, who was present, verified the statement made by the City Manager as to the matters discussed by Councilman Anderson.

MOTION

That the staff prepare a report detailing the line of authority under which members of the Council will exercise their authority through the staff, for Council study.

Moved by Hammond Seconded by Robinson Mayor Marks declared the motion carried

CONSIDERATION OF LIST OF PENDING PROJECTS FOR 1957-58 FISCAL YEAR 17-100

This item was held over until the next regular meeting.

REPORT ON PROPOSAL TO SELL ½ OF LOT 37, IN BLOCK 213 17-105

The City Manager reported that due to difficulties in clearing the title to the above property, the party who was considering purchasing the property was no longer interested. He recommended that the matter be dropped.

MOTION

That the proposal to sell ½ of Lot 37, in Block 213 be dropped.

Moved by Mayor Marks Seconded by Arata Unanimously carried

REPORT ON PROGRAM FOR SECOND ANNUAL INDUSTRIAL CONFERENCE 17-110

The City Manager reported that he had been asked to serve on a committee to help set up the second Annual Industrial Conference to be held on October 30, 1957. The subject of the conference will be "Industry and Your Community". He asked for Council approval for serving on the committee.

MOTION

That the City Manager be authorized to serve on a committee to help set up the second Annual Industrial Conference to be held on October 30, 1957.

Moved by Robinson Seconded by Arata Unanimously carried

FURTHER REPORT ON REPAIRS TO BALL PARK 18-8

Councilman Arata, Chairman of the Council Committee, reported on the repairs to the Del Webb Field. He stated that the area had been cleared by the city forces, but that more money was needed to repair the bleachers on the east side.

The City Attorney reported that in order for the Council to expend more money for the repairs it would be necessary to follow the provisions of Section 1307 of the Charter.

Councilmen Arata and Adams recommended that the Council authorize the repairs to the bleachers, since the grandstand was lost in the fire and the additional seats are needed. They stated that these repairs would be permanent.

The City Manager stated that the plans were to replace the end which has been cut off of the grandstand, to clean up the other end of the grandstand and repair a portion of the fence. He reported that it would cost between $1000 to $2000 for the repairs.

RESOLUTION NO. 57-328

A RESOLUTION FINDING AND DECLARING THAT THE REPAIRS OF THE BLEACHERS AND REPLACEMENT OF THE FENCE AT DEL WEBB FIELD IS URGENTLY NECESSARY FOR THE PRESERVATION OF LIFE, HEALTH AND PROPERTY AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY TO HAVE THIS WORK COMPLETED WITHOUT ADVERTISING FOR BIDS

Introduced by Arata Seconded by Adams

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

RESOLUTION NO. 57-329

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,500 FROM GENERAL FUND - GENERAL RESERVE TO PARKS DEPARTMENT - FIRE DAMAGE TO BALL PARK

Introduced by Arata Seconded by Anderson

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

REMIND COUNCIL MEMBERS OF MEETING AT ATWATER 18-40

The Council members were reminded of the League of California Cities meeting in Atwater, on July 25, 1957.

CONSIDER REQUEST OF CITY ATTORNEY FOR 2 WEEK VACATION STARTING AUGUST 5 18-45

MOTION

That the request of the City Attorney for a 2 week vacation starting August 5, be granted.

Moved by Arata Seconded by Robinson Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Hammond 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 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, Hammond, Robinson and Mayor Marks
Absent: Councilmen: Anderson, Arata and Merrill

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

The invocation was given by Rev. Paul Miller, pastor of the LaLoma Grace Lutheran Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of July 3, 10, 11, 16, 17 and 24, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM VALLEY TRACTOR CO. REQUESTING REFUND OF BUSINESS LICENSE FEE

A letter from the Valley Tractor Co. was read requesting a refund of a portion of the business license fees paid during the years 1954, 1955, and 1956.

Due to the two year Statute of Limitations, the City Attorney reported that any refund for the period prior to May 1, 1955, would not be allowable. Therefore, the Director of Finance recommended that a refund in the amount of $215.32 be granted to the Valley Tractor Company.

RESOLUTION NO. 57-330

A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF MILL LICENSE TO VALLEY TRACTOR COMPANY

Introduced by Hammond. Seconded by Robinson

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson, Arata, Merrill

PETITION FROM PROPERTY OWNERS ON SYCAMORE AVENUE BETWEEN ORANGEBURG AVENUE AND GRISWOLD AVENUE, TO MAINTAIN 60' WIDTH OF STREET RIGHT OF WAY

A petition was filed from property owners on Sycamore Avenue between Orangeburg and Griswold Avenues requesting that Sycamore Avenue be made a sixty foot street.

Mayor Marks suggested that the staff meet with the property owners on Sycamore Avenue and discuss the request with them, and report back to the Council at a later date.

Carlos J. Badger, representing the petitioners, stated that there were many things which the property owners were not clear on, (i.e. financing the cost of installing curbs and gutters) and agreed that the staff should meet with them and explain the city's method. At the request of Mayor Marks, he agreed to arrange a meeting with the property owners and the staff.

The petition was referred to the staff for handling.

REQUEST FOR PERMISSION TO USE LEGION PARK FOR TURKEY BARBECUE ON AUGUST 21, 1957

Morris Feldman, representing the Turkey Advisory Board of California,

requested permission to use Legion Park for a turkey barbecue on August 21, 1957.

The City Manager recommended that the request be granted on the basis that the city is held harmless from and against any and all damages arising out of the use of the park for this event.

RESOLUTION NO. 57-331

A RESOLUTION GRANTING PERMISSION TO THE TURKEY ADVISORY BOARD OF CALIFORNIA TO HOLD A PUBLIC TURKEY BARBECUE AT LEGION PARK ON AUGUST 21, 1957

Introduced by Hammond Seconded by Adams

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson, Arata, Merrill

LETTER FROM L. W. BITHER, COUNTY CLERK RE: ASSIGNING PRIORITY TO ANDERSON v. MARKS CASE

A letter from L. W. Bither, County Clerk, was read advising that the request of the Council's for an early trial date for the Anderson v. Marks case had been denied and that the case would be handled in the usual procedure.

INTRODUCE GUESTS TO COUNCIL

Mayor Marks introduced Henri Larrieu, Prefet of La Mauche, France, who is visiting this country under the Leader Exchange Program, and Andre L. Fiot, from the Department of State, who is acting as escort and interpreter for Mr. Larrieu.

Mr. Larrieu spoke briefly on his duties as Prefet of La Mauche, France.

LETTER FROM MODESTO MOTOR BUS SERVICE RE: CHANGE OF ROUTES DUE TO ONE-WAY STREETS

A letter from Willis M. Kleinenbroich, owner of the Modesto Motor Bus Service, was read, regarding the change of routes due to the installation of one-way streets in Modesto.

A copy of the proposed changes have been presented to the Traffic Engineer for study and an application is to be presented to the California Public Utilities Commission requesting the changes.

LETTER FROM ANGELO CIARDO REQUEST FOR VARIANCE DRIVEWAY PROVISIONS OF MUNICIPAL CODE - 515 JOHNSON STREET

A letter from Angelo Ciardo, 515 Johnson Street, requesting a variance from the driveway provisions of the Municipal Code was read.

Director of Public Works Ray reported that the black top approach to the driveway had originally been installed by the building contractor, Mr. C. A. Meyer. Mr. Meyer had been ordered by the city to remove this approach, but failed to do so before he sold the property to Angelo Ciardo.

Mrs. Reeder, daughter of Mr. Ciardo, explained their situation and asked that they be given additional time to remove the black top approach since the property was now being occupied by renters.

The Council discussed the possibility of setting a definite time for the removing of this blacktop by Mr. Ciardo, but asked that a further investigation and report be made by the staff.

MOTION

That the request for variance filed by Angelo Ciardo be held over for further report by the staff and that the City Attorney be directed to investigate the possible violation by the original builder.

Moved by Hammond Seconded by Robinson Unanimously carried

LETTER FROM GENERAL PETROLEUM CORPORATION RE: VARIANCE FOR CURB CUTS FOR NEW SERVICE STATION - COLLEGE & NEEDHAM AVENUES

A letter from the General Petroleum Corporation regarding a variance for curb cuts for a new service station at the northeast corner of College and Needham Avenues, and waiving the 5-day notice for hearing, was read.

Director of Public Works Ray reported that it was requested that permission be granted to install three 35-foot approaches; one on College Avenue and two on Needham. Although the request was for curb cuts measuring 35 feet wide at the bottom of the cut, the staff recommends that the provision of three curb cuts, 35-feet wide at the top, be permitted, in order to facilitate movement of traffic in and out of the service station area.

It was also requested that the company be permitted to remove existing large trees located on the street right of way in order to install full-width sidewalks on the property. Director of Parks & Recreation Lowrey recommended that the owners be permitted to remove the trees and proposed that no spaces be left for the planting of ornamental trees due to the nature of the use of the premises.

Mr. Edward Martin, representing the company, agreed to the changes in the curb cuts, as outlined by Mr. Ray.

RESOLUTION NO. 57-332

A RESOLUTION GRANTING REQUEST OF THE GENERAL PETROLEUM COMPANY FOR VARIANCE FROM CURB CUT PROVISIONS OF MUNICIPAL CODE FOR SERVICE STATION ON THE NORTHEAST CORNER OF NEEDHAM AND COLLEGE AVENUES

Introduced by Hammond Seconded by Adams

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

CONSIDER AWARD OF BID ON REMOVAL OF HOUSE AT 1011 13TH STREET PARKING LOT

Traffic Engineer Carmody reported that bids had been opened on August 6, 1957, for the removal of a house at 1011 13th Street, and that the high bidder had been Roy Allen, 629 S. 7th Street, Modesto, in the amount of $1,501. He recommended that the bid be awarded to Mr. Allen.

RESOLUTION NO. 57-333

A RESOLUTION ACCEPTING THE BID OF ROY ALLEN, IN AMOUNT $1,501 FOR THE REMOVAL OF HOUSE AT 1011 13TH STREET, CITY OF MODESTO

Introduced by Hammond Seconded by Robinson

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

CONSIDER AWARD OF BID ON INSTALLATION OF WATER LINES IN MONTGOMERY VILLAGE NO. 1 AND NO. 2 AND BETWEEN CODDING DRIVE AND TOKAY AVENUE AND MONTGOMERY VILLAGE NO. 1

Director of Public Works Ray reported that one bid had been received

from W. M. Lyles Company in the amount of $6,752.70 which exceeds the estimate for installation by city forces by 11.8%.

Due to the policy established by the City Council which provides that bids will be rejected if the low bid exceeds the estimate of the work by city forces by over 10%, he stated that he had not made a recommendation, but he pointed out the bid was close and outlined certain points for the Council's consideration in the possible award of bid to W. M. Lyles Company.

A brief Council discussion was held during which time Mayor Marks pointed out that the City is interested in "keeping the companies bidding" on the various projects of the City.

RESOLUTION NO. 57-334

A RESOLUTION ACCEPTING THE BID OF W. M. LYLES COMPANY, IN THE AMOUNT OF $6,752.70, FOR THE INSTALLATION OF WATER LINES IN MONTGOMERY VILLAGE NO. 1 & 2 AND BETWEEN CODDING DRIVE AND TOKAY AVENUE AND MONTGOMERY VILLAGE NO. 1

Introduced by Hammond Seconded by Mayor Marks

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

CONSIDER AWARD OF BID ON IMPROVEMENT OF MILLER AVENUE AND EXTENSION OF G STREET

Director of Public Works Ray presented a tabulation of the bids received and reported that the low bidder was M. J. Ruddy & Son, in the amount of $49,782.77. He stated that approval for the awarding of the contract had been received from the Division of Highways. He recommended that the bid be awarded to M. J. Ruddy & Son.

RESOLUTION NO. 57-335

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON IN THE AMOUNT OF $49,782.77, FOR THE IMPROVEMENT OF MILLER AVENUE AND EXTENSION OF G STREET

Introduced by Robinson Seconded by Adams

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF COMFORT STATIONS

RESOLUTION NO. 57-336

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF COMFORT STATIONS AT JOHN MUIR PARK AND J. M. PIKE PARK

Introduced by Adams Seconded by Hammond

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

FINAL ADOPTION OF ORDINANCE NO. 185-C.S. SALE OF REAL PROPERTY TO FRANCIS D. CLEMENS

ORDINANCE NO. 185-C.S. entitled

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO

introduced on July 24, 1957, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Robinson Seconded by Hammond

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

CONSIDER PROPOSED ORDINANCE AMENDING ZONING REGULATIONS

ORDINANCE NO.186-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 10-2.206 AND 10-2.236 OF, AND ADDING SECTIONS 10-2.205.1,10-2.205.2, AND 10-2.235.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 10-2.704 OF ARTICLE 7 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 10-2.2007 OF ARTICLE 20 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTIONS 10-2.2102, 10-2.2103 AND 10-2.2106 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AND AMENDING SECTIONS 10-2.2204, 10-2.2205, AND 10-2.2206 OF ARTICLE 22 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS

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

Moved by Robinson Seconded by Hammond

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

The City Manager reported that the Council and Planning Commission had met jointly to discuss the uses in the R-3 zone, and that a further report would be made at a later date.

REPORT ON IMPROVEMENTS AT THE BALL PARK

The City Manager stated that bids had been received on the improvements at the Ball Park and that William Mineni had been awarded the contract. Work is proceeding on the basis outlined at a previous Council meeting, he stated.

FURTHER CONSIDERATION OF COUNCIL PROCEDURE

MOTION

That the motion introduced on July 24, 1957, relating to the action of the Mayor, be raised from the table.

Moved by Hammond Seconded by Robinson Unanimously carried

Councilman Hammond stated that he would withdraw his motion if Councilman Robinson would withdraw his second, whereupon Councilman Robinson withdrew his second on the motion introduced on July 24, 1957.

MOTION

That consideration on the item on Council procedure be postponed until the next meeting of the Council

Moved by Hammond Seconded by Robinson Unanimously carried

Councilman Hammond pointed out that at the last Council meeting a discussion was held on various instances where a councilman had contacted the administrative department heads and he would like to have the City Manager check other instances of this type for further council discussion. 8-7-57 P.5

The City Manager suggested that possibly these instances should be limited to the period of time subsequent to the filing of the suit by Councilman Anderson against Mayor Marks, to which the Council agreed.

MOTION

That the City Manager and other officials appointed directly by the Council be directed to bring up matters since the filing of the suit (April 5, 1957) which would have a direct bearing on Council procedure.

Moved by Hammond Seconded by Robinson Unanimously carried

The City Manager stated that as requested by the Council, examples of "non-interference" provisions of charters and ordinances of other cities had been sent to members of the Council.

CONSIDER FINAL PAYMENT TO MANUEL MARQUES, JR. ON CONSTRUCTION OF SOUTH MODESTO TRUNK SEWER (CLAIM FILED BY MRS. ALMA TAYLOR)

The Acting City Clerk reported that payment of $17,220.65 to Manuel Marques, Jr. for construction of the South Modesto Trunk Sewer had not been made due to a claim filed by Mrs. Alma Taylor, 1642 Spokane Avenue, in amount $129.20 for damages to her fence.

Section 7.8 of the specifications for this project, she stated, provides that the City Council could authorize payment of the amount due, less the amount of any claims for damages.

RESOLUTION NO. 57-337

A RESOLUTION AUTHORIZING FINAL PAYMENT, LESS CLAIMS FILED, TO MANUEL MARQUES, JR. ON THE CONSTRUCTION OF THE SOUTH MODESTO TRUNK SEWER

Introduced by Robinson Seconded by Adams

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

RESOLUTION ESTABLISHING THE FORM OF ORGANIZATION OF THE MODESTO DISASTER CORPS

RESOLUTION NO. 57-338

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ESTABLISHING THE FORM OF THE ORGANIZATION OF THE MODESTO DISASTER CORPS AND ASSIGNING FUNCTIONS AND DUTIES THERETO

Introduced by Robinson Seconded by Adams

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

CONSIDER ACCEPTANCE OF REMOVAL OF BUILDINGS AT 924 14TH STREET (PARKING LOT) AUTHORIZE PAYMENTS DUE AND FILING OF NOTICE OF COMPLETION

Traffic Engineer Carmody reported that the house removal at 924 14th Street had been completed and recommended that the work be accepted and final payment authorized.

RESOLUTION NO. 57-339

A RESOLUTION ACCEPTING THE REMOVAL OF BUILDING AT 924 14TH STREET FROM CENTRAL BUILDING WRECKERS COMPANY; AUTHORIZING PAYMENTS DUE AND FILING OF NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY.

Introduced by Adams Seconded by Robinson

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

AUTHORIZE TRAFFIC CONTROLS ON JONES STREET AT JOHNSON STREET

Traffic Engineer Carmody recommended that stop signs be installed on Jones Street at its intersection with Johnson Street.

RESOLUTION NO. 57-340

A RESOLUTION ESTABLISHING A STOP SIGN ON JONES STREET AT ITS INTERSECTION WITH JOHNSON STREET IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Adams

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson, Arata and Merrill

CONSIDER LIMITING TRAFFIC ON DOWNEY BETWEEN SCENIC AND HIGH STREETS

Traffic Engineer Carmody suggested that by not allowing traffic to move westerly on Downey (except fire vehicles) the intersection problem at the 7-leg intersection, Downey, Scenic, Burney, H and Kimble Streets, could be greatly simplified.

He asked permission to prohibit traffic on this street on a trial basis. He pointed out that no action would be necessary by the Council if it agreed on this proposal. The Council indicated its approval on this limitation of traffic on a trial basis, as suggested by Mr. Carmody.

The City Manager reported that Mr. Carmody's title had been changed from Traffic Engineer to Parking and Traffic Director.

CONSIDER ITEMS TO BE HANDLED BY THE STAFF AND BY THE COUNCIL IN NEW TRAFFIC ORDINANCE

City Manager Miller reported that the staff is working on the completion of the traffic ordinance and will need direction from the Council as to which items it wishes to have handled administratively and which by action of the Council. He presented a list of items for consideration by the Council.

PRELIMINARY REPORT ON AN INTERIM STATE HIGHWAY SYSTEM

The City Manager presented maps on the interim state highway system for Council information. He stated that a report on this matter will be sent to the Council for study.

AUTHORIZE TRANSFER OF FUNDS FOR PARKING METERS

Parking & Traffic Director Carmody reported that funds for the repair of parking meters had been used to purchase more parking meters, and that now these funds must be replaced.

RESOLUTION NO. 57-341

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1650 FROM GENERAL FUND-GENERAL RESERVE TO TRAFFIC ENGINEERING - PARKING METERS AND FROM PARKING - PARKING RESERVE TO PARKING - NEW PARKING LOT DEVELOPMENT

Introduced by Anderson Seconded by Adams

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

REPORT ON NEW LEGISLATION RELATING TO 25 M.P.H. SPEED LIMITS

Parking & Traffic Director Carmody reported that a 25 M.P.H. change in the Vehicle Code had been signed by the Governor and would be effective September 11, 1957. At that time, he stated, many 30 M.P.H. zones in the City will be recommended for reduction to 25 M.P.H.

SUBMIT REPORT ON HIGHWAY NEEDS FOR 1956-71

The City Manager presented the report on Highway Needs for 1956-1971. He stated that if the Council wished, copies could be made available for its study.

CONSIDER ANNEXATION OF PARK PROPERTY ADJACENT TO JAMES MARSHALL SCHOOL

The City Manager recommended the commencement of proceedings to annex the recently purchased property adjacent to the James Marshall School.

MOTION

That the staff be authorized to take whatever action is necessary to commence proceedings to annex the real property purchased adjacent to the James Marshall School

Moved by Adams Seconded by Hammond Unanimously carried

CLEAR PROCEDURE FOR SUBMISSION OF ANNUAL ADMINISTRATIVE REPORT

The City Manager stated that the Charter requires that at the end of each fiscal year a report is to be presented on the administrative activities for the preceeding year.

Each department head was asked, he stated, to include in their June monthly report, a summary of the activities for the preceeding year with the thought that it might suffice for the annual report.

He asked for Council action on whether this would constitute the required annual report or whether they wished to have a separate report submitted by the department heads.

MOTION

That the summary of activities on the preceeding year which had been included in the department's June monthly report, be accepted as the required annual administrative report.

Moved by Robinson Seconded by Hammond Unanimously carried

REPORT ON ANALYSIS OF POSSIBLE INTEGRATION OF OLD AGE AND SURVIVORS INSURANCE (SOCIAL SECURITY) WITH STATE EMPLOYEES' RETIREMENT SYSTEM

The City Manager stated that the staff was investigating the possible advantage to the City of the integration of OASI with the State Employees' Retirement System and would make a further report to the Council.

REPORT ON DISCUSSION WITH COUNTY OFFICIALS ON AIRPORT, PARK NEEDS AND DENNETT DAM

The City Manager reported on the meeting held with the Board of Supervisors on August 5. He reported that his memorandum of June 10, 1957, to Lloyd Lowrey, Director of Parks and Recreation, regarding plans for the Tuolumne River Park Development was distributed to those who were present. The procedure outlined in this memorandum was tentatively agreed upon by the

County and City. A copy of which is on file with the records of this meeting.

He stated that the following matters relating to the airport were discussed: improvements, annexation and park development in the area. The committee was asked to check on the matter of annexation.

A suggestion was offered that the financing of Dennett Dam be on a 40/60 basis with the City assuming 60% of the costs on the provision that the County would assume the responsibility of the maintenance and operation of the Weir boards. The City Manager stated that he would recommend this basis to the Council and suggested that a specific proposal be presented to the Council by the Board.

MOTION

That Mayor Marks be authorized to send a letter to the Board of Supervisors asking that if the Board was willing to proceed on this basis that they submit it as a proposal for Council consideration.

Moved by Robinson Seconded by Adams Unanimously carried

REMOVAL OF ASPHALTIC DRIVEWAY ON BODEM STREET BY ARTHUR WYLIE

The City Manager reported that Arthur Wylie had not removed the asphaltic driveway on Bodem Street as directed by the Council at the meeting of July 24, and that the necessary action would be taken by the staff to have the driveway removed. Mr. Wylie had stated he would be present at this meeting but failed to appear, he reported.

REQUEST OF CITY MANAGER FOR VACATION STARTING AUGUST 19, 1957

MOTION

That the request of the City Manager for a vacation starting August 19, 1957, be granted.

Moved by Adams Seconded by Robinson Unanimously carried

RESOLUTION DECLARING WEDNESDAY, AUGUST 28, 1957 AS "MODESTO BASEBALL FOR BOYS DAY"

Robert Carter, representing the Little League Baseball program in Modesto, appeared before the Council requesting that a resolution be adopted declaring Wednesday, August 28, 1957, as "Modesto Baseball for Boys Day". He briefly outlined the program of the Little League Baseball group and invited the Council members to attend a baseball game being held by the group on August 28, 1957, at 6:00 P.M.

RESOLUTION NO. 57-342

A RESOLUTION DECLARING WEDNESDAY, AUGUST 28, 1957, AS "MODESTO BASEBALL FOR BOYS DAY"

Introduced by Robinson Seconded by Adams

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

CARD FROM COUNCILMAN LYNDALL MERRILL

A card was read from Councilman Lyndall Merrill who is vacationing in Europe.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.
Moved by Hammond Seconded by Robinson Unanimously carried

ATTEST: Anne M. Collins
ANNE M. COLLINS, Acting City Clerk

Council Meeting

August 14, 1957

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, Anderson, Arata, Mayor Marks
Absent: Councilmen Merrill, Hammond, Robinson

Councilman Robinson arrived at 7:40 P.M.

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

Rev. Dale Sherwood, pastor of the First Christian Church, gave the invocation.

LETTER FROM STATE DEPARTMENT OF PUBLIC WORKS 1-10

A letter from the State Department of Public Works, Division of Highways, acknowledging receipt of the city's "Highway Needs Report", was read and ordered filed.

COPY OF LETTER FROM E. D. HUGGINS RE: PUNCTURE VINE ERADICATION 1-20

A copy of a letter sent by E. D. Huggins, to the County Board of Supervisors regarding a program for eradication of puncture vine, was read. The City Clerk was directed to acknowledge receipt of the letter, advising that the city had a program for the eradication on public property and if there were any problems on private property, he should contact the County Agricultural Extension Service to determine its program.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON 13th STREET PARKING LOT 1-55

RESOLUTION NO. 57-343

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE IMPROVEMENT OF THE 13th STREET PARKING LOT

Introduced by Robinson Seconded by Arata

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

Director of Parking and Traffic Douglas Carmody reported that the time for the opening of the bids was set for 2 P.M., Sept. 3.

Mayor Marks commented on the city's excellent parking program. He stated it was the envy of many cities. He pointed out that the "building up" of the parking fund should continue so that if there was any danger of losing any of the facilities, they could be purchased. He complimented Mr. Carmody and the administrative staff on the program.

Councilman Arata recommended that the securing of facilities should continue in order not to go behind in the program since the city was increasing in size and population.

Mr. Carmody pointed out that the net cost per space for the new 13th Street lot would be very low since the house which was to be removed, was sold for $1501, making the city's net investment of $3500 for 20 spaces, or $150 per space.

FINAL ADOPTION OF ORDINANCE NO. 186-C.S. AMENDING ZONING REGULATIONS 1-85

ORDINANCE NO. 186-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 10-2.206 and 10-2.236 OF AND ADDING SECTIONS 10-2.205.1, 10-2.205.2, AND 10-2.235.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE: AMENDING SECTION 10-2.704 OF ARTICLE 7 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE: AMENDING SECTION 10-2.2007 OF ARTICLE 20 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE: AMENDING SECTIONS 10-2.2102, 10-2.2103 AND 10-2.2106 OF ARTICLE 21 of CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE: AND AMENDING SECTION 10-2.2204, 10-2.2205, AND 10-2.2206 OF ARTICLE 22 OF CHAPTER 2 of TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

introduced on August 7, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

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

FURTHER REPORT ON PETITION FILED WITH THE COUNCIL RELATING TO WIDTH OF SYCAMORE AVENUE, BETWEEN GRISWOLD AND ORANGEBURG AVENUES 1-90

Mayor Marks reviewed the brief dicussion which had been held by the Council at its meeting of August 7, when the petition had been filed by the 51 property owners residing on Sycamore Ave., between Griswold and Orangeburg Avenues, asking that "our dedicated sixty foot street right of way be used to the best advantage, that after minimum deductions for sidewalks, curbs and gutters, the entire remainder be used for roadbed".

Carlos Badger, spokesman for the property owners, reported on the meeting held on Thursday, August 8, in the Council Chamber, which had been attended by 25 property owners and members of the city administrative staff. He pointed out that after the meeting, only two of the persons present had changed their opinion on the width of the street and the remainder were still of the opinion the street should be wider in spite of the unanimity of the staff that the street should only be 40 feet.

L. E. McDuffee, 905 Sycamore Ave., opposed the width proposed by the property owners and contended that if he had the opportunity he could obtain the withdrawal of a large majority of the signatures, as the owners did not know what they were signing. He opposed the widening on the basis that it would increase traffic and a 3 lane "feeder" street would be dangerous.

City Manager Miller reported on the points made by the staff in discussing the matter at the meeting:

1- A street width, once determined as to curb to curb width, is one of the things that is done in a city, which has a high degree of finality. The determination on the width will not only be for the present owners, but the people who will live there for generations to come. Most of the streets in cities are and will continue to be the same width that they were when the curbs were put in.

2- The thinking and planning of the city on the moving of traffic within the city is to concentrate the heavy traffic on streets especially located and designed to handle it. The use now made on Sycamore, which is higher than desirable, is partly the result of the fact that McHenry Avenue is so restricted and there is no other way to get directly south between College and McHenry Avenues. Plans for the main streets coming south, are scheduled for College, Tully and McHenry Avenues. Everything possible to deemphasize Sycamore Avenue as a collector street, has been recommended by the staff to the Council and Planning Commission, i.e. that a bridge across M.I.D. lateral #3 not

not be built at Sherwood-Sycamore. Name of the street from Orangeburg, north has even been changed to Sherwood;

3- On a street of this sort, designated as a major city street, by the Council and approved by the state, it is possible to use gas tax funds, less than 40 feet it would not, and beyond 40 feet certain complications are involved.

The owners were advised that it would cost more to improve the street, if it was wider than 40 feet. The supporters of the petition, Mr. Miller reported, indicated that they were willing to pay these extra costs.

He stated that the staff considered that if the street was made as wide as requested, there would be four results, 1) additional cost of construction and maintenance; 2) more traffic on the street; 3) more speed on the street; and 4) more accidents.

Director of Public Works Marvin Ray reported that if the street was made 48 feet wide, the state would not approve the expenditure of gas tax funds on the wider areas of the street, unless the city showed it was planned to widen the street later to four lanes, by elimination of parking, or there was a future plan to use the street as a part of a one-way street couplet, providing for 3 lanes in the 32 feet remaining between parking lanes.

Fred Reyland, 1300 Sycamore Avenue, spoke in opposition to the wider street. He pointed out that there was no urgency in deciding the issue, since he had withdrawn his plans to construct curbs and gutters. He asked that he be placed on record as favoring the recommendation of the staff that the street be developed as a 40 foot street instead of 60 feet as proposed in the petition.

Councilman Arata suggested that since the decision was not urgent, it would be wise to send a card to every resident on the street to determine the majority opinion.

Mayor Marks pointed out that the Council did not decide issues by petitions alone but by facts as developed by the staff and in some cases the Council has gone against the staff's recommendation. The facts presented by the staff, he stated, are leavened with the social wisdom of the Council and "we try to come up with the right answers".

He asked Mr. Badger if he would object to giving Mr. McDuffie an opportunity to study the facts and determine if any of the petitioners desired to reverse their position. Mr. Badger offered no objections.

Mr. Ray reported that the State Division of Highway representatives had considered, when the width of this street was discussed, if a wider street was constructed with only two lanes, faster speed would be generated, on the basis the driver feels he has more room to work in and naturally is included to go faster.

Charles Lord, 1128 Sycamore Ave., who helped circulate the petition, suggested that a two part letter be prepared and mailed to the property owners explaing arguments on both sides.

Mayor Marks stated that he wished to make it clear that when the answers are received, the Council will then take the staff's report combine it with the Council's social wisdom and the wishes of the people, to come up with the answer which it considers best for the interests of the citizens of the city.

E. W. Duckart, 1201 Sycamore Ave., one of the circulators of the petition, reported on his success in securing signatures. He contended that 95% of those he interviewed wanted the wide street and had not changed their minds because they had not asked to have their signatures withdrawn. He expressed the hope that "we wont have to battle too much on those terms because we still want to be neighbors".

Councilman Arata stated that by sending out the cards, the property owners would be given an opportunity to study the matter and make a decision in leisure.

MOTION

That the staff make a report to the City Council and after its approval this report be submitted to the property owners as the basis upon which they could make a decision, and that arguments from those opposed and those in favor of a wider street, be filed for Council consideration at the next meeting, at which time a motion would be adopted to send out this information along with a postcard to be returned to the city by the property owners on the street.

Moved by Arata Seconded by Robinson Unanimously carried

REPORT ON REQUEST FOR DRIVEWAY VARIANCE BY ANGELO CIARDO 4-120

The City Manager reported that the staff had not yet been able to clear with Contractor C.A. Meyers, who had built and sold the duplex at 515 John/Street to Angelo Ciardo, the matter of the asphaltic driveway approach which was installed in violation of the municipal code. If Mr. Meyers will not pay for the cost of removal, a citation should be issued by the City Attorney, he stated.

Mr. Ciardo stated that he would be willing to replace the approach with concrete but would like to have additional time.

RESOLUTION NO. 57-344

A RESOLUTION DENYING REQUEST OF ANGELO CIARDO FOR DRIVEWAY VARIANCE AT 515 JOHNSON STREET

Introduced by Mayor Marks Seconded by Anderson

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

The matter of removal of the asphalt driveway was referred to the City Manager to clear with the contractor. Mr. Ciardo was asked to confer with the City Manager.

FURTHER CONSIDERATION OF COUNCIL PROCEDURE MATTER 5-40

Councilman Robinson reported that Councilman Hammond had been called out of the city and had asked that the discussion on this matter be held over for a week.

MOTION

That the discussion on Council procedure be delayed for one week and the item be placed back on the agenda for the next Council meeting.

Moved by Robinson Seconded by Adams Unanimously carried.

CONSIDERATION OF PENDING PROJECTS FOR 1957-58 5-55

The City Manager noted that copies of a report on the pending projects for 1957058 had previously been distributed to the Council members for study.

He reminded the members that in discussions on the budget many of the subjects on the pending work list were related to approved expenditures, the number which could be completed during the fiscal year and whether some of the Assistant City Manager's time was to be assigned to departments on the basis of analysis and procedural savings, and if so extra help would be needed.

He asked that the Council consider each item on the list, determine the degree of urgency so that the staff could proceed on the projects as the Council wished. He reviewed the method used by the staff in listing the items, not alone as to urgency but partly by the progress already made and degree of activity, length of completion, and importance of completion. He pointed out that funds had been provided in the current budget for many of the items.

Simplification and centralizing of records and files

The Remington-Rand Company has completed and filed a report on the preliminary analysis of the records and filing in the City Clerk, Personnel and City Manager (and a partial analysis of Police) departments. A further report would be submitted to the Council at a later date.

The Council indicated a high priority should be given to the completion of a filing system, prioer to the removal to the new city hall. The City Manager pointed out that the complete job might require funds which had not been budgeted but a report on the costs would be submitted later. Councilman Robinson suggested that this cost might be included in the bond issue, along with the furnishing costs.

Analyses of departmental organization, operation and procedure

Some work has been done on this item in the Police Department and Fire Department. Some extra time should be assiend to this which is related to the item on "communications center". The staff is working on a joint communications center which will afford a major savings to the city.

The Council agreed that on the priority of this item--- the study by the city personnel could proceed and done independently from the study on construction of the building.

The City Manager pointed out that savings could be made by assigning some of Assistant City Manager Tomsho's and his time to all of the city departments from the standpoint of operations, procedures and methods. Everything possible will be done within the limit of time available, he stated.

Councilman Robinson suggested that since each item on the pending project list would require considerable time for clearing that special meetings be held as was done on the budget.

MOTION

That the Council consider the pending projects at two special meetings to be scheduled for 4:00 P.M., Oct. 1 and Oct. 3.

Moved by Arata Seconded by Robinson Unanimously carried

Mayor Marks suggested, to which the member concurred, that publicity be given to the meetings, an invitation be issued to the general public, Chamber of Commerce and other civic bodies to attend. He directed the City Clerk to send out a notice, two weeks in advance of the meetings, to the various civic bodies and service clubs.

REQUEST FOR ENCROACHMENT ON McHENRY AVENUE 6-90

John Harrity, representing Paul Hudelson, Gordon Wight and Elmo Wilson, asked permission to extend a canopy, seven feet past the set back line at 931 McHenry Avenue, on the Wilson-Edsel Inc. garage.

The City Manager outlined the problems involved, as it related to set back and property lines and pointed out that other encroachments had been approved by the Council on this street, pending

the widening and improvement, on a revocable basis.

RESOLUTION NO. 57-345

A RESOLUTION GRANTING A REVOCABLE PERMIT TO E. P. GRISWOLD, GORDON WIGHT, ELMO WILSON AND L. P. HUDELSON FOR CONSTRUCTION ON McHENRY AVENUE

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

HOLD OVER ACCEPTANCE OF EASEMENT FROM TIDEWATER SOUTHERN RAILWAY CO.

The acceptance of easement from Tidewater Southern Railway Co., on Bowmen Ave., was held over for further checking.

FURTHER REPORT ON INSTALLATION OF SIDEWALKS AROUND PARKING LOT LEASED FROM STANISLAUS COUNTY TITLE COMPANY AT 12th and I STREETS 7-55

Mr. Carmody reported that Stanislaus County Title Company had indicated that the present parking lot arrangements for the leasing of its property on 12th and I Streets were satifactory and that the lease could be rewritten for a year, if the city wished, to permit the ammortization of funds expended for the construction of a sidewalk around the lot.

MOTION

That the staff proceed on the basis that the sidewalks be constructed by the city and a new lease be prepared for Council approval for a term of one year from Sept. 1.

Moved by Anderson Seconded by Robinson Unanimously carried

PRELIMINARY REPORT ON INTERIM STATE HIGHWAY SYSTEM 7-80

The City Manager asked for suggestions from the Council members either at this time or later, on the report and maps previously submitted on "Interim State Highways". He pointed out that it was not crucial from the standpoint of time but was one of the most important items before the Council for consideration.

Mr. Carmody considered that the ultimate grade separation would be an underpass instead of an overpass since the Tidewater Southern tracks would probably not be removed from Ninth Street for many years.

The city has required assurance from the state, the City Manager continued, that a grade separation would be constructed across the tracks. The state has suggested to the staff that it work with the state in the planning and has suggested that it might be possible to work out an interim state highway improvement program which would take into account both McHenry Avenue and Yosemite Avenue and the proper tieing of these two routes into the new freeway. The staff feels that this may present a basis upon which the state would provide a grade separation. While a grade separation may be a goal, the basic problem is to get McHenry Avenue and Yosemite Avenue traffic into the city and across to the new freeway. The proposals listed in the report are methods by which this could be done; 1) a combination of F and G Streets and 2) combination of K and L Streets.

The City Manager stated that if the interim state highway program could be worked out with the state, it might be possible to get the same type of improvement on Yosemite Avenue, as is now proposed for McHenry Avenue, and a grade separation which would tie the traffic from these streets into the freeway. He stated that it would not be necessary for the Council to hold a public hearing on the program but it should receive the widest public consideration by all interested parties and groups.

He suggested the transmission of a copy of the report to the state for consideration and suggestions.

A Council discussion was held on the third suggestion in the report ---a combination of H and I Streets, for getting the traffic off of Yosemite and McHenry Avenues and which would have the advantage of better connection on the easterly and westerly ends, but the disadvantage of being close to the heart of the central business district.

The disadvantages and advantages of the two other routes, as listed in the report, were discussed. The Council authorized the staff to give the report the widest possible distribution locally and to send copies of the report and maps to the state for suggestions.

Mr. Carmody stated that the estimated traffic flow over the various streets was available, when asked by Councilman Adams.

The City Manager cautioned the Council that this program was an interim system to handle the traffic until an indefinite day when both of these highways would be replaced by freeways.

The Council considered eliminating proposal No. 3, but agreed that it should remain in the report at this time for further consideration. It was agreed that the Chamber of Commerce, California State Automobile Association and other interested groups should be furnished copies.

MOTION

That the staff be authorized to distribute copies of the report to the state and other interested groups and persons; request comments and suggestions, that the report be further considered by the Council in approximately three to four weeks.

Moved by Adams Seconded by Robinson Unanimously carried

FURTHER CONSIDERATION OF HOLIDAY AND EARLY MORNING PARKING REGULATIONS 9-10

The City Manager asked for clarification on the matter of regulating holiday and early morning parking. He stated that the staff considered now that it would be wiser and work better, rather than try to pin these regulations down, to have the signs continue to read "Sundays excepted" and to limit the enforcement on business holidays to a minimum.

MOTION

That the necessary legislation to carry out the suggestion of the City Manager be prepared for Council consideration.

Moved by Robinson Seconded by Mayor Marks Unanimously carried

CONSIDER INSTALLING WORK ORDER SYSTEM FOR TRAFFIC AND PARKING PROJECTS 9-22

The possibility of installing a work order system for traffic and parking projects, as is presently being done in the Public Works Department, to determine costs on various traffic and parking projects, was raised by the City Manager.

Director of Finance Bird and Mr. Carmody discussed the advantages and disadvantages. It was agreed by the Council that the extra cost involved would not warrant the results obtained and that precise costs would not be required for the various projects.

RESOLUTION AUTHORIZING NO PARKING ZONE ON CHESTNUT STREET 9-40

RESOLUTION NO. 57-346

A RESOLUTION ESTABLISHING NO PARKING ZONE ON CHESTNUT STREET BETWEEN EIGHTH STREET AND JEFFERSON STREET IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Arata

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

ESTABLISH NO PARKING ZONE IN ALLEY BETWEEN H AND I STREETS AND 10th AND 11th STREETS (BACK OF M.I.D. BUILDING) 9-126

Mr. Carmody reported that he had met with County Fire Warden Ball to discuss his request for reserved parking spaces. He had recommended to Mr. Ball that the first two spaces south of I Street in the one-way alley, be used for the fire trucks so that they would never be blocked at any time. Mr. Ball, however, had considered that the establishment of a "no parking" zone directly back of the former M.I.D. building, would be satisfactory. Mr. Carmody asked that the record of the minutes indicate that he had recommended the reserved parking spaces in the alley instead of the "no parking" zone.

RESOLUTION NO. 57-347

A RESOLUTION ESTABLISHING "NO PARKING" ZONE IN THE ALLEY BETWEEN H AND I STREETS AND TENTH AND ELEVENTH STREETS IN THE CITY OF MODESTO

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

The City Clerk was directed by the Council to send a letter to Mr. Ball setting forth the recommendation of Mr. Carmody.

AUTHORIZE TRAFFIC REGULATIONS AT ELEVENTH AND NEEDHAM AVENUE 10-20

Mr. Carmody reported that the staff, when endeavoring to forecast events which might occur when the one-way street system was started, had considered that the Council might wish to delegate some of its powers to the staff on traffic matters since there might be some problems which could not be deferred until the Council met to authorize changes. He cited the instance of a "no parking" zone on 11th Street to assure the even flow of traffic at its intersection with Needham Avenue when the system was started.

Mayor Marks suggested that authority be given to Mr. Carmody to install the necessary traffic regulations on a temporary basis.

Mr. Carmody suggested that in order to save time, the Council establish the basis upon which certain traffic regulations could be established and the Traffic Department be authorized to install them when these conditions had been met. The control would still be under the Council, he pointed out.

Consider traffic matters to be handled administratively 10-45

Copies of the August 7 report from the City Manager to the Council on "Traffic Ordinance", which had previously been distributed to the members, was discussed at this time. The time which could be saved by the Council and various departments by delegating authority to the staff in the new ordinance was discussed.

Mayor Marks pointed out that the citizens would still have the right to appeal to the Council if any regulation established by the staff did not meet with approval.

The Council considered that since the policy decisions were made by the Council it would continue to handle the following regulations; parking meters, one-way streets, one-way alleys, truck routes and diagonal parking. The ordinance should be prepared to provide that the following regulations would be handled administratively; stop signs, yield signs, speed limit signs, time limits, no parking zones, bus zones taxi zones, loading zones, traffic signals, turn prohibitions or limitations, parking on left side of one-way streets.

The matter of giving the Director of Parking and Traffic authority to establish temporary traffic regulations during the establishment of the one-way streets was discussed. Mr. Carmody pointed out that the following items on the agenda which could be handled without Council action, Washington and I Street, Scenic-Downey and Burney, improve traffic regulations at 10th, 11th and Needham Avenue. He stated, to which the Council concurred, that these be delayed until next week when the regular City Attorney would be present to discuss arrangements for the temporary authorization for handling certain traffic matters administratively.

AUTHORIZE PURCHASE OF ADDITIONAL SIGNS FOR NINTH AND TENTH STREET PARKING LOTS 11-30

The City Manager reported on the confusion which still existed on the parking meter fees after 6 P.M., on the Tenth and Ninth Streets parking lots, although both lots were signed to show the fees required. Mr. Carmody explained the type of signs which he proposed to install, if approved by the Council, directly on the meter itself. He estimated the cost for these signs to be $400.

RESOLUTION NO. 57-348

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $400 FROM PARKING FUND RESERVE TO IMPROVEMENTS TO PRESENT PARKING LOTS FOR PARKING METER SIGNS

Introduced by Robinson Seconded by Adams

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

REQUEST FOR DRIVEWAY VARIANCE-NORTH MODESTO CHURCH OF GOD, 1918 SHERWOOD AVENUE 11-50

A variance request was filed by the North Modesto Church of God, 1918 Sherwood Avenue, to permit the temporary oiling of two driveways providing access to Sherwood Avenue from the church parking lot. A report was submitted by the Director of Public Works recommending the granting of the permit on the basis that the church, a) assume all responsibility, including maintenance, and b) the driveways be removed and standard driveways installed when the grade is established and curbs and gutters installed.

RESOLUTION NO. 57-349

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF THE MUNICIPAL CODE TO THE NORTH MODESTO CHURCH OF GOD, LOCATED AT 1918 SHERWOOD AVENUE, TO TEMPORARILY OIL TWO DRIVEWAYS PROVIDING ACCESS TO SHERWOOD AVENUE FROM THE CHURCH PARKING LOT

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

PRELIMINARY CONSIDERATION OF CITY TAX RATE FOR 1957-58 11-66

Copies of a report prepared by the City Manager to the Council on the 1957-58 tax rates were distributed and discussed. The points brought out in the discussion were:

1. That the assessment roll for this fiscal year showed an increase of 10.95%;
2. The change results from three things, annexations, improvements made during the year, and equalization of valuations on certain properties;
3. The larger areas and more intensive development increases demands on city's services and normally the increased assessment is utilized to cover these added responsibilities. These additional needs were taken into account in the budget but there still remains projects either not included or not fully financed, for Council consideration; i.e. incinerator for garden refuse, street and park improvements, and additional fire and police personnel.

The City Manager stated that in establishing the tax rate this year consideration should be given to all revenues received by the city, that the carry over was larger than estimated but this may be offset by uncertainties in other items. Estimated revenues from sources other than property tax do not have the stability of the ad valorem tax, he pointed out. He reminded the Council of the contingent liability created by litigation now in the courts to determine if "back holiday pay" is due certain city employees.

He recommended a tax rate for the 1957-58 fiscal year of $1.56, being $1.20 general fund; 11 cents library and 16 cents for bond redemption and interest fund, which would reduce the present rate by 5¢ and would still maintain the city on a sound fiscal basis as it faces the future.

The City Manager stated that he knew of no other city in the state which was in any better fiscal condition that this city. Mayor Marks pointed out that this was due to 6½ years of solid, sound city manager form of government.

MOTION

That the staff be authorized to prepare the necessary legislation to establish the tax rate as outlined in the report.

Moved by Arata Seconded by Mayor Marks Unanimously carried

The City Manager stated that the matter of the disposal of the city's rubbish should be considered as soon as possible. Mayor Marks asked that a further report be submitted for Council consideration.

J. A. Hamilton, from the audience, pointed out that this was the first city in the state to reduce its taxes. He commended the Council and City Manager.

CONSIDER SIGN ON NEW CITY HALL SITE 13-1

Wording for a sign to be painted on the fence on the H and 11th Streets sides of the city hall site, was presented by the City Manager. General Council approval was given the proposed wording and locations for the signs.

DENY REQUEST OF ARTHUR WYLIE FOR VARIANCE 13-10

Arthur Wylie made a further request for a variance from

the municipal code to permit the asphaltic materials,already installed around his office on Bodem,to remain. He was directed by the Council to remove the material at once, as previously ordered.

APPROVE TEMPORARY LEASE WITH JUNIOR ACHIEVEMENT IN THE HOTEL MODESTO BUILDING 13-105

Fred Kirkish appeared before the Council on behalf of Junior Achievement Inc, which was being established in the city,and requested Council consideration for the temporary leasing of meeting quarters in the Hotel Modesto building until a permanent meeting location could be established.

The City Manager recommended favorable consideration on the use of some of the store rooms by some charitable organization, rent free, providing the city be held harmless from any liability and the lease be written on a short term cancellable basis.

Mr. Kirkish estimated the time the rooms would be needed as twice a week, from 7 to 9 P.M. He stated that the rooms would be taken "as is" and the organization would move upon request by the city. It was agreed by the Council that the staff should work with Mr. Kirkish on the leasing of space for the organization.

MOTION

That an investigation be made by the staff and a further report submitted to the Council for action.

Moved by Anderson Seconded by Robinson Unanimously carried

INVITATION BY LITTLE LEAGUE FOR COUNCIL MEMBERS TO ATTEND MEETING AT DEL WEBB FIELD ON AUGUST 28 at 6:30 P.M. 14-50

Councilman Anderson relayed an invitation to the Council Members from the Little League baseball organization to attend its meeting being held at Del Webb Field on August 28.

REQUEST FOR USE OF PORTION OF AIRPORT PROPERTY FOR RIFLE CLUB BUILDING FLOYD EBBERS ON BEHALF OF V.F.W. 14-55

Floyd Ebbers, Chairman of the Youth Activity program for the Veterans of Foreign Wars, asked for Council consideration on alloting space for a Junior Rifle Club building on city park area, yet undeveloped, in the airport area. He asked that the Council go on record at this time so that a drive for construction funds could be started by the organization.

The City Manager reported on the investigation made by the Public Works Director and Director of Parks and Recreation, listing the various matters which would have to be taken into account by the Council when this request was considered. He reported that it had been discussed informally with member of the Board of Supervisors and members of the Council who had attended the recent meeting to discuss airport park development and other matters. The preliminary plan for the development of the airport and Legion park area is already underway, Director of Parks and Recreation Lowrey reported and should be completed within approximately 60 days.

Mr. Ray reported on his investigation as follows:

1- That the location of the building would be below the upper level of the airport property so that it would not interfere with the use of the property for airport purposes and related uses;

2- That this should be taken into consideration with the development of a long range plan which has been discussed;

3- That there would be no possibility of any potential hazard to anyone in the vicinity due to accidental discharge of firearms since a sound, bullet proof structure built back in the hillside was being proposed;
4- That the area would be fenced so that children or adults could not get onto the rest of the airport property;

5- That there would be some regulations to prevent the use of higher caliber firearms and since this is in the county a permit be obtained from the county because there is a county ordinance on the use of firearms.

Mr. Lowrey pointed out that if the area close to Conejo Avenue which is presently being used for rubbish disposal, was to be included in the park area, there would be no objections and he saw no reason why it could not be worked into the park plan.

Mr. Ray considered that the use of the area for rubbish disposal would not present any problems as far as the building was concerned.

Mr. Lowrey recommended that a site for this type of facility be included in the over-all park plan.

MOTION

That the Council go on record as approving the provision for a site for this type of facility in the park plans for the airport-Legion Park areas, as outlined by the staff.

Moved by Anderson Seconded by Adams Unanimously carried

TEMPORARY LOADING ZONE AUTHORIZED FRONT OF FIRST CHRISTIAN CHURCH 15-50

MOTION

That the Director of Parking and Traffic be authorized to install a temporary loading zone in front of the Christian Church during the period the Bible School would be operating August 12 -23 to permit the loading and unloading of children attending the school located at 14th and L Streets.

Moved by Robinson Seconded by Arata Unanimously carried

REPORT ON POSSIBLE INTEGRATION OF O.A.S.I. WITH RETIREMENT SYSTEM 15-50

The City Manager reported that the staff had checked again with representatives of the city employees and it was not reasonably possible to complete the necessary action in time to provide for the retroactive benefit on the O.A.S.I. The staff will proceed on a more complete analysis of the possible integration of O.A.S.I. with the retirement system and a complete report on a different basis will be submitted later.

REPORT ON PROCEDURE FOR CLARIFYING USE OF THOUSAND OAKS PARK 15-55

The City Manager stated that the present deed restrictions on the Thousand Oaks Parks would prohibit its use and maintenance by the city. The immediate problem, he stated, is to clear some of these restrictions and secondly to get the park and the restrictions on a basis where it could be used.

Not even a tree in the area can be touched by the city without the consent of a non-existing committee of property owners, he reported. The city must deal with bona-fide representatives of the owners, who will represent the general interest of the area and the limitations which presently exist must be tempered, after consultation with this group. No money can logically be spent on the park as long as it is so rigidly

and privately controlled. There are some of the owners who are concerned who will work with the city to see that appropriate restrictions are worked out. It is urgent that this be done because some of the trees really need attention.

Mr. Lowry reported on the meeting held with the owners who had expressed interest and concern in working out the problems, since many of the oak trees in the park and in private yards are now infected. The owners will assist the city in setting up a committee to represent them in clearing deed restrictions.

Councilman Robinson stated that the group wished to have the City Attorney, with Council approval, study the deed restrictions and develop a legal form that a committee could take to become a legal entity with which the city could legally deal, in view of the deed restrictions. This should be done before September 16, since the group has requested the use of the Council Chamber at that time to hold a meeting to try to form this association. After this date the group can work out some arrangements to work with the city for the development of the area.

An up to date list of the property owners would be furnished the group by the City Clerk, it was agreed by the Council.

The City Manager asked to clear 2 points on this matter; 1) the city's objective would be with the owners to get the restrictions set up on a basis where the city is willing and able to proceed with the development and maintenance of a park in this area under whatever limitations are appropriate and 2) that the city would not be willing to finance a park which is privately controlled.

MOTION

That the staff be directed to proceed to work with the property owners to clear out the restrictions.

Moved by Adams Seconded by Anderson Unanimously carried

Mayor Marks asked the City Manager to present a report on trees in the city with special emphasis on the existing situation on the Modesto Ash tree.

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Anderson Unanimously carried

The 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 Marks presiding.

City Clerk Rex Gailfus called the roll and there were

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

Councilman Robinson arrived at 4:06 P.M.
Councilman Arata arrived at 5:10 P.M.

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

A few moments of silent prayer were observed.

City Manager Miller being absent on vacation, Assistant City Manager George Tomsho acted in his place.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of August 7, 1957 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTERS FROM FRANK ANDREWS 1-12

Letters from Frank Andrews regarding a telephone franchise for the city and construction of Dennett Dam were read.

MOTION

That the letter regarding the telephone franchise be referred to the City Attorney for response and the letter regarding the construction of the dam be filed.

Moved by Hammond Seconded by Adams Unanimously carried

LETTER FROM STANISLAUS MOTOR-IN REGARDING CLOSED-CIRCUIT TELEVISION SYSTEM THROUGHOUT THE CITY OF MODESTO 1-47

A letter from Stanislaus Motor-In, Inc. applying for a franchise to operate a closed-circuit television system in the city limits was read.

City Attorney Grimes asked that the letter be referred to the staff, because the procedure which is set up in the municipal code for franchises will have to be followed. He reported that similar requests were being made for this type of franchise in other cities throughout the state.

MOTION

That the letter be referred to the staff.

Moved by Anderson Seconded by Hammond Unanimously carried

REQUEST FROM CITY OF TURLOCK COUNCIL ISSUE PROCLAMATION DECLARING SEPTEMBER 25-28 AS SUNDAY SCHOOL FAIR WEEK 1-60

A letter from E. S. Christoffersen, Mayor of Turlock, was read asking that the Council issue a proclamation declaring September 25-28 as Sunday School Fair Week at the Stanislaus County 38th District Fair Grounds in Turlock.

MOTION

That the communication be referred to the City Manager to check with the Council of Churches and the Modesto Ministerial Association to obtain an expression from them on the request.

Moved by Adams Seconded by Hammond Unanimously carried

AWARD BID FOR CONSTRUCTION OF COMFORT STATIONS - JOHN MUIR AND J. M. PIKE PARKS 1-95

A report on the bids submitted for the construction of comfort stations in the John Muir and J. M. Pike Parks was made by the Director of Public Works. He stated that the low offer of $10,900 submitted by E. A. Tomlinson had been unsigned. He outlined the alternatives available to the Council and pointed out that if the only other bid submitted--William Mineni for $11,100 was accepted, there would not be sufficient funds appropriated to cover the cost of engineering inspection and incidental charges, since the sum of $11,100 had been appropriated in the special capital outlay fund for the construction.

The City Attorney reported that he had investigated the status of an unsigned bid and that "it would be within the power of the City Council, under the waiver provision of the Notice to Contractors, to waive the irregularity if that was the Council's desire."

Councilman Hammond objected to setting a precedent in this instance by considering the unsigned bid, because it could become a general practice and the bidder would have an opening to back out if he later on decided he did not want the bid. If the sanctity of bidding is to be preserved, the irregularity should not be waived.

After a general Council discussion it was agreed that although both bids exceeded the engineer's estimate of $8,700, they were so close together that the bids should not be rejected, but the bona fide bid submitted by Mr. Mineni be accepted.

RESOLUTION NO. 57-350

A RESOLUTION ACCEPTING THE BID OF WILLIAM A. MINENI FOR THE CONSTRUCTION OF COMFORT STATIONS IN THE JOHN MUIR PARK AND THE J. M. PIKE PARK AND REJECTING THE BID OF E. A. TOMLINSON FOR FAILURE TO COMPLY WITH THE SPECIFICATIONS

Introduced by Hammond Seconded by Adams

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

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR PAVING MATERIALS 2-43

RESOLUTION NO. 57-351

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR PAVING MATERIALS FOR FISCAL YEAR ENDING JUNE 30, 1958

Introduced by Anderson Seconded by Hammond

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

Bids are to be opened at 2:00 P.M., September 3, 1957.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR AIRPORT CONSTRUCTION 2-60

RESOLUTION NO. 57-352

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR CONSTRUCTION OF MODESTO CITY-COUNTY AIRPORT 150' X 5000' RUNWAY ADDITION

Introduced by Anderson Seconded by Hammond

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

Bids to be opened at 2:00 P.M., September 17, 1957.

Plans for the development of the runway were displayed and explained by the Director of Public Works. He reported that the plans had previously been approved by the C.A.A. and the County Board of Supervisors. He reported that the original plans provided that the removal of the Bowen-Hagedorn house would not be a part of the plan, but this has now been changed to include the house since a separate sale by the city and county would create some problems. The joint committee working on the airport approved this recommendation. The contract will provide for the completion of the work by May 31, 1958.

CALL FOR BIDS APPROVE SPECIFICATIONS ON GARDEN REFUSE TRUCK 2-115

RESOLUTION NO. 57-353

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE FURNISHING OF ONE TWO TON TRUCK FOR GARDEN REFUSE

Introduced by Hammond Seconded by Anderson

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

Bids are to be opened at 2:00 P.M., September 10, 1957.

HEARING ON PROPOSED ANNEXATION OF McBRIDE ADDITION TO THE CITY 2-120

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the proposed annexation of the McBride Addition to the City of Modesto.

The City Clerk filed a statement that the notice of the proposed annexation had been published in accordance with the law, and that no written protests had been received by him.

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

ORDINANCE NO. 187-C.S. entitled

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

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

Moved by Anderson Seconded by Hammond

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

ORDINANCE SETTING TAX RATE FOR 1957-58 3-10

ORDINANCE NO. 188-C.S. entitled

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1957-58

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

Moved by Mayor Marks Seconded by Anderson

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

ORDINANCE AMENDING MUNICIPAL CODE RELATING TO SALES AND USE TAX 3-10

The City Attorney presented for Council consideration, an ordinance which would amend the municipal code relating to sales and use tax so that the amendments to the state law adopted by the State Legislature this year could be included by reference.

ORDINANCE NO. 189-C.S. entitled

AN ORDINANCE AMENDING SECTION 8-2.405 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAXES"

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

Moved by Robinson Seconded by Anderson

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

FURTHER CONSIDERATION OF COUNCIL PROCEDURE 3-20

Councilman Robinson stated that a basic question which should be cleared by the Council by the adoption of the necessary legislation was--will the city provide legal defense for the elective or appointed officials of the city when they are faced with legal action as a result of discharging their duties as city officials?

He pointed out that the obligation of the Council member to the city did not begin with the weekly roll call and end when the meeting was adjourned. The same would be true of the appointed officials, he stated. He believed that unless the city would assure the defense of such officials in the discharge of their duties on behalf of the city, it would be impossible to carry on the city's business in the way that it should be conducted.

He considered that the officials had been under the impression that they would be defended by the city. He stated, "in my judgment, we must, as public officials, perform our duties and carry out our obligations with complete assurance that in any claims or suits arising because of our action as city officials, this city will provide our legal defense." He proposed the adoption of a resolution which he read in full which would set forth the policy of the city to provide legal counsel for the officials' defense.

Mayor Marks stated that he wished to make it clear that he would decline any assistance from the city and would assume his own expenses in the slander suit filed against him by Councilman Anderson. The resolution, however, he stated, for the sake of both previous and future Council members, is commendable.

Mayor Marks repeated a statement made to him by Councilman Arata who was unable to be present until later in the meeting----"He was loath to take a position because he did not want to conduct a trial of either Councilman Anderson or Mayor Marks in this matter, and he was afraid that this might have that effect."

Councilman Robinson stated that he believed that his proposal had always been the policy of the city, but his resolution would clarify it. He considered that the Mayor had the option to decline assistance but the policy should be a part of the law of the city that such assistance would be guaranteed and provided, for both elective and appointed officials.

Mayor Marks wanted it made clear that he would handle his own problem and pay his own legal expenses, but if the Council wished to set up as a precedent or a rule for future members it would be in order. "Although I would decline any offer of assistance, and have, as far as the city is concerned, I do not waive my rights as Mayor," Mayor Marks stated.

Councilman Anderson asked that he be given a copy of the proposed resolution for study before any action was taken by the Council.

Councilman Robinson withdrew his introduction of the resolution at this time.

MOTION

That the City Clerk send copies of the proposed resolution to the members of the Council for study; that the City Attorney check the resolution as it related to the Charter provisions, and submit a report to the Council and that the resolution be placed back on the agenda for the Council meeting of September 4.

Moved by Hammond Seconded by Robinson Unanimously carried

Councilman Robinson stated that since reading the report on Council procedural ordinances in effect in other cities, submitted to the Council by the City Manager, he was certain that the Council was a policy determining body and the City Manager should be free to carry on the administrative functions of the city without interference with the personnel for which he was responsible.

This policy has always been pretty well understood by most of the Council members, but in order to clarify this policy and Council procedure, he stated, it should be spelled out even more precisely by the adoption of the Council procedure ordinance so that there cannot possibly be any doubt or misunderstanding. He stated that after studying over the examples of procedural ordinances from other cities furnished the Council, that he would like to have the Council consider the adoption of the one he had asked be prepared for Council consideration, which provided that

"Neither the Council nor any of its committees or members shall dictate or attempt to dictate either directly or indirectly the appointment of any person to office or employment by the City Manager or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, authorized by the City Council, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately."

He stated that the insertion of the phrase "except for the purpose of inquiry, authorized by the City Council" would mean that if he had a problem which he considered should be investigated, his procedure would be to bring it up before the Council and if it considered that investigation should be made, it would appoint a representative committee to investigate the problem.

The City Attorney discussed "the non-interference provision". He stated that the citizen's committee which drafted the charter, had considered this provision which was normally contained in most charters, but had decided to leave it out in the transitionary period between the non-city manager city and city manager city.

He differed with Councilman Robinson's suggestion on the insertion of the phrase "except for purpose of inquiry authorized by the City Council". He would take the position, the City Attorney stated, that as a Councilman he would have the right to inquire for statistical or other information from members of the staff without first getting Council approval. He pointed out that the fundamental purpose of this provision was to preserve the distinction between policy matters and administrative matters. He considered that it would not be practical to "hamstring" the councilmen so that they could not contact a department head and request information without prior Council approval. A councilman should be entitled, for the purpose of inquiry, without intention to interfere or otherwise hamper the department head in his work, to get this information. He asked that the Council members give serious consideration to this matter before this was done and cautioned the "closing of the door completely" to deprive a Councilman from requesting information from a staff member.

He reported that Councilman Hammond had requested that he prepare a procedure ordinance for Council consideration and outlined the changes made in this ordinance as compared to the one proposed by Councilman Robinson. He distributed copies to the members for study.

In the Council discussion which ensued on the proposed ordinance presented by the City Attorney the following points were raised:

1- The wording in the one proposed by Councilman Robinson would prevent the members from asking for a verbal report or answer to a question on any particular project, without going through the City Manager;

2- The ordinance proposed by the City Attorney had been patterned after the National Municipal League provision which had been worked out by a committee of experts and tested over a considerable period of time;

3- Councilman Anderson considered that a Council member would be a lot less informed if he could not ask a question of a staff member on the progress of a project;

Councilman Anderson stated that he had been wrong in discussing a planning question directly with Planning Director Smeath; that he had taken up too much of his time and had possibly talked too loud; but he had certain inquiries which he wanted to make and thought he had been justified in making them.

4- The problem that is now confronting the Council is ---"where does inquiry end and investigation begin?" The concept under which the Council is now operating would not permit a one-man investigation;

5- Mayor Marks pointed out that "it has never become necessary to spell this thing out (council procedure) until recently. We have operated on this thing as a matter of practice, both to bringing issues out in the open, etc. I deplore the necessity for an ordinance because apparently there is reason for it".

Mayor Marks stated that if the Council was going to cease operating under its present policy on Council procedure, that he would like to know about it since he had been operating under this policy for over six years.

The City Attorney stated that most of the city charters which had been adopted in the last decade had a council procedure provision and that by the adoption of this ordinance the Council would incorporate, as a matter of law and regulation, the current policy on Council procedure.

The provisions in the two ordinances presented for Council consideration were compared and discussed by the members. It was generally agreed that the wording in the ordinance prepared by the City Attorney would be more desirable.

Councilman Anderson restated that he had not put any pressure on the Planning Director at any time for him to make a decision or recommendation on any matter; that he had not talked to the President of the Employees' Association to influence the employees in any way; that he he had not influenced the City Manager, as far as the firing or hiring of any employee or any purchases which the city had made and that he had no intention at any time, since he had been on the Council, to influence anyone, one way or the other. The only reason he had gone to the offices at the city hall was to "find out what the facts are".

Councilman Hammond pointed out that he considered that the two instances which had been brought up by the Council relating to infractions of Council procedure by Councilman Anderson, were more the result of carelessness but that he had exceeded the perogative of a Councilman in his inquiries.

Mayor Marks recommended that the discussion be confined to future council procedure and not be related to past instances to prevent "trying somebody".

Mayor Marks reviewed the previous discussion for the benefit of Councilman Arata who arrived at this time.

ORDINANCE NO. 190-C.S. entitled

"AN ORDINANCE ADDING SECTION 2-1.22 TO CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL ORGANIZATION AND PROCEDURE"
was introduced and ordered printed and published as required by the charter.

Moved by Hammond Seconded by Robinson

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

ACCEPT EASEMENT FROM TIDEWATER SOUTHERN RAILWAY COMPANY (BOWEN AVENUE) 6-5

RESOLUTION NO. 57-354

A RESOLUTION ACCEPTING EASEMENT FROM TIDEWATER SOUTHERN RAILWAY COMPANY FOR STREET PURPOSES (BOWEN AVENUE)

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

APPROVE RENEWAL OF AGREEMENT FOR LEASING OF AIRPORT BUILDING TO NATHAN PROVINCE 6-09

RESOLUTION NO. 57-355

A RESOLUTION APPROVING RENEWAL OF LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND NATHAN J. PROVINCE FOR BUILDING AT MODESTO CITY-COUNTY AIRPORT

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

FURTHER CONSIDERATION OF PETITION RELATING TO WIDTH OF SYCAMORE AVENUE BETWEEN GRISWOLD AND ORANGEBURG AVENUES 6-12

Pursuant to the directions of the Council, Carlos Badger and L. E. McDuffee filed arguments "for and against" the development of Sycamore Avenue, between Griswold and Orangeburg Avenues, as a 48' street, which were to be sent out along with a report from the staff and a postcard to be returned to the city indicating the wishes of the property owners.

Mayor Marks reiterated, that the result of the postcard poll would be given consideration along with the recommendation of the staff and the "social wisdom of the Council".

Mr. Badger suggested that the postcard show three suggested widths so that the owners could indicate their first, second and third choice--40', 44' or 48'. Councilman Arata suggested that the cards be sent out, as is, and if the petitioners wanted to canvas the street they could advise the owners to write in whatever width they wished, to which the Council concurred.

MOTION

That the sending out of these statements and postcard to the property owners be approved.

Moved by Arata Seconded by Robinson Unanimously carried

HOLD OVER APPROVAL OF LEASE FOR PARKING LOT (12th and I Streets) 6-85

The City Attorney reported that the lease agreement, between the city and Stanislaus County Title Company, for the leasing of the parking lot located on the Northwest corner of 12th and I Streets, had not yet been executed by the Company and asked that the matter be held over for future consideration.

FURTHER CONSIDERATION OF AUTHORIZING EMERGENCY ADMINISTRATIVE ACTION ON REGULATION OF ONE-WAY STREETS 6-85

The City Attorney stated that it would not technically be possible for the Council to ---authorize the Parking and Traffic Director to install necessary traffic regulations on a temporary basis during the period the one-way street program was being installed--- as was discussed at the Council meeting of August 14.

He suggested that the Council authorize the Director of Parking and Traffic to institute the one-way street operation, when it is ready, at his discretion and take such action as necessary to implement its operation.

Mr. Carmody reported that the operation would start Sunday, September 1, at 3:00 A.M.

RESOLUTION NO. 57-356

A RESOLUTION AUTHORIZING THE DIRECTOR OF PARKING AND TRAFFIC TO INSTITUTE THE ONE-WAY STREET SYSTEM, EFFECTIVE SEPTEMBER 1, 1957 AT 3:00 A.M. AND TAKE SUCH ACTION AS NECESSARY TO IMPLEMENT THE OPERATION OF THE SYSTEM

Introduced by Anderson Seconded by Robinson

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

The City Attorney pointed out that all traffic changes made would be on a temporary basis and must be approved, at the earliest possible time, by Council action.

The education of the public on the one-way street system was briefly discussed and it was generally agreed by the Council that the city should be lenient in issuing citations until the motorist had had an opportunity to become familiar with the regulations.

The Acting City Manager reported on the plans for the education program which called for the use of the loud speaker police car, the stopping of motorists by the officers who would give a notice that they were travelling in the wrong direction on the street and ask them not to do it again.

DISCUSSION ON TRAFFIC MATTERS; 6-120

Mr. Carmody reported that he had just received word from the State Department of Public Works, Division of Highways, that the bid for the renovation of the traffic signals on Ninth Street, had exceeded the estimated cost and that the city's share would now be $8773.02 instead of $7,500. He outlined the alternatives now available to the Council---reject the bids or increase the city's participation in the cost.

MOTION

That the city proceed on the increased cost basis and so advise the State.

Moved by Robinson Seconded by Anderson Unanimously carried

Mr. Carmody was directed to check out and bring back a report on the transfer of funds to take care of the extra cost.

The City Attorney reported that until the present traffic ordinance was revised to permit the installation of certain traffic regulations administratively, it would be necessary for Council action on all changes. He considered that it would be a waste of effort to amend the existing traffic ordinance since the complete revision of the parking regulations, now under preparation, would be ready for Council consideration in a short time. Since the city will be giving citations on the traffic regulations installed, he stated, it will be necessary for the Council to take action on all changes until the new traffic ordinance is adopted and the new regulations effective.

RESOLUTION NO. 57-357

A RESOLUTION ESTABLISHING NO PARKING ZONE ON THE NORTH SIDE OF NEEDHAM AVENUE BETWEEN COLLEGE AVENUE AND THE ALLEY BETWEEN OLIVE AVENUE AND ORANGE AVENUE, IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 55-495

Introduced by Robinson Seconded by Anderson

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

RESOLUTION NO. 57-358

A RESOLUTION ESTABLISHING NO PARKING ZONES ON THE WEST SIDE OF ELEVENTH STREET BETWEEN N STREET AND NEEDHAM AVENUE AND ON THE NORTHWESTERLY CORNER OF BLOCK H AT NEEDHAM AVENUE AND ELEVENTH STREET IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Hammond

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

RESOLUTION NO. 57-359

A RESOLUTION ESTABLISHING NO PARKING ZONES ON THE SOUTH SIDE OF EYE STREET BETWEEN WASHINGTON STREET AND THE ALLEY BETWEEN FIRST AND SECOND STREETS, AND ON THE SOUTHWESTERLY CORNER OF BLOCK B AT WASHINGTON AND EYE STREETS, IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Anderson

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

RESOLUTION NO. 57-360

A RESOLUTION ESTABLISHING STOP SIGNS ON WASHINGTON STREET AT ITS INTERSECTION WITH VINE AND I STREET IN THE CITY OF MODESTO

Introduced by Adams Seconded by Hammond

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

RESOLUTION NO. 57-361

A RESOLUTION ESTABLISHING STOP SIGNS ON FIFTH STREET AT EYE STREET IN THE CITY OF MODESTO AND RESCINDING PORTIONS OF RESOLUTION NO. 5182-N.S.

Introduced by Arata Seconded by Robinson

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

RESOLUTION NO. 57-362

A RESOLUTION ESTABLISHING NO PARKING ZONE ON THE WEST SIDE OF BURNEY AVENUE BETWEEN NINETEENTH STREET AND H STREET IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Anderson

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

CHANGES OF BUS ZONES AND TAXICAB STANDS 7-90

Mr. Carmody reported that the proposed changes on the bus zones and taxicab stands would be presented for Council consideration at the next meeting.

FURTHER CONSIDERATION OF EARLY MORNING PARKING REGULATIONS 7-90

The City Attorney presented for Council consideration an ordinance which would prohibit early morning parking between the hours of 4 A.M. and 5 A.M. on paved streets in the residential area, outside the area bounded by Needham Ave., Washington, Sierra and Burney Avenues. Mr. Carmody pointed out that this would not require the installation of signs, and would prohibit early morning parking between these hours, which would permit more efficient operation of the street sweeper.

ORDINANCE NO. 191-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED, TO AMEND SECTION 33 THEREOF RELATING TO TRAFFIC REGULATIONS, AND REPEALING SECTION 1 OF ORDINANCE NO. 103-C.S."

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

Moved by Adams Seconded by Hammond

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

Resolutions prepared by the City Attorney which would regulate the early morning parking on the paved streets in the central section of the city were discussed. It was agreed that this matter be held over for further clearance on the signing of the area.

APPROVE AGREEMENT WITH BOND CONSEL RELATING TO CITY HALL BOND ELECTION 8-75

RESOLUTION NO. 57-363

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORRICK, DAHLQUIST, HERRINGTON & SUTCLIFFE, BOND COUNSEL, RELATING TO CITY HALL BOND ELECTION

Introduced by Adams Seconded by Robinson

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

The Council indicated that the election should be held as soon as possible. Councilman Arata suggested that it be held prior to the sending out of the tax bills, if possible. Acting City Manager Tomsho reported on the progress being made on determining the approximate cost of the building, furnishings and space need. The City Attorney briefly discussed the problems involved in the lease with the Western Union.

SETTLE CLAIM AGAINST REX TANNER FOR DELINQUENT BUSINESS LICENSE AND SALES TAX 9-01

The City Attorney reported that Rex Tanner had placed with him the sum of $432.02 in settlement of unpaid delinquent business license and sales tax.

He recommended that the Council authorize settlement of the disputed claim on this basis and that he be authorized to dismiss the legal proceedings.

RESOLUTION NO. 57-364

A RESOLUTION AUTHORIZING SETTLEMENT OF THE CLAIM FOR UNPAID DELINQUENT BUSINESS LICENSE AND SALES TAX DUE THE CITY BY REX TANNER AND THE DISMISSING OF LEGAL PROCEEDINGS

Introduced by Hammond Seconded by Arata

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

APPROVE APPLICATION TO CALIFORNIA STATE WATER POLLUTION CONTROL BOARD 9-04

Director of Public Works Ray reported on the application to be filed by the city with the California State Water Pollution Control Board for a federal construction grant for sewage treatment work construction under 33 U.S.C. 466 et sec. (Public Law 660)

RESOLUTION NO. 57-365

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AND SIGN AN APPLICATION TO THE CALIFORNIA STATE WATER POLLUTION CONTROL BOARD FOR FEDERAL FUNDS FOR SEWAGE TREATMENT PLANT CONSTRUCTION

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

REPORT ON REQUEST OF JUNIOR ACHIEVEMENT INC. FOR USE OF ROOMS IN HOTEL MODESTO BUILDING 9-46

Acting City Manager Tomsho reported on the staff's investigation of the request of Junior Achievement Inc., for the temporary use of rooms in the Hotel Modesto building. The store rooms at 811 and 811½ Eleventh Street, he stated, would be suitable for occupancy.

MOTION

That the City Attorney be directed to prepare the necessary paper for the leasing of these store rooms to Junior Achievement Inc. for a term of one year, cancellable on a 30 day notice basis, at an annual rental fee of $1.00 per room and that the organization assume all liability.

Moved by Arata Seconded by Anderson Unanimously carried

APPROVE REFUND OF OVERPAYMENT OF MILL LICENSE TO SHIP CAFE 9-70

The Acting City Manager reported that Ship Cafe had filed a claim for refund of mill license fee paid in error on alcoholic beverage, during the years 1954, 1955 and 1956, in the sum of $123.48. This claim has been audited by the Finance Department, he stated, and found to be valid but because of the statute of limitation the refund is allowable only to March 1955. Discrepancies in the license reports between the period of March 1955 to December 1956 would reduce the allowable refund to $38.91.

RESOLUTION NO. 57-366

A RESOLUTION ALLOWING REFUND OF $38.91 TO SHIP CAFE FOR OVERPAYMENT OF MILL LICENSE FEES

Introduced by Hammond Seconded by Arata

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

REPORT ON ACQUISITION OF SNEDIGAR PROPERTY (NORTHERN BOULEVARD EXTENSION) 9-82

Acting City Manager Tomsho reported on the option received from Irvin V. and Meredith J. Snedigar to sell their 2.49 acres of land, located on McHenry Avenue, to the city for $40,000 which would be used in the extension of Northern Boulevard along M.I.D. Lateral No. 3. The option would be effective to August 29, he reported.

Planning Director Smeath displayed a map showing the property already acquired for the extension of the street in subdivision proceedings and the property to be acquired, which would assure the construction of the street. He reported on the proposed plans for the use of the property which provided for the sale of a portion of the property which would not be used in the street right of way.

Mr. Tomsho stated that it was the recommendation of the staff that the property be purchased and pointed out that $35,000 had been budgeted in this fiscal year's budget for this purpose.

ORDINANCE NO. 192-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM IRVIN V. SNEDIGAR AND MEREDITH J. SNEDIGAR FOR MUNICIPAL PURPOSE"

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

Moved by Hammond Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
Noes: none Absent: Merrill

GRANT EASEMENT TO COUNTY FOR ROAD PURPOSES AT MODESTO CITY-COUNTY AIRPORT 10-110

RESOLUTION NO. 57-367

A RESOLUTION GRANTING AN EASEMENT FOR PUBLIC ROAD AND HIGHWAY PURPOSES TO THE COUNTY OF STANISLAUS

Introduced by Arata Seconded by Anderson

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

ACCEPT SUB-TRUNK AND PERIMETER SEWER IN MONTGOMERY VILLAGE FROM TED SWINFORD 10-111

Director of Public Works Ray reported the completion of the sub-trunk and perimeter sewer in Montgomery Village subdivision by Contractor Ted Swinford. Since the work was not completed on the time allowed in the contract, he stated, that he would recommend payment of amounts due, less the actual expenditures incurred by the city of $14.95 for additional inspection costs.

RESOLUTION NO. 57-368

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUB-TRUNK AND PERIMETER SEWER IN MONTGOMERY VILLAGE SUBDIVISION FROM CONTRACTOR TED SWINFORD, AUTHORIZE PAYMENT DUE, AND RECORDATION OF NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Adams Seconded by Anderson

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

HOLD OVER APPROVAL OF QUARESMA TRACT NO. 1 10-115

This matter was ordered held over.

REPORT ON REMOVAL OF BURNED BUILDING ON SEVENTH STREET 11-06

Councilman Arata reported that he had contacted the local representative of the Southern Pacific Company with regard to the removal of the burned building on Seventh Street and had been advised that new bids were being called for since the contractor who had been awarded the bid for removal of the remains of the building had left the state.

REPORT ON ADDITIONAL SPACE IN THE CITY HALL FOR STAFF USE 11-11

A report was submitted by the Acting City Manager on changes contemplated in the arrangement of the first floor of the city hall, which would result in additional space for various departments, since the removal of the health department to county quarters. He estimated the total costs for remodeling to be $200.

MOTION

That the staff be authorized to make the necessary changes.

Moved by Anderson Seconded by Robinson Unanimously carried

Mr. Tomsho stated that funds budgeted for the City Hall would be used and if necessary a transfer of funds might be required later in the year.

REPORT ON DAMAGE TO CITY STREETS CAUSED BY FLOODING DURING THE PIPING OF CAVIL DRAIN DURING IMPROVEMENT OF BEL AIR SUBDIVISION NO. 2
11-25

The Director of Public Works reported on the damage to College Avenue, portion of Durant Avenue and Mr. Vernon Drive which had been caused by the flooding of these streets when a portion of the Cavil Drain was being piped during the improvement of Bel Air Subdivision No. 2 by the contractor hired by the subdivider.

The city has conferred with the contractor's insurance adjuster and it has been agreed that the company will replace those sections of the streets which were damaged, as is, prior to the flooding.

However, due to the nature of the soil and the flooding which can occur in this area, there would be no advantage to require replacement in kind, because some kind of base is needed due to the heavy adobe soil.

The City Manager has agreed, Mr. Ray stated, that, in these sections which may be damaged again, the city should provide for the additional expense involved in the additional excavation and base needed. The insurance Company and contractor are willing to do this additional work for the city for $1921.50. While the cost of this work exceeds the $1500 charter limitation, this limitation excludes the resurfacing, maintenance and repair of streets. He recommended the issuance of a purchase order to Standard Materials Inc. for the work.

MOTION

That the staff be authorized to issue a purchase order to Standard Materials Inc. for $1921.50 for the city's share of the expenses of the repairs of the streets.

Moved by Robinson Seconded by Anderson Unanimously carried

ADJOURNMENT

That the meeting now in session be adjourned.

Moved by Anderson Seconded by Arata Unanimously carried

The meeting was adjourned at 6:35 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 Marks presiding.

City Clerk Rex E. Gailfus called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond and Mayor Marks

Absent: Councilmen: Adams, Merrill and Robinson

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

Rev. Halsted Gates, pastor of the First Presbyterian Church, gave the invocation.

City Manager Ross Miller being absent on vacation, Assistant City Manager George Tomsho acted in his place.

LETTER FROM CALIFORNIA MARINE PARKS AND HARBORS ASS'N. 1-06

A letter from California Marine Parks and Harbors Association was read, asking if the city desired to participate in the statewide boating program by joining the association, Mayor Marks ordered the letter referred to the Recreation Department for investigation and report.

LETTER FROM MRS. RUTH FLETCHER RE: SMALL PARK AREAS ON NEEDHAM AND BOOKS AT MCHENRY LIBRARY 1-25

A letter from Mrs. Ruth Fletcher regarding the small park areas on Needham Avenue and lack of availability of books at the McHenry Public Library was read. Mayor Marks ordered the letter referred to the Parks Department and the Library Department for reply.

LETTER FROM RICHARD WATSON RE: PARKING IN ALLEYS 1-41

A letter from R. L. Watson regarding parking in alleys was read. Discussion on the suggestions offered was held over until later in the meeting when early morning parking would be considered.

FINAL ADOPTION OF ORDINANCES 1-70

ORDINANCE NO. 189-C.S. entitled

"AN ORDINANCE AMENDING SECTION 8-2.405 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAXES"

introduced on August 21, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Anderson Seconded by Hammond

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

ORDINANCE NO. 190-C.S. entitled

"AN ORDINANCE ADDING SECTION 2-1.22 TO CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL ORGANIZATION AND PROCEDURE"

introduced on August 21, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Mayor Marks Seconded by Anderson

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

ORDINANCE NO. 192-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM IRVIN V. SNEDIGAR AND MEREDITH J. SNEDIGAR FOR MUNICIPAL PURPOSES"

introduced on August 21, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Hammond Seconded by Arata

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

INTRODUCTION OF ORDINANCE REGULATING EARLY MORNING PARKING

The City Attorney presented for Council consideration a revision of Ordinance No. 191-C.S., which has been introduced at the Council meeting of August 21 but not yet published in the official newspaper of the city. Revisions in the ordinance had been worked out in accord with Mr. Carmody's suggestions at the last meeting, he stated.

Ed Andrews, 120 I Street, protested on behalf of the tenants of the Washington Apartments located on Second and I Streets. He stated that the provisions of the proposed ordinance would work a hardship since their later model automobiles were too wide to park in the apartment garages and they were forced to park them in the streets, since they could not park in the alleys. He pointed out that Second Street was an oiled street and not curbed and asked if they would be permitted to use this street for parking.

There was a general Council discussion on "paved streets", as it related to the enforcement of the ordinance and the following points were brought out:

1- The definition of a paved street was one that was hard surfaced enough to stand sweeping with a mechanized street sweeper, had curbs and gutters installed, and paving from curb to curb;

2- The City Attorney asked if the Council wished to include oiled streets in the ordinance along with paved streets, so that there would be no question on the interpretation of the regulations;

3- The City Attorney also pointed out that some of the staff members considered that the ordinance did not relate solely to street sweeping, although there was a connection. There was also the matter of automobiles parked on the street encouraging theft and other problems. The prohibition of early morning parking, he pointed out, does not relate solely to the street sweeping problem. The Council must consider whether or not it wants to extend these regulations over the entire city or just over the paved portions which are swept;

4- It was generally agreed by the Council that the ordinance provisions should relate only to the parking of cars on paved streets and that it would be permissible for cars to park on oiled streets. The paved streets in the city should be identified by the Public Works Department for the Police Department so that citations would be given on paved streets only;

5- Mayor Marks suggested that the list of paved streets also be made available to the newspapers and ads be run notifying the public of these streets. The people also living on the unpaved streets could also be informed that the city had a program of participation in the cost of paving streets, providing drainage is available.

Mrs. Adams, owner of an apartment house on Sierra Drive and Madera, inquired regarding overnight parking on Sierra Drive, and was notified that since the entire street was not paved it would be permissible.

Mayor Marks stated that if there were any unjust problems when the over-night parking ordinance became effective, appeals could be made to the Council.

Dick Watson requested Council consideration on legislation and enforcement prohibiting alley parking. The City Attorney was asked to check the present regulations and report to the Council.

MOTION

That Ordinance No. 191-C.S. introduced on August 21, be amended to read as noted by the City Attorney.

Moved by Anderson Seconded by Hammond Unanimously carried

TRANSFER OF FUNDS FOR PURCHASE OF SNEDIGAR PROPERTY

RESOLUTION NO. 57-369

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,050 FROM SPECIAL CAPITAL OUTLAY RESERVE TO STREET IMPROVEMENT - NORTHERN BOULEVARD PROPERTY ACQUISITION

Introduced by Hammond Seconded by Arata

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

INTRODUCTION OF ORDINANCES 3-15

ORDINANCE NO. 193-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 23 THEREOF RELATING TO TRAFFIC REGULATIONS AND REPEALING ORDINANCE NO. 151-C.S."

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

Moved by Anderson Seconded by Hammond

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

ORDINANCE NO. 194-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-1.502 OF ARTICLE 5 OF CHAPTER 1 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO WATER WELLS"

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

Moved by Arata Seconded by Anderson

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

ORDINANCE NO. 195-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-5.02 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL COMMISSION"

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

Moved by Hammond Seconded by Anderson

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

APPROVE LEASE WITH JUNIOR ACHIEVEMENT INC. 3-35

RESOLUTION NO. 57-370

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JUNIOR ACHIEVEMENT OF GREATER MODESTO, INC. FOR THE RENTAL OF TWO OFFICES IN THE OLD MODESTO HOTEL BUILDING

Moved by Arata Seconded by Anderson

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

DECLARE INTENTION OF COUNCIL TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF MARSHALL PARK ADDITION 3-40

RESOLUTION NO. 57-371

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 THE MARSHALL PARK ADDITION, TO THE CITY OF MODESTO; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO FILE SUCH PROPOSAL WITH, AND SUBMIT SUCH PROPOSAL TO THE BOUNDARY COMMISSION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, FOR A REPORT THEREON AS REQUESTED BY LAW

Introduced by Arata Seconded by Anderson

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

AUTHORIZE EXECUTION OF PROOFS OF LOSS BY CITY MANAGER COVERING FIRE LOSS AT DEL WEBB FIELD 3-45

RESOLUTION NO. 57-372

A RESOLUTION AUTHORIZING THE EXECUTION OF PROOFS OF LOSS BY THE CITY MANAGER COVERING FIRE LOSS AT DEL WEBB FIELD

Introduced by Hammond Seconded by Anderson

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

Mayor Marks asked that the baseball committee obtain estimates for the rebuilding, with both wood or concrete, of the stadium structures destroyed by fire and report to the Council on the advantages and disadvantages of both types.

APPROVE FINAL MAP OF THE QUARESMA TRACT NO. 1 3-70

RESOLUTION NO. 57-373

A RESOLUTION APPROVING FINAL MAP OF THE QUARESMA TRACT NO. 1 OF THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

REPORT ON AGREEMENT WITH QUARESMA AND CARLSON RELATING TO REIMBURSEMENT FOR STREET LIGHT MATERIALS IN BUSINESS AREA IN COLLEGE CENTER TRACT 3-80

The City Attorney reported that John Quaresma and Roy Carlson, subdividers of the College Center Tract had paid the city $876.16 for materials for 3 additional commercial street lights in this addition. Since that time Mr. Quaresma has acquired the interest of Mr. Carlson and he would like a reimbursement of these funds since the lights would not be needed.

RESOLUTION NO. 57-374

A RESOLUTION APPROVING AGREEMENT WITH JOHN QUARESMA FOR REIMBURSEMENT OF FUNDS PAID FOR STREET LIGHTS IN THE COLLEGE CENTER TRACT

Introduced by Mayor Marks Seconded by Arata

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

APPROPRIATION TRANSFER FOR MODERNIZATION OF NINTH STREET SIGNALS 3-87

RESOLUTION NO. 57-375

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,274 FROM SPECIAL CAPITAL OUTLAY-RESERVE TO TRAFFIC-TRAFFIC SIGNALS (MODERNIZATION OF NINTH STREET TRAFFIC SIGNALS)

Introduced by Hammond Seconded by Anderson

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

ESTABLISH STOP SIGNS ON VINE AND FIRST STREETS AT WASHINGTON STREET 3-110

RESOLUTION NO. 57-376

A RESOLUTION ESTABLISHING STOP SIGNS ON VINE STREET AT ITS INTERSECTION WITH WASHINGTON STREET AND ON FIRST STREET AT ITS INTERSECTION WITH WASHINGTON STREET IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Hammond

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

DISCUSSION OF CHANGES AND NEW BUS ROUTES 3-115 recessed time

Mr. Carmody reported that the Modesto Motor Bus Company had requested an increase of 26 bus loading zones throughout the city making a total of 36. He stated that approximately one-half of the present 10 zones in the downtown area were painted yellow for combined bus and freight loading and unloading. The company is now requesting that these zones (36) be bus loading zones only and painted red. The majority of the present zones will have to be transferred due to the one-way street system, he stated. However, he cautioned the Council, the request should be considered carefully because it will mean the loss of 53 parking spaces. He reported that he had not yet conferred with the property owners involved in the new zone locations. He wanted to discuss the loss of the parking spaces with the Council before he took the time to discuss the zones with the owners. He did, however, expect some unfavorable reaction at some locations.

W. R. Tomson, representing the Bus Company, urged favorable consideration of the request for additional bus zones, because 1) it is possible that this will increase the bus business, 2) most towns of this size have more red bus zones, and 3) although the buses have been double parking to pick up and discharge passenger, it is strictly against the state law.

When asked by Mayor Marks, Mr. Carmody offered a compromise on the request, that on the diagonal parking streets, principally I Street, the company could use the triangular area at the end of the row of parking spaces, which would save about 10 spaces in the downtown area. He stated that 15 of the 36 zones requested were in the downtown critical parking area. He pointed out that with the one way streets, double parking from the traffic point of view, would not be such a problem as with two way streets. He estimated the loss to the city of 53 spaces to be $100,000. From a traffic point of view, he stated, the buses could operate on a double parking basis for awhile. He recommended that it be done on a trial basis to avoid losing the 53 parking spaces. Some cities operate without any bus zones, he stated.

Mr. Carmody pointed out that many of the present zones used by the buses were also used by trucks to unload for stores without alley entrances in the critical parking area, but if the request was granted for red bus zones, trucks could not use them.

Councilman Hammond considered that the zones in the critical area should be joint bus and truck zones. He objected to double parking for buses in the downtown area from the safety to passenger angle. Mr. Carmody pointed out that if the zones were established as joint bus and truck zones double parking would occur about 50% of the time, especially on 10th Street. After further Council discussion, it was agreed that the Director of Parking and Traffic should work with the Bus Company and try to save as many parking spaces as possible in the downtown area and make a further report to the Council.

AUTHORIZING OPERATION OF TRAFFIC SIGNALS AT WASHINGTON AND I STREETS 5-106

The City Attorney reported that it would not be necessary to adopt a resolution authorizing the operation of traffic signals at Washington and I Streets since it would be taken care of under the implementation resolution recently adopted by the Council.

AUTHORIZE CHANGES IN TRUCK ROUTES 5-110

RESOLUTION NO. 57-377

A RESOLUTION DESIGNATING UNRESTRICTED TRAFFIC STREETS IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Hammond

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

ACCEPT GRANT DEED FROM R. HUXLEY HALL FOR EXTENSION OF HACKBERRY AVENUE 5-126

RESOLUTION NO. 57-378

A RESOLUTION ACCEPTING GRANT DEED FROM R. HUXLEY HALL AND HAZEL MURRAY HALL FOR THE EXTENSION OF HACKBERRY AVENUE

Introduced by Anderson Seconded by Arata

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

APPROVE AGREEMENT WITH CALIFORNIA VEGETABLE CONCENTRATES FOR CITY SERVICES TO NEW PLANT SITE 6-1

The City Attorney presented for Council consideration an agreement

between the city and the California Vegetable Concentrates for the furnishing of city services on the condition the area would be annexed to the city as soon as possible.

RESOLUTION NO. 57-379

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA VEGETABLE CONCENTRATES FOR CITY SERVICES TO NEW PLANT SITE

Introduced by Arata Seconded by Hammond

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

Mayor Marks stated, and Council members concurred, that these same services would be open to all the other industries, both new and old in the service area, if they would guarantee to annex to the city on a firm contract basis on a specified time.

APPROVE APPLICATION TO COUNTY PLANNING COMMISSION FOR SANITARY LAND FILL 6-25

RESOLUTION NO. 57-380

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR USE PERMIT TO THE STANISLAUS COUNTY PLANNING COMMISSION FOR SANITARY LAND FILL IN THE McBRIDE ADDITION

Introduced by Hammond Seconded by Arata

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

The Acting City Manager reported that it had been called to the city's attention, after the adoption of Ordinance No. 187-C.S. annexing the McBride Addition to the City, that the County was planning a main north-south route through this addition. Federal aid secondary funds would be used on this route by the county and there is a federal statute which would not allow the use of these funds in urban areas of over 5,000 population. If this addition is annexed, it would mean that a considerable sum of money would have to be spent out of basic county funds for the construction of one-half of the bridge across the river and the remainder of the road from the bridge through the addition. A Council committee had met with representatives from the Board of Supervisors and it was agreed that the city would apply for a use permit so that the property could be used for a sanitary land fill until such time as the bridge and road were constructed and annexation proceedings could then be completed. The recordation of the annexation with the Secretary of State was stopped and the ordinance returned to the City Clerk, he reported. Councilman Arata reported the savings to the county would be approximately $300,000.

The City Attorney stated that the rescinding of the ordinance annexing the area should be held up until after the land use permit was granted by the County.

AUTHORIZE PURCHASE OF OFF-SET PRESS 6-54

RESOLUTION NO. 57-381

A RESOLUTION AUTHORIZING THE PURCHASE OF OFF-SET DUPLICATOR FROM A.B. DICK

Introduced by Hammond Seconded by Arata

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

SET DATE HEARING ON APPLICATION OF GEORGE S. FEHER FOR RECLASSIFICATION OF PROPERTY ON 18th STREET 6-60

Resolution No. 412, adopted by the Planning Commission on August 20, recommending that the Council amend Section 28 of the City's zoning map to reclassify lots 5 to 16, inc. in Block 129 from R-3 to C-1, as requested by George S. Feher, was noted.

RESOLUTION NO. 57-382

A RESOLUTION OF THE MODESTO CITY COUNCIL SETTING DATE FOR A PUBLIC HEARING ON AN AMENDMENT TO ZONING MAP, SECTION 28 (GEORGE S. FEHER)

Introduced by Anderson Seconded by Hammond

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

September 11, 1957, at 8:00 P.M. was set as the time for the public hearing before the Council.

AUTHORIZE APPROPRIATION TRANSFER OF FUNDS FOR TEMPORARY HELP IN THE POLICE DEPARTMENT 6-72

RESOLUTION NO. 57-383

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF $972.00 FROM GENERAL RESERVE TO POLICE DEPARTMENT - SALARIES AND WAGES, EXTRA HELP

Introduced by Hammond Seconded by Arata

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

Acting City Manager Tomsho reported on the progress of the reporting system being installed in the Police Department, which will lessen the work load on the officers and the clerk personnel.

Councilman Hammond asked that at the end of the 60 day period a comprehensive report be submitted to the Council on the changes.

AUTHORIZE PREPARATION OF DOCUMENTS FOR THE PURCHASE OF NISSON PROPERTY FOR EXTENSION OF NORTHERN BOULEVARD 6-92

The Acting City Manager reported receipt of an option to sell to the city from Frank and Ula Nisson, a portion of lot 10 in Block 6138 located on College Avenue at the M.I.D. Lateral No. 3 which would be used in the extension of Northern Boulevard, for $5,250, plus cost of escrow charges.

MOTION

That the City Attorney be directed to prepare the necessary papers to acquire the property from Frank and Ula Nisson

Moved by Arata Seconded by Anderson Unanimously carried

ACCEPT AUDIT AND AUTHORIZE PAYMENT TO C. D. NATTINGER & COMPANY 7-11

RESOLUTION NO. 57-384

A RESOLUTION ACCEPTING THE AUDIT OF THE CITY OF MODESTO RECORDS FOR THE YEAR ENDING JUNE 30, 1957 FROM C. D. NATTINGER & COMPANY AND AUTHORIZING PAYMENT FOR AUDIT IN THE SUM OF $1250

Introduced by Anderson Seconded by Arata

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

REPORT ON CITY HALL PLANS 7-15

The Acting City Manager reported receipt of the preliminary plans for the new city hall from Architect Milton Pflueger. He pointed out that they were temporary plans; they would need study by the staff, and were to be used in determining cost estimates. He displayed the sketches for Council information. Whether the proposed plans would displace any of the present parking area was brought up briefly.

The plans were referred to the staff for study, particularly to the fact that it would be desirable to lose as little public parking as possible.

Mr. Tomsho called attention to the erection of the signs on the fence surrounding the Hotel Modesto property.

AUTHORIZE PAYMENT OF LIABILITY INSURANCE 7-86

RESOLUTION NO. 57-385

A RESOLUTION AUTHORIZING PAYMENT OF PREMIUM FOR COMPREHENSIVE LIABILITY INSURANCE TO MODESTO INSURANCE AGENTS ASSOCIATION

Introduced by Hammond Seconded by Anderson

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

REPORT BY CITY ATTORNEY ON PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO TELEPHONE FRANCHISE 7-90

The City Attorney noted that he had distributed copies of a communication which he had received from the League of California Cities in connection with the proposed constitutional amendment relating to telephone franchises, which indicates the alternative proposal that is being submitted by a committee of City Attorneys and the League of California Cities. He reported that the League was proposing further discussion on this matter at a meeting to be held in Los Angeles on September 12, and had requested his attendance.

MOTION

That the City Attorney be authorized to attend the meeting in Los Angeles on September 12, and that the Council reaffirms its position in endorsing the proposed amendment.

Moved by Arata Seconded by Anderson Unanimously carried

REPORT ON ACQUISITION OF THE AIRPORT MAINTENANCE BUILDING FROM CODDING HOMES 7-124

The City Attorney reported that the city now owned this property.

REPORT ON BUSINESS AND EDUCATION DAY - SEPTEMBER 10, 1957

The Acting City Manager reminded the Council of the third annual Business and Education Day which would be held on September 10.

INVITATION TO ATTEND MEETING WITH MAYOR CHRISTOPHER OF SAN FRANCISCO

Mayor Marks reported that Tom Mellis had asked him to issue invita-

tions to the Council members to attend a dinner meeting on September 10 honoring Mayor Christopher of San Francisco.

CITY ATTORNEY REPORTS REPLY TO FRANK ANDREWS

The City Attorney reported that he had written a reply to Frank Andrews on his letter regarding franchises.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Hammond Seconded by Anderson Unanimously carried

The meeting was adjourned at 9:15 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

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

City Clerk Rex Gailfus called the roll and there were

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

Councilman Hammond arrived at 4:06 P.M.
Councilman Adams arrived at 4:08 P.M.

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

Rev. James Buerer, pastor of the Grace Baptist Church gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of August 21, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM LYMAN B. FLINT, RE: CLOSING OF ROSEMARY LANE 1-22

A letter from Lyman B. Flint relating to the closing of Rosemary Lane was read. City Manager Miller reported that this matter was being considered by the Planning Commission at a public hearing scheduled for September 17. A report and recommendation will be sent to the Council by the Commission after this hearing.

The City Clerk was ordered by Mayor Marks to acknowledge receipt of the letter, informing them of the public hearing before the Commission.

LETTER FROM RUSSELL L. STARKS RE: "BUMPER STRIPS" 1-38

A letter from Russell L. Starks, Quartermaster U.S. Navy Recruiter regarding the placing of "bumper strips" on City bus loading zone benches was read. The City Manager reported that City Attorney Allen Grimes had advised that the ordinance would not permit this and Mr. Starks had been so advised, and wished to withdraw his request.

LETTER FROM ATTORNEY C. W. CARSON RE: WAIVING WAITING PERIOD FOR APPLICATION OF JACK N. MITCHELL FOR ALCOHOLIC BEVERAGE LICENSE 1-42

Attorney Catherine W. Carson appeared before the Council on behalf of Jack N. Mitchell, who had applied to the State Alcoholic Beverage Control Department for a license to sell beer and wine at his store located on the southeast corner of College and Bowen Avenues, but through a bookkeeping error of the department in issuing the license on June 28 instead of July 1, was being compelled to wait 30 days for a new license, unless the Council would request that this waiting period be waived.

MOTION

That the City Manager be authorized to sign a letter to the Department of Alcoholic Beverage Control notifying that the City Council waives the 30 day waiting period as provided in Sec. 23987 of the Alcoholic Beverage Control Act for the offsale beer and wine license applied for by Jack N. Mitchell, et al.

Moved by Arata Seconded by Hammond Unanimously carried

Councilman Hammond left the meeting at 4:15 P.M.

REJECT BIDS FOR IMPROVEMENT OF PARKING LOT ON 13TH STREET 1-76

Director of Parking and Traffic Carmody reported on the two bids received at 2:00 P.M. September 3, for the improvement of the parking lot on 13th Street, between J and K Streets. He stated that the bid of M. J. Ruddy and Son had not arrived on time and the two bids received were higher than the estimated cost. He recommended that all bids be rejected and a new bid call be authorized.

RESOLUTION NO. 57-386

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE IMPROVEMENT OF THE PARKING LOT ON THIRTEENTH STREET AND AUTHORIZING THE CALL FOR NEW BIDS

Introduced by Anderson Seconded by Robinson

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

The time set for the opening of the bids was 3:00 P.M., September 17, 1957.

AWARD BID ON PAVING MATERIALS TO STANDARD MATERIALS, INC. 1-90

Director of Public Works Marvin Ray reported on the bids received at 2:00 P.M., September 3, for the furnishing of paving materials for the fiscal year ending June 30, 1958. He recommended the acceptance of the bid submitted by the Standard Materials, Inc., as the only other bid received did not arrive until after the closing hour for the acceptance of bids.

RESOLUTION NO. 57-387

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS, INC. FOR THE FURNISHING OF PAVING MATERIALS FOR THE FISCAL YEAR ENDING JUNE 30, 1958

Introduced by Anderson Seconded by Robinson

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

ORDINANCE AUTHORIZING PURCHASE OF NISSON PROPERTY (NORTHERN BOULEVARD)1-124

ORDINANCE NO. 196-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM FRANK NISSON AND ULA NISSON"

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

Moved by Arata Seconded by Anderson

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

ORDINANCE AMENDING CODE RELATING TO CURB CUTS 2-1

ORDINANCE NO. 197-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 7-1.104 AND 7-1.105 OF ARTICLE 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO CURB CUTS"

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

Moved by Arata Seconded by Robinson

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

The City Manager pointed out that under the provision of this ordinance, curb cuts up to 36' for service stations could be handled administratively.

The City Attorney pointed out that it would eliminate the provisions of appeal for the amount of the fee.

FINAL ADOPTION OF ORDINANCES 2-17

ORDINANCE NO. 191-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO,' AS AMENDED, TO AMEND SECTION 33 THEREOF RELATING TO TRAFFIC REGULATIONS AND REPEALING SECTION 1 OF ORDINANCE NO. 103-C.S."

introduced on August 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 Adams
Ayes: Adams, Anderson, Arata, Robinson and Mayor Marks
Noes: None Absent: Hammond and Merrill

ORDINANCE NO. 193-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 23 THEREOF RELATING TO TRAFFIC REGULATIONS AND REPEALING ORDINANCE NO. 151-C.S."

introduced on August 28, and having been printed and published, as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Anderson Seconded by Anderson

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

ORDINANCE NO. 194-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-1.502 OF ARTICLE 5 OF CHAPTER 1 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO WATER WELLS"

introduced on August 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 Arata

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

ORDINANCE NO. 195-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-5.02 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL COMMISSION"

introduced on August 28, and having been printed and published, as required by the Charter and coming on for final consideration, was moved and adopted.

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

REPORT ON ALLEY PARKING LEGALITY 2-25

Pursuant to the direction of the Council, the City Attorney reported on the legality of alley parking. He pointed out that Section 31 of Ordinance 345-N.S. makes it unlawful to park a motor vehicle in any alley in the city except for such period of time as is necessary for the loading or unloading of passengers or materials. In these cases, the loading or unloading of passengers shall not consume more than 3 minutes; for materials not more than 20 minutes.

He reported receipt of a letter from Attorney J. W. Hawkins outlining some alley parking problems behind his home and office building.

FURTHER REPORT ON WIDTH OF SYCAMORE AVENUE (POLL RESULTS)

The City Clerk reported that 67 letters had been sent out to property owners on Sycamore Avenue, between Griswold and Orangeburg Avenues, relating to the proposed width of the street, as directed by the Council, and that 42 cards had been returned as of this date, with 18 persons favoring a 40 foot street; 20 a 48 foot street; and 4 a 44 foot to 48 foot street.

Mayor Marks pointed out that the recommendation of the staff was that a 40 foot width be established.

Councilman Arata reported he had inspected the street and recommended the 40 foot width because the street south of Griswold had been developed as a narrow street (between 34 and 36 feet) and that if the portion north of Griswold was developed as a 48 foot street, it would prove a traffic bottleneck and hazard.

MOTION

That the staff proceed on the basis of the 40 foot between curbs.

Moved by Arata Seconded by Robinson Unanimously carried

HOLD OVER ACTION ON PROCLAMATION FOR CENTRAL CALIFORNIA SUNDAY SCHOOL FAIR WEEK 2-75

The City Manager reported receipt of a letter from the Ministerial Association advising that a meeting was being held shortly and a decision would be made on the city's request for a recommendation on the request of Mayor Christoffersen for the issuance of a proclamation by Mayor Marks for the Central California Sunday School Fair Week being held in Turlock Fair Grounds September 25-28. The matter was ordered held over until the next Council meeting, by Mayor Marks.

GRANT CURB CUT VARIANCE TO DOUGLAS OIL COMPANY AT SERVICE STATION LOCATED ON SOUTHEAST CORNER OF BURNEY, DOWNEY AND H STREETS 2-86

The Director of Public Works reported on the request of the Douglas Oil Company for two 30' curb cuts on Burney Street; one 30' on Downey; and a 41' curb cut on H Street for its service station to be erected at this location. The total length of the property frontage is 229 feet, the code permits 40% of the frontage in curb cuts which would be 96 feet and the requested curb cuts totals 131 feet. He recommended that due to the layout of the property and the existence of the street (one-way) network that the company be granted its request for driveway lengths. He stated that the 41 foot driveway on the H Street side was not finally determined as to location since the owner and the Parking and Traffic Director were considering the possibility that some of the property might be dedicated for street purposes allowing a little greater width on H Street. He recommended that the location of the driveway on H Street be subject to approval of the Di-

rector of Public Works after the owner and Mr. Carmody have had an opportunity to work out the possible dedication of land.

RESOLUTION NO. 57-388

A RESOLUTION GRANTING REQUEST OF DOUGLAS OIL COMPANY FOR CURB CUT VARIANCE FOR ITS SERVICE STATION LOCATED ON BURNEY STREET, H STREET AND DOWNEY AVENUE IN THE CITY OF MODESTO

Introduced by Adams Seconded by Robinson

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

LETTER FROM MODESTO CITY SCHOOLS RE: PAYMENT OF CITY'S SHARE OF CONSTRUCTION OF DOWNEY HIGH SCHOOL SWIMMING POOL 2-120

A letter from Richard B. Eaton, Business Manager of the Modesto City Schools, advising of the costs for construction of the Downey High School swimming pool and requesting that the Council authorize payment of the $30,000, the city's share, as previously approved by the City Council.

MOTION

That the payment of the $30,000 to the Modesto City Schools be authorized.

Moved by Adams Seconded by Robinson Unanimously carried

APPROVAL OF AGREEMENT WITH STANISLAUS COUNTY TITLE COMPANY FOR PARKING LOT LOCATED AT 12TH AND I STREETS 2-125

RESOLUTION NO. 57-389

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY TITLE COMPANY FOR LEASE OF PROPERTY AT 12TH AND I STREETS, CITY OF MODESTO (PARKING LOT)

Introduced by Arata Seconded by Anderson

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

AUTHORIZE CHANGE OF STAND OF RED TOP TAXI COMPANY 3-16

RESOLUTION NO. 57-390

A RESOLUTION ESTABLISHING A TAXICAB STAND ON THE EAST SIDE OF ELEVENTH STREET SOUTH OF J STREET IN THE CITY OF MODESTO (RED TOP TAXICAB COMPANY)

Introduced by Anderson Seconded by Robinson

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

GRANT REQUEST OF BRETHREN SERVICE CENTER FOR SEWER SERVICE 3-35

A letter from the Brethren Service Center requesting sewer service for its new warehouse being constructed at 919 Emerald Avenue, outside and not contiguous to the City, was read. Mr. Joe Dell, Director, stated in the letter that the General Brotherhood Board was agreeable to annexation to the city at such time as the question may arise.

The City Manager recommended that the request be approved by the Council on the basis, 1) the Center pay the regular outside commercial rate, 2) pay all the expenses of connection to the system, on basis of standards

to be established by the Director of Public Works, and 3) annexation to the city at the time it is possible and feasible.

MOTION

That the City Attorney be authorized to prepare an agreement on the basis outlined by the City Manager granting sewer service to the Brethren Service.

Moved by Anderson Seconded by Robinson Unanimously carried

REPORT ON ONE-WAY STREETS 3-60

The City Manager commended the Director of Parking and Traffic, his staff and employees from other departments involved in the institution of the one-way system, which began on Sunday, September 1. He distributed copies of the statement prepared by the Police Department in conjunction with Mr. Carmody, to the Council members which were being distributed to persons to familiarize them with the one-way system.

Mayor Marks and the members of the Council, also commended Mr. Carmody on the effectiveness of the system and the manner in which it had been carried out by the department.

The City Manager noted the cooperation of the general public and the press and radio which helped in making the system successful.

MOTION

That the general public of the city be complimented for its cooperation in making the one-way system in the City a success.

Moved by Robinson Seconded by Anderson Unanimously carried

Councilman Hammond returned to the meeting at 4:45 P.M.

REPORT ON COST OF ANALYSIS OF INCIDENT OF IRRIGATION DISTRICT REVENUE AND EXPENDITURES 3-95

The City Manager reported on his investigation, authorized by the Council, stating that as yet the cost of the analysis had not been determined in final form, but it had been discussed with representatives of the firm making the study and with officials of Turlock to determine their interest. He stated that he had also conferred with the Engineers of both the Turlock and the Modesto Irrigation Districts.

Councilman Hammond stated that Councilman Arata agreed that this matter should be tabled until the Council could have a further discussion with the people involved. No action was taken by the Council at this time.

RESOLUTION RELATING TO THE DEFENSE OF SUITS AGAINST CITY OFFICIALS 3-115

The City Attorney reported on the draft of the resolution referred to him by the Council relating to the defense of suits against city officials. He noted that copies of the redrafted resolution had been made available to the Council members previously for their study. The new resolution is based exactly on the authorization contained in Section 2001 of the Government Code of the State of California, he reported. The effect of the resolution, if adopted by the Council, would merely be to adopt, as a policy of the City of Modesto, the authorization that is provided in the State Code.

RESOLUTION NO. 57-391

A RESOLUTION RELATING TO THE DEFENSE OF SUITS AGAINST CITY OFFICIALS IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Adams

Before Mayor Marks called for the vote on the Resolution, he stated that "I would not take advantage of this resolution; I am going to pay my own legal expenses, but for the sake of those who are coming after me, I am going to go along with it. I want it clearly understood though, that although I am paying my own legal expenses, that I am not, under any circumstances, waiving any of my rights as Mayor."

Councilman Hammond pointed out that this resolution had been proposed on the basis that Mayor Marks had been acting in his capacity in the matter now under litigation, that it was a Council matter, since the Council had been made a political arena.

Councilman Arata objected to "getting into any legal controversy".

The City Manager considered that the adoption of the resolution would be wise as a matter of assurance to the people who serve the city---that if they are proceeding in good faith and without malice in the performance of their functions and get into legal difficulties, the city will defend them.

Mayor Marks made it clear that the basis upon which he would vote for the resolution was that his reservation was only to a specific instance, but there might be other incidents where he would welcome assistance from the legal staff of the city. He stated that he was turning down assistance in this one case with one proviso---that he was not sacrificing any of his rights as Mayor.

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

PROGRESS REPORT ON WIDENING OF McHENRY AVENUE 4-40

The City Manager stated that there were two matters which must be cleared on the project for the widening of McHenry Avenue: 1) size of the curb radius at the intersections, which is now under discussion with the M.I.D., 2) the set back requirements for buildings.

He stated that the set back requirements was also a matter to be considered by the Planning Commission and that a public hearing had been scheduled by the Commission for September 17. He explained a diagram showing the problems involved both north and south of Griswold Avenue. He stated that the right of way line south of Griswold would coincide with the building line 40' from the center line, but north of this street, it is proposed and provided in the state agreement, that an 86' right of way would be provided, which would allow for a 6 foot center dividing area. The building set back line north of Griswold is 50' from the center line of McHenry Ave. When the 86' right of way is acquired, it will be 7' closer to the center line than the building line, there will remain 7' between the new property line and the building line. A question has been raised as to whether or not that 50' line should be maintained as a building line, or whether as an alternative that building line might be changed to coincide with the new proposed property line. He enumerated arguments used for and against changing the building set back line north of Griswold. He reported that a time would be arranged so that the owners could discuss the problems with the Council. He reported that the staff considered the two questions which he had raised should be cleared before rights of way were obtained.

Planning Director Smeath reported on the legal procedures which would be necessary in order to effect a change in the zoning ordinance as it related to building set back lines.

FURTHER DISCUSSION ON COUNCIL PROCEDURE 5-30

Mayor Marks raised a question which was answered by City Attorney Grimes---who determines whether a Councilman is acting in good faith and without malice, according to the resolution just adopted by the Council---that the Council itself would determine.

REPORT ON IMPROVEMENTS AT SIERRA AND E STREETS 5-37

The City Manager displayed a sketch of the proposed plan for the installation of curbs at Sierra and E Streets, which would close E Street and include the existing island into the West Side Park area.

INTRODUCE NEW ASSISTANT DIRECTOR OF PUBLIC WORKS 5-50

Mr. Ray introduced the new Assistant Director of Public Works and City Engineer, Ross Campbell, to the Council.

Councilman Hammond left the Council meeting at 5:06 P.M.

PRESENTATION OF ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 1956-57 5-52

The City Manager filed a copy of the financial report of the City of Modesto for the fiscal year 1956-57. Copies were distributed to the Council members.

REPORT ON THOUSAND OAKS PARK 5-54

With the unanimous consent of the Council, the City Attorney reported, as directed by the Council, on his investigation into the development of the Thousand Oaks Park. In accordance with the suggestion offered by Councilman Robinson, he had written to a representative of the property owners outlining a procedure so that the citizens may go ahead under the declaration of restrictions relating to Thousand Oaks Tract, to establish a property owners' committee which could deal with the city and which would have power to permit the city to proceed in making certain improvements or changes in the park with the consent of the property owners committee. He stated that under the declaration of restrictions, it would first require that the original owners John B. Beard and wife, relinquish the authority retained under the restrictions. This document has already been prepared and transmitted so that the property owners may contact Mr. Beard.

The City Attorney reported that he had taken advantage of an offer from one of the local title companies to make available the services of the company's general counsel, in reviewing the problem to determine methods available to remove the restrictions from the tract altogether.

Even if it is not possible to do this, he reported, working with the properly constituted property owners' committee would allow opportunity for the city to proceed with the consent of the committee.

The City Manager urged caution in getting committed to anything where public funds were expended with separate private control. He considered that the problem could be resolved but the city should proceed with "extreme caution" and not get tied up with a program until all matters had been cleared He suggested that the staff work with the owners on some revision which would provide the "proper kind of limitations on the use and the development" and still permit city maintenance and operation without private control.

AUTHORIZE WILMAR JENSEN TO ATTEND MEETING DURING ABSENCE OF CITY ATTORNEY 5-80

The Council authorized the attendance of Attorney Wilmar Jensen as Acting City Attorney at the Council meeting of September 11, since City Attorney Grimes would be absent from the City on official business.

Councilman Hammond returned to the meeting at 5:14 P.M.

DISCUSS REPAIRS TO DEL WEBB FIELD 5-85

Councilmen Adams and Arata, members of the Baseball Committee asked for Council guidance on the repairs to the portion of the Del Webb Field recently destroyed by fire.

Councilman Arata suggested that the City send a letter to the Modesto Reds to determine if there would be a state league in Modesto in 1958, to assist the Council in determining the type of grandstand to be built at the Field. He reported that the League would be holding a meeting shortly and if the Reds had a letter from the City it could be presented at this meeting.

It was agreed by the Council that the letter be prepared and sent by Councilman Arata, as chairman of the Council Baseball Committee.

MOTION

That the letter be sent to the Modesto Reds, as suggested, by Councilman Arata.

Moved by Anderson Seconded by Adams Unanimously carried

INVITATION TO COUNCIL MEMBERS TO ATTEND PLANNING DINNER MEETING, SEPTEMBER 12

Planning Director Smeath issued an invitation to the Council members to attend a dinner meeting with the Planning Commission, Advance Planning staff and County Advisory Planning Committee on September 12, at 6:00 P.M. He outlined the plans for the discussions to be held at the meeting.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Anderson Seconded by Adams Unanimously carried

The meeting was adjourned at 5:20 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 Marks presiding.

City Clerk Rex Gailfus called the roll and there were

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

Councilman Robinson arrived at 7:50 P.M.

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

The invocation was given by Rev. Dodds Bunch, pastor of the Centenary Methodist Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of August 28, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM THOMAS DOWNEY HIGH SCHOOL BAND MOTHERS' CLUB 1-10

A letter was read from Mrs. G. R. Kuykendall, President of the Thomas Downey High School Band Mothers' Club, sponsoring the appearance of the U.S. Navy Band in the city on October 22, asking that the Council be represented in a parade to be given in honor of the occasion, grant permit to display banners across the city streets on the parade route, and that a police escort be furnished.

A brief discussion was held by the Council with Mrs. Kuykendall relating to the display of banners, and the wording and type on the banners.

City Manager Ross Miller pointed out that the Council had adopted a resolution limiting permits for the displaying of banners across the streets to certain groups for certain annual events of general public interest. He suggested that if the Council desired to grant permit for this single event, the visit of the U. S. Navy Band to the city, it would require the adoption of a resolution. This resolution would grant the permit to the Thomas Downey Band Mothers' Club to erect and display the banners for this one time only on the same conditions provided in Resolution No. 56-391.

Mayor Marks suggested, to which the Council agreed, that the bunting and banners be limited to welcoming the band to the city and that reference to the time, place and sponsorship be eliminated. Mrs. Kuykendall agreed that this information could be omitted and that the number of banners would be kept to a minimum.

RESOLUTION NO. 57-392

A RESOLUTION GRANTING PERMIT TO THE THOMAS DOWNEY BAND MOTHERS' CLUB TO DISPLAY BANNERS ACROSS THE CITY STREETS TO WELCOME THE U. S. NAVY BAND TO THE CITY OF MODESTO ON OCTOBER 22, 1957

Moved by Hammond Seconded by Arata

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

REPORT ON MODESTO'S TRAFFIC SAFETY ACTIVITIES ANALYSIS 1-65

The City Manager briefed the annual inventory of traffic safety activities of the City of Modesto prepared by the California Traffic Safety

Foundation for the fiscal year 1956-57. He noted that the city had received special national recognition in two fields-----maintenance of accident records and school traffic safety education. Due to the inability of J. Arthur Rude, Director of Public Information of the Foundation, to be present at this meeting, the City Manager presented the award plaque to Mayor Marks.

The City Manager noted that the city schools should also be credited with its effort on the school traffic safety education program. He pointed out that one area where the city had been marked down was street lighting since national criteria indicates that a city the size of Modesto should have 62 miles of streets meeting lighting standards while it has only 7.1 miles. Other criticisms and recommendations in the report were 1) that the uniformed police force be increased to 63 men; 2) the number of radio equipped patrol cars be increased to 16; 3) a special accident investigation squad be created within the department; 4) more emphasis be given to the apprehension and conviction of the drinking driver; and 5) the local court follow the recommendations of the American Bar Association in separating traffic and criminal cases and that the Judge and Prosecutor attend at least one of the regional traffic court conferences held at various law schools in California. It was also strongly recommended that a written plea of guilty and a waiver of trial be used for violations processed in the violations bureau and that a Traffic Violators School be established.

The criticisms and recommendations were briefly discussed.

MOTION

That Mayor Marks be authorized to write a letter to former Police Chief Neel thanking him for his efforts on traffic safety while serving as Police Chief for the City of Modesto.

Moved by Hammond Seconded by Arata Unanimously carried

MOTION

That Mayor Marks write a letter of appreciation to the City Schools for its work on the Junior Traffic Patrol.

Moved by Adams Seconded by Arata Unanimously carried

LETTER FROM BOARD OF SUPERVISORS RE: DENNETT DAM CONSTRUCTION 2-60

A letter from the County Board of Supervisors to Mayor Marks was read, advising that $170,000 had been provided in the final budget for 1957-58 to be used for a building program and that the Dennett Dam project had been included in the program.

Mayor Marks asked that a report be submitted by the Council Committee on this project as soon as possible.

CONSIDER AWARD OF BID FOR GARDEN REFUSE DUMP TRUCK 2-90

Director of Public Works Ray recommended that the one bid received on September 10, from Griswold & Wight for a garden refuse dump truck of $4,210.84 be accepted in view of the urgent need for additional equipment. He stated that the amount budgeted for the truck had been $3,600.

The City Manager reported that an interdepartmental transfer of the additional funds would be made if the purchase was approved.

RESOLUTION NO. 57-393

A RESOLUTION ACCEPTING THE BID OF GRISWOLD & WIGHT, IN AMOUNT $4,210.84 FOR GARDEN REFUSE TRUCK

Introduced by Robinson Seconded by Adams

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

HEARING ON PETITION OF DR. GEORGE S. FEHER FOR AMENDMENT TO ZONING MAP SECTION 28 (PROPERTY ON 18TH STREET) 2-105

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the petition filed by Dr. George S. Feher to reclassify from R-3 to C-1, lots 5-16, inc. Block 129, in the City of Modesto.

The City Clerk certified that notice of the hearing had been published in the city's official newspaper, The Modesto Bee, as required by law, that notices had been sent out to the surrounding property owners and that no written protests had been filed.

Resolution No. 412 adopted by the Planning Commission on August 20, recommending to the Council that an amendment to Section 28 of the Zoning Map be approved, was noted. Mayor Marks asked for oral protests or comments.

Bob Sorenson and Mrs. Laura J. Sorensen, owner of nearby property not included in the rezoning request, considered that their property should also be zoned commercial since the majority of the surrounding area was used for commercial purposes, which made their residential property undesirable for rental purposes. They were asked to contact Director of Planning Smeath since their problem did not relate to the matter at issue.

Mayor Marks declared the hearing closed.

ORDINANCE NO. 198-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 by the following vote:

Moved by Arata Seconded by Robinson

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

FINAL ADOPTION OF ORDINANCES 3-60

ORDINANCE NO. 196-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM FRANK NISSON AND ULA NISSON"

introduced on September 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 Robinson

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

ORDINANCE NO. 197-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 7-1.104 AND 7-1.106 OF ARTICLE I OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO CURB CUTS"

introduced on September 4, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Arata Seconded by Robinson

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

RESOLUTION NO. 57-394

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF $5,350 FROM SPECIAL CAPITAL OUTLAY RESERVE TO NORTHERN BOULEVARD PROPERTY ACQUISITION (NISSON PROPERTY)

Introduced by Robinson Seconded by Arata

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

HOLD OVER ITEM RE: PROCLAMATION FOR CENTRAL CALIFORNIA SUNDAY SCHOOL FAIR WEEK 3-70

The matter of issuing a proclamation for Central California Sunday School Fair Week was held over for a week until a letter could be received from the Ministerial Association.

APPROVE AGREEMENT WITH STATE FOR RELOCATING TRAFFIC DETECTOR LOCATED AT 17th AND DOWNEY AVENUE 3-72

RESOLUTION NO. 57-401

A RESOLUTION APPROVING AGREEMENT BETWEEN THE STATE OF CALIFORNIA FOR RELOCATING TRAFFIC DETECTOR LOCATED AT 17TH AND DOWNEY AVENUE, CITY OF MODESTO

Introduced by Robinson Seconded by Hammond

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

ESTABLISH STOP SIGNS ON SANTA BARBARA AVENUE 3-85

RESOLUTION NO. 57-402

A RESOLUTION ESTABLISHING STOP SIGNS ON SANTA BARBARA AVENUE AT ITS INTERSECTION WITH ENCINA AVENUE IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Arata

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

ORDINANCE CHANGING SPEED LIMITS SIGNS 3-100

ORDINANCE NO. 199-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO,' AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 167-C.S."

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

Moved by Robinson Seconded by Hammond

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

ESTABLISH STOP SIGNS ON G STREET AT INTERSECTION WITH 10TH STREET 3-105

RESOLUTION NO. 57-395

A RESOLUTION ESTABLISHING STOP SIGNS ON G STREET AT ITS INTERSECTION WITH TENTH STREET IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Adams

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

ORDINANCE NO. 200-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 23 THEREOF RELATING TO TRAFFIC REGULATIONS AND REPEALING ORDINANCE NO. 193-C.S."

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

Moved by Robinson Seconded by Adams

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

Mayor Marks suggested that signs be painted on the one-way streets regarding turning movements. Mr. Carmody pointed out that the department was presently operating with a limited staff. The matter was held over. He also suggested that the state should re-evaluate its study on grade separations in the business district. He noted that during the passage of a long freight train, traffic had been held up on H and I Streets for a considerable distance. Mr. Carmody stated that traffic counts had not yet been made on these streets since the one-way system had been instituted but that he considered that traffic formerly using adjacent streets was now using the one-way streets.

Mayor Marks considered that the planned traffic grid, started with the first phase of the one-way streets, should be finished as soon as feasible.

Mr. Carmody reported that pedestrian traffic could be improved at 11th and J Streets by the installation of "walk-wait" signals. He estimated the cost at $600. Mayor Marks asked that Mr. Carmody confer with the City Manager on this matter and make a further report and recommendation to the Council.

Councilman Arata considered that the biggest problem in the movement of traffic, was educating the drivers on turning movements. This was briefly discussed by the Council and Mr. Carmody, who outlined the law regulating right and left turning movements and signing on one-way and two-way streets.

The City Manager reported on the information being prepared for radio and press publication on an education program. He reported that police officers had been parking near intersections in the downtown area, in the past few days, advising the motorist through the loud speaker on turning movements permitted.

APPROVE AGREEMENT WITH MODESTO CITY SCHOOLS FOR AFTER-SCHOOL RECREATION 5-06

RESOLUTION NO. 57-396

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL DISTRICT FOR THE OPERATION OF THE PLAYGROUND FOR AN AFTER-SCHOOL RECREATION PROGRAM

Introduced by Arata Seconded by Robinson

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

AUTHORIZE CANCELLATION OF TAXES ON 1/2 OF LOT 37, BLOCK 213

RESOLUTION NO. 57-397

A RESOLUTION AUTHORIZING THE CITY AUDITOR TO CANCEL CITY PROPERTY TAXES ON CERTAIN REAL PROPERTY IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Adams

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

ACCEPT PUMP HOUSES FROM WILLIAM M. MINENI 5-12

RESOLUTION NO. 57-398

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSES AT PUMP STATIONS NO. 19 AND 20 FROM CONTRACTOR WILLIAM M. MINENI; AUTHORIZE PAYMENT OF AMOUNTS DUE; AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Moved by Robinson Seconded by Hammond

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

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF CHAIN LINK FENCE AT PUMP STATIONS NO. 19 AND 20 5-27

RESOLUTION NO. 57-399

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZE THE CALLING FOR BIDS FOR THE CONSTRUCTION OF CHAIN LINK FENCE AT PUMP STATIONS NO. 19 AND 20

Introduced by Arata Seconded by Hammond

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

REMIND COUNCIL OF PLANNING DINNER MEETING OF SEPTEMBER 12

The City Manager reminded the Council members of the Planning meeting being held on September 12 and urged their attendance.

REPORT BY CHAMBER OF COMMERCE ON ACTIVITIES TO JULY 1, 1957

The report was filed by the City Manager, and ordered filed in the office of the City Clerk.

FURTHER CONSIDERATION OF CITY HALL BOND ELECTION 5-63

The City Manager reported on the conferences held with Architect Pflueger on 1) the portion of the city hall site which was purchased with parking money, and 2) the need for different kinds of access to the parking areas. Mr. Carmody has been asked to report to Mr. Pflueger on recommendations for the best use of the parking space and provide the necessary space for the city hall, he stated. The Council must determine, 1) the date of the bond election , and 2) the amount of the bond issue, and 3) to take the necessary legal action on the election.

He suggested the appointment of a citizens committee to work with the Council and help in the publicity and program for the bond issue proposal. Mayor Marks suggested that this appointment be made as early as possible so that the committee members could sit in with the Council and be familiar with all angles of the program. He suggested a committee composed of 15 to 18 representative citizens, who could assist and advise the Council on the kind of a city hall desirable for the community.

The City Manager reported on the architects estimates on the cost of the city hall building as proposed in the sketch: $20 to $21 per square foot for 38,660 sq. ft. would be approximately $800,000; underground parking as proposed, $100,000; (14,000 ft. at $7.00 per sq. ft.); two adjustments would need to be considered, 1) that if the space shown in the sketch for the city hall building was utilized, it is possible the city hall fund would owe the parking fund money; 2) there would be a credit due the city hall fund from the 15th Street lot, which had been purchased for a city hall site. Added to these amounts would be an allowance for furnishings, possibly to the order of $50,000, making a total figure for bond issue purposes of $950,000. He pointed out that the 1957-58 budget included a sum for certain costs, such as architect fees. Costs for demolishing the present building would be extra.

Councilman Hammond pointed out that the time element on the holding of the election was of prime consideration and the purpose of the citizens committee should be for public relations to assist in the passage of the bond. This group could sit in with the Council to finalize the discussion as to construction details of the city hall building. This committee, he stated, could lay out a program so that at the time of election date they would be in a position to explain and promote the bond issue to the public. The Council concurred with the appointment of the citizens committee.

MOTION

That the city proceed with the holding of a bond election for the construction of a city hall building of like size as that proposed by the preliminary sketch filed by the architect, with a maximum amount of $950,000 bond issue and that the election be on the first Tuesday upon which it can legally be held.

Moved by Robinson Seconded by Adams Unanimously carried

MOTION

That Mayor Marks be authorized to appoint a citizens committee to work on the City Hall Bond issue election.

Moved by Arata Seconded by Robinson Unanimously carried

Mayor Marks suggested that the Council members furnish him with any names of persons who they wanted appointed on the committee.

AUTHORIZE CITY MANAGER TO SERVE AS MEMBER OF HIGHWAY COMMITTEE OF CENTRAL VALLEY COUNCIL STATE CHAMBER OF COMMERCE 6-75

The Council authorized the City Manager to serve as a member of this committee.

FURTHER REPORT ON PROPOSED CURB RETURN RADIUS ON McHENRY AVENUE 6-91

The City Manager reported on the progress being made on this matter and stated that a further report would be made to the Council at a later meeting.

FURTHER REPORT ON APPLICATION FOR PLANNING FUNDS 6-92

The City Manager reported on the meeting held with the official state

agency handling the applications for federal funds on the city's application for $10,000, which will be matched by the city for the following three activities:

1- study of the relocation of the tracks
2- study of downtown business section
3- study of neighborhood plans.

Precise recommendations regarding the consultants whose services would be included, had to be submitted with the application, he reported, and since this was the last day to submit applications, the staff proceeded to obtain proposals from the necessary consultants which were included in the application.

The City Manager reported on his presentation to the agency and the basis for the request for funds. The State agency approved the application, he reported, but the city must make some changes in the proposal, since it has been altered some, and the state will forward the application to the federal government. He stated that it may be three to six months before final approval is given by the federal government. Copies of final detailed application will be distributed to the Council members, he stated.

SET DATE FOR HEARING ON PRINCIPLE OF MASTER PLAN 7-120

RESOLUTION NO. 57-400

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO SETTING DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF PRINCIPLES, A PORTION OF THE GENERAL PLAN OF THE CITY OF MODESTO

Introduced by Robinson Seconded by Hammond

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

The time set by the City Clerk for the hearing was 8:00 P.M., October 9, in the Council Chamber.

REPORT ON DICTATING EQUIPMENT 8-30

As requested by the Council at the time the budget was discussed, a further report was made by the City Manager on the dictating equipment tested. He reported that it had been determined that in a number of the city operations less expensive equipment would suffice adequately and this type is being purchased in cases other than those where, for the sake of keeping the same equipment and the same operation, other equipment might be necessary.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Arata Unanimously carried

The meeting was adjourned at 9:24 P.M.

ATTEST: Rex E. Gaffus
REX E. GAFFUS, 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.

City Clerk Rex Gailfus called the roll and there were

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

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

Rev. James Boss, pastor of the Paradise Community Reformed Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of August 12 and September 4, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTERS FROM FRANK ANDREWS 1-25

Letters from Frank Andrews, representing the "Save Modesto Association", advising that the Association would be using records of popular music in front of its office, 813A Tenth Street, on Thursday nights when the downtown stores are open, was read. The letters offered suggestions relating to the construction of the new city hall and Dennett Dam.

MOTION

That the letters be ordered filed.

Moved by Hammond Seconded by Arata Unanimously carried

PROTESTS FILED ON PROPOSED RELOCATION OF "THE BARN" FROM SOUTH 99 HIGHWAY TO YOSEMITE AND RUFFINO AVENUES IN THE CITY OF MODESTO 1-42

City Manager Miller stated that letters had been filed by various organizations and individuals protesting the proposed relocation of "The Barn" night club from South 99 Highway to Ruffino Avenue.

At the request of Mayor Marks, City Attorney Allen Grimes acquainted the Council and the audience, of the Council's position in the matter in respect to the application filed by Jack Watson with the Department of Alcoholic Beverage Control.

The City Attorney pointed out that the relocation within the city limits could be done provided the owner complied with all existing building regulations and other city regulations and the location was zoned for the use for which it is proposed. The state law provides that upon the receipt of an application for a liquor license by the A.B.C. Department, a copy is sent to the Council, and a 30 day waiting period from the date of mailing of this notice is required before the license or relocation of the license is approved by the Department. This 30 day period is to allow local governmental bodies time to protest the issuance of the license. It is within the power of the Department to issue the license even though the local governmental body may protest, he pointed out.

It was noted that the application for transfer received by the Council had been mailed on August 13, and that the location of the premises given was 1408-10 Ruffino Avenue. The City Attorney outlined the basis upon which a protest could be made by the Council; number of bars in the area, location close to school, health and general welfare of the people in the area, or proximity of places frequented by children, or other factors.

He noted that although the 30 day waiting period had legally elapsed, it would be possible for the Council to file a protest on a chance that the license had not already been issued to Mr. Watson.

Rev. John Watson, from the audience, noted that the address listed on the application for the transfer had been in error. He reported that one of the protests filed by a citizen had been returned by the State department on the basis that the protestant was located outside the area which could legally protest.

Mayor Marks read the 15 letters and one petition filed protesting the transfer of the license.

Rev. Larry Cruzen, Secretary of the Modesto Ministerial Association, spoke in protest of the transfer of the license.

Councilman Hammond recommended that the Council go on record with the Department of Alcoholic Beverage Control as protesting the transfer of the alcoholic beverage license to the new location, within the city limits, on the grounds that the location is principally a shopping and residential area and it would create a heavy traffic problem.

Councilman Arata recommended before any action was taken by the Council that Mr. Jack Watson should be heard from.

Mary A. Johnson, who resided across the street from the proposed location, and Mrs. Jo Ewing, 201 Santa Cruz Avenue, contended that the street number given in the application was incorrect. Mrs. George Bue, 911 Conejo, also filed a protest.

Mayor Marks asked if there was anybody in the audience who wished to speak in favor of the transfer. No comments were made.

RESOLUTION NO. 403

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO GOING ON RECORD WITH THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL PROTESTING TO THE TRANSFER OF THE ALCOHOLIC BEVERAGE LICENSE OF JACK WATSON FROM SOUTH 99 HIGHWAY TO YOSEMITE AND RUFFINO AVENUES IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond and Mayor Marks
Noes: None Absent: Merrill and Robinson
(4-125)

Mayor Marks reported that the Police Department had just contacted the Department of Alcoholic Beverage Control by phone, regarding the transfer of the license of "The Barn" and learned that the first application filed by Jack Watson on August 13 had been filed under a wrong address and that a supplemental application had been filed September 16, under the address of 1115 Ruffino Avenue and that written protests must be filed within 30 days from September 16. The Clerk was instructed to notify all the persons who had filed protests with the Council and the circulator of the petition protesting the transfer, of the new address on the application for transfer.

Mrs. Johnson and Mrs. Ewing again took exception to the street number and were instructed to contact Planning Director Smeath on the correct number to be used for buildings on Ruffino Avenue.

PETITION FILED BY FRANK ANDREWS 3-80

An affidavit of publication in the Modesto Bee of "Notice of Intention to Circulate Initiative Petition in the City of Modesto, California", relating to refacing the old Modesto Hotel Building for use as a city hall and police station, received from Frank Andrews, was noted and ordered filed.

TELEGRAM FROM EDDIE MULLIGAN 3-100

A telegram from Eddie Mulligan, President of the Pacific Coast Baseball League, in reply to a letter from Councilman Arata, was read. Mr. Mulligan advised that after the annual meeting of the League, which would be held shortly, he would be able to advise the Council of the plans for the 1958 ball season so that the plans for the redevelopment of Del Webb Field could be finalized.

LETTER FROM GOVERNMENTAL AFFAIRS INSTITUTE RE: VISIT OF HENRI LARRIEU TO THE CITY OF MODESTO 3-108

A letter received from the Governmental Affairs Institute, Washington, D.C., by City Manager Miller expressing appreciation for the courtesies extended to Henri Larrieu from France, on his recent visit to the City of Modesto, was read.

LETTER FROM ATTORNEYS GRIFFIN, CONWAY & JONES 4-05

With the unanimous consent of the Council, Mayor Marks read a letter received from Attorneys Griffin, Conway & Jones which had arrived too late to be placed on the agenda. The letter was a protest on behalf of their client Earl Holtham, 608 West Morris Avenue, to the installation of a parking strip in Enslen Park, Enslen and Morris Avenue, across the street from Mr. Holtham's home.

The City Manager reported that the staff was now considering the matter and that a further report would be submitted later.

AWARD BID FOR OFF-STREET PARKING LOT ON 13TH STREET 4-12

RESOLUTION NO. 57-404

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON, IN THE AMOUNT OF $5,500 FOR THE CONSTRUCTION OF A PARKING LOT AT 13TH STREET BETWEEN J AND K STREETS, CITY OF MODESTO

Introduced by Arata Seconded by Hammond

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

RESOLUTION NO. 57-405

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4500 FROM PARKING FUND-PARKING FUND RESERVE TO PARKING-DEVELOPMENT OF NEW PARKING LOTS (1011 13th STREET)

Introduced by Anderson Seconded by Arata

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TWO SAND TRAPS 4-27

RESOLUTION NO. 57-406

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR TWO SAND TRAPS FOR PUMP STATIONS #5 and #12

Introduced by Adams Seconded by Arata

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

The time set for the opening of the bids was Monday, October 7, at 2:00 P.M.

SET DATE FOR HEARING ON APPEAL FILED BY IVA E. CAUSEY 4-28

RESOLUTION NO. 57-407

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL OF DECISION OF THE MODESTO CITY PLANNING COMMISSION DENYING REQUEST OF IVA E. CAUSEY FOR AN AMENDMENT TO SECTION 19 OF THE ZONING MAP

Introduced by Adams Seconded by Anderson

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

The time set for the hearing was October 9, at 7:45 P.M., in the Council Chamber.

FINAL ADOPTION OF ORDINANCES 4-34

ORDINANCE NO. 199-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATIONS, AND REPEALING ORDINANCE NO. 167-C.S."

introduced on September 11, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Anderson Seconded by Arata

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

ORDINANCE NO. 200-N.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 23 THEREOF RELATING TO TRAFFIC REGULATIONS AND REPEALING ORDINANCE NO. 193-C.S."

introduced on September 11, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Anderson Seconded by Hammond

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

ORDINANCE RESCINDING ORDINANCE NO. 187-C.S. APPROVING THE ANNEXATION OF McBRIDE ADDITION 4-37

The City Attorney reported receipt from County of Stanislaus of Use Permit No. 249, which would permit the city to use the property adjacent to the city's sewage area, recently purchased from Williard McBride, for sanitary land fill purposes.

The City Manager reported that the conditions set forth by the County on the use permit were 1) that there be no burning on the premises, 2) that there be no fill within 100 feet of the east line of the parcel of land.

The City Attorney recommended the rescinding of Ordinance No. 187-C.S. previously adopted by the Council approving the annexation of the area to the

city which would permit the use of federal highway funds by the County for the construction of a road and bridge in this area.

ORDINANCE NO. 201-C.S. entitled

AN ORDINANCE DISAPPROVING THE ANNEXATION OF UNINHABITED TERRITORY KNOWN AS McBRIDE ADDITION TO THE CITY OF MODESTO

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

Moved by Anderson Seconded by Hammond

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

ORDINANCE AUTHORIZE CONVEYANCE OF U. G. BOWMAN PROPERTY TO THE MODESTO IRRIGATION DISTRICT 4-60

ORDINANCE NO. 202-C.S. entitled

AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTOTO THE MODESTO IRRIGATION DISTRICT

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

Moved by Arata Seconded by Hammond

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

The City Attorney reported that this action was to clear up a technicality on the tax rolls to grant to the M.I.D. any right the city might have to the west half of lot 8, all of lots 9 and 10 in Block 339 and lots 21 and 22 in Block 401, so that the District could convey a clear title to the owner of the property (U.G.Bowman, deceased--Everett Bowman)

ISSUE PROCLAMATION FOR CENTRAL CALIFORNIA SUNDAY SCHOOL FAIR WEEK 4-66

A letter from Dale Sherwood, President of the Modesto Ministerial Association was read, answering a letter from the City Clerk, advising that the Association was unable to come to a full agreement regarding the Sunday School Fair in Turlock, so it was impossible for the group to go on record as endorsing the Fair.

The Council discussed the question of whether it should issue a proclamation as requested by the Mayor of Turlock under these circumstances, or just send a letter to Mr. Christofferson.

MOTION

That the Council issue a proclamation as requested by Mayor Christoffersen of the City of Turlock urging attendance of the Sunday School Fair Week in Turlock September 25-28, 1957.

Moved by Hammond Seconded by Adams Unanimously carried

REPORT ON PROPOSED CURB RETURN RADIUS ON McHENRY AVENUE 5-30

The City Manager reported on the further discussions held with some of the property owners and M.I.D. on curb return radius on McHenry Avenue. An acceptable solution for all parties concerned has been agreed on, he stated, which provides for 1) a 15' curb return on those portions of about 8 or 10

intersections where the pole installations are to be either established or maintained, and 2) a 25' curb radius on the other corners. No objections were stated by the members and the staff was ordered to proceed on the basis outlined by the City Manager.

NOTICE OF HEARING BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA ON APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY FOR INCREASE IN RATES 5-40

The City Manager called the Council's attention to a notice received from the Public Utilities Commission of a public hearing to be held on September 25-26 in San Francisco on application No. 39309 of the Pacific Telephone and Telegraph Company for authority to increase certain intrastate rates and charges applicable to telephone service furnished within the State.

Lee Davies, local manager of the P.T. & T. office explained the application which the proposed increase would have on the local subscribers.

MOTION

That the matter be tabled until after the P.U.C.'s report and findings are available.

Moved by Hammond Seconded by Adams Unanimously carried

The City Manager pointed out that the reports made by the Commission would be detailed and lengthy and asked for guidance on the extent of research to be made by the staff on the reports. It was agreed by the Council that there would be no need for staff activity on the matter.

GRANT PERMIT OF THE UNITED CRUSADE TO ERECT SIGN ON COURTHOUSE PARK NEAR 11TH AND I STREET INTERSECTION 5-90

MOTION

That permission be granted to the United Crusade to erect and maintain a wooden sign in the Courthouse Park near the 11th and I Streets intersection, during the month of October, providing it complies with the structural safety regulations.

Moved by Anderson Seconded by Hammond Unanimously carried

REPORT FROM PLANNING COMMISSION 5-95

Director of Planning Smeath reported that the Commission had not taken any action on "alleys" at its last meeting due to its lengthy agenda.

He reported that the Commission had instructed the staff to write a letter to the various Councils in the County and the Board of Supervisors, which he read at this time, regarding the appointment of a replacement for Roy Potter, Head of the Advance Planning Staff who announced his resignation effective October 11.

MOTION

That the Council does indicate approval of the Commission's recommendation on the appointment of a new head of the Advance Planning Staff.

Moved by Hammond Seconded by Arata Unanimously carried

Mr. Smeath reported that the Commission had adopted Resolution No. 418 on September 17, recommending against an amendment to Ordinance No. 768-N.S. relating to set back lines on McHenry Avenue, which provides for a set back of 40 feet from the center line of McHenry Avenue, south of Griswold and 50' north of Griswold Avenue to M.I.D. Lateral No. 3.

The City Manager stated that the staff would proceed on this basis unless there was direction otherwise. The Council agreed that this should be done.

DISCUSS FRONTAGE ROAD VICINITY OF FRANKLIN STREET - U.S. 99 FREEWAY 6-07

Director of Parking and Traffic Carmody outlined a proposed plan for a frontage road bordering the new 99 freeway which called for the extension of Franklin Street to connect with Elm Street. He reported that the state was proposing to connect Elm Street with Madison Street. The additional cost to connect with Franklin would be approximately $34,000. He pointed out that this should be a part of the freeway agreement and was being presented for Council consideration.

The City Manager recommended that the city proceed to try to clear out the plan for a frontage road connecting Franklin Street with Elm Street and asked for Council approval.

Councilman Hammond considered that the State should assume the cost to assure adequate access and frontage roads.

MOTION

That the proposal for the frontage road presented by the staff be approved.

Moved by Hammond Seconded by Adams Unanimously carried

REPORT ON STREET LIGHTING INSTALLATION IN IMPROVEMENT DISTRICT NO. 5 6-60

Director of Public Works Ray reported that the installation of the street lighting materials purchased by the property owners in Improvement District No. 5 had been completed by the city forces. The low bid received for the installation of the 69 street lights and cable was $24,838, estimate for installation with city forces was $19,175, he stated, and bids were rejected and the work ordered to be done with city forces by the Council.

The actual cost of the installation was $12,422.54, 50% below the bid. He pointed out that this was sufficient evidence of the city's electric division crew and that he had given Charles Viss, Chief Electrician, and the electrical crew high commendation. The Council concurred in this commendation and asked that Mr. Ray convey its gratitude to the personnel of the department.

RESOLUTION EXTENDING TIME OF COMPLETION FOR IMPROVEMENT DISTRICT NO. 6 6-80 (SEWER LATERALS IN GARRISON ADDITION)

RESOLUTION NO. 908-S.P.

A RESOLUTION EXTENDING THE TIME FOR THE CONTRACTOR TO COMPLETE THE WORK AND IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 6

Introduced by Hammond Seconded by Arata

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

Mr. Ray reported that the time of extension was from October 3 to October 23, inclusive, and was to cover the time for the preparation of the assessment roll and acceptance by the Council, as provided by law.

DIAGONAL PARKING ON I STREET 6-93

The Director of Parking and Traffic recommended the elimination of diagonal parking and the establishing of parallel parking on I Street between 6th and 8th Streets and 13th and 17th Streets and explained in detail his

reasons for this proposal, a copy of which report is on file with the records of this meeting.

RESOLUTION NO. 57-408

A RESOLUTION RESCINDING RESOLUTIONS 6539-N.S. AND 7661-N.S. AND A PORTION OF RESOLUTION NO. 56-235 ESTABLISHING DIAGONAL PARKING ON EYE STREET IN THE CITY OF MODESTO

Introduced by Hammond Seconded by Adams

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

CHANGE TWO ONE-WAY ALLEYS TO TWO-WAY OPERATION 7-30

Mr. Carmody reported receipt of requests for the changing of two one-way alleys back to two-way operation, 1) the alley in back of the 12th and I Streets parking lot, between I and H Street, and 12th and 13th Streets, 2) the alley in back of the 11th and G Street parking lot between H and G and 11th and 12th Streets. He recommended that the change be made as requested, on a trial basis.

ORDINANCE NO. 203-C.S. entitled

"AN ORDINANCE AMENDING SECTION 20 (a) OF ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AND REPEALING ORDINANCE NO. 18-C.S."

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

Moved by Arata Seconded by Anderson

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

AUTHORIZE LOADING ZONE AND SHORT TIME LIMITS ON NEEDHAM AT 11TH STREET 7-45

RESOLUTION NO. 57-409

A RESOLUTION ESTABLISHING A TWENTY-FOUR MINUTE PARKING ZONE ON NEEDHAM AVENUE BETWEEN ELEVENTH AND TWELFTH STREETS IN THE CITY OF MODESTO

Introduced by Arata Seconded by Hammond

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

RESOLUTION NO. 57-410

A RESOLUTION ESTABLISHING A FREIGHT LOADING ZONE ON THE SOUTH SIDE OF NEEDHAM AVENUE BETWEEN ELEVENTH AND TWELFTH STREETS IN THE CITY OF MODESTO

Introduced by Arata Seconded by Hammond

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

ACCEPT RIGHT OF WAY EASEMENT AND GRANT DEED FOR WIDENING OF STREETS 7-72

RESOLUTION NO. 57-411

A RESOLUTION ACCEPTING RIGHT OF WAY EASEMENT FROM MODESTO IRRIGATION

DISTRICT FOR THE WIDENING OF ORANGEBURG AVENUE AT TIDEWATER SOUTHERN RAILWAY TRACKS

Introduced by Anderson Seconded by Adams

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

RESOLUTION NO. 57-412

A RESOLUTION ACCEPTING GRANT DEED FROM JACK A. ULRICH AND JOYLENE ULRICH FOR THE WIDENING OF ROSEBURG AVENUE, CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

GRANT REQUEST FOR CURB CUT VARIANCE - FRANK RINGLER 7-80

A request filed by Frank Ringler for a curb cut variance to permit three 35 foot approaches for a new service station being erected on the southeast corner of 12th and H Streets was considered by the Council. Councilman Arata resolved, seconded by Councilman Anderson, that the variance be granted, but then withdrew this proposed resolution so that the Traffic Engineer, Director of Public Works and Mr. Ringler could confer and clear the plans for the location of the curb cuts.

Director of Public Works Ray reported, after the conference, that there would be no problem about the location of the driveways next to the intersection, that the increase of the driveways from 30' to 35' would not be critical and permit easier access to the service station, and would not affect the on-street parking.

RESOLUTION NO. 57-413

A RESOLUTION APPROVING REQUEST OF FRANK RINGLER FOR VARIANCE FROM THE CURB CUT PROVISIONS OF THE MUNICIPAL CODE FOR SERVICE STATION BEING CONSTRUCTED ON THE SOUTHEAST CORNER OF TWELFTH AND H STREETS IN THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

REPORT ON STEPPED UP TRAFFIC ENFORCEMENT ON TENTH AND ELEVENTH STREETS 8-20

A report to the Council from the City Manager, dated September 18 on "Stepped up traffic enforcement on 10th and 11th Streets", a copy of which is on file with the records of this meeting, was reviewed by the City Manager. He stated that he planned to present to the Council an analysis of the various sections of the report presented to the city by the California Traffic Safety Foundation, with recommendations for the improvement of existing conditions.

The purpose for bringing this matter to the Council, he stated, was 1) to let the Council know the staff is working on the improvement of traffic enforcement on these streets, and 2) that it might persuade some people to use a little more "sense" in driving automobiles. He pointed out that the penalties imposed on violators, in many instances, are too low. The city is going to see, with the cooperation of the court, that "things are made a lot tougher" for violators.

Councilman Hammond stated that the burden rested with the courts to a large extent on the degree of severity of their fines.

The City Manager expressed the hope that the courts would go along with the idea that persistent repeated violations of this nature should be taken as a serious matter, so that there is not a "cafeteria operation where a person can buy himself out for a minimum fee". Unless the city can get stiffer penalties for traffic violations, the city is "just fanning the air". If the fine is not sufficiently large enough, the violators will merely repeat the traffic violations.

He considered that the city could not resolve these matters alone, that it should be presented clearly to the courts, and the degree of assistance obtained from the courts will be reported to the Council. After the report from the Police Department showing the number of recent citations and the penalties levied is completed, he stated, the courts will again be asked to establish a traffic school and to establish more stringent fines.

Acting Police Chief Coulson stated that radar equipment would be used on 10th, 11th, H and I Streets. The police officers have been directed to "bear down on violators" on these streets.

Councilman Arata considered it might be necessary to hire an extra patrolman to curb these violations.

MOTION

That the Council go on record as believing that this type of program is in order and should be accomplished.

Moved by Anderson Seconded by Adams Unanimously carried

DENY REQUEST OF ARTHUR WYLIE TO INSTALL OIL MIX IN PARKING STRIP AT 624 SCENIC DRIVE 9-52

Arthur Wylie requested permission to temporarily install oiled mix in park strip at 624 Scenic Drive. He agreed to install concrete curbs, gutters, sidewalk and place concrete in the planting area between the curbs and sidewalks within one year.

A report from the Director of Public Works was read stating that "in view of the fact that potential hazards to pedestrians can result from the use of these materials in sidewalk area, we cannot recommend the granting of this permission and it becomes a matter for the Council to decide". He considered it would a policy matter for the Council to determine if a permit would be granted on a temporary basis to use materials of this type with an agreement to install concrete curbs and gutters and new sidewalks within a specified period, such as the one year Mr. Wylie mentioned.

A general Council discussion was held on the limitation of materials permitted. Councilman Hammond considered that Mr. Wylie should be permitted to use gravel but the City Attorney pointed out that the Code, as presently written, prohibited this material.

The City Manager pointed out the danger of yielding on this matter because it would eliminate, to a great extent, the installation of standard concrete sidewalks, driveways, and curbs and gutters, if permits were approved for installation of gravel, oil or blacktop materials. If the Council adopts the policy of permitting these installations on a temporary basis if the person agrees to install permanent driveways, etc. within a year, the Code could be amended so that these permits could be granted administratively.

The Council agreed that any permit granted should be on some other reason than personal economic reasons.

MOTION

That the request be denied.

Moved by Hammond Seconded by Mayor Marks

Mayor Marks declared the motion carried.

Mayor Marks asked Mr. Wylie to meet with the City Manager and Director of Public Works to work out some reasonable alternative.

AUTHORIZE PAYMENT TO CHAMBER OF COMMERCE 9-71

With the unanimous consent of the Council, the City Manager presented a request from the Chamber of Commerce for payment of funds provided in its contract with the city, which had not been placed on the agenda.

A general Council discussion was held on adding items to the agenda after it had been prepared and distributed to the members and it was pointed out that the Council proceedural ordinance prohibited this, nor should a supplemental agenda be prepared, but that the Council must give its unanimous consent before any matter not on the agenda could be considered.

MOTION

That the payments due under the contract between the City and the Chamber of Commerce be authorized, on October 1, as provided in the contract.

Moved by Hammond Seconded by Arata Unanimously carried

ESTABLISH PARKING RATES ON FOURTEENTH AND J STREET LOT 10-87

With the unanimous consent of the Council, the City Attorney presented for Council consideration a resolution establishing parking rates for the new off-street parking lot on 14th and J Streets, which had not been included in the agenda items.

RESOLUTION NO. 57-414

A RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF OFF-STREET PARKING FACILITY IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 57-80

Introduced by Adams Seconded by Arata

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

AUTHORIZE ATTENDANCE OF CITY MANAGER AND CITY ATTORNEY TO CONFERENCES 9-100

MOTION

That the City Attorney be authorized to attend the conference of the National Institute of Municipal Law Officers being held in Richmond, Virginia, on October 7-9.

Moved by Adams Seconded by Mayor Marks
Mayor Marks declared that the motion carried.

MOTION

That the City Manager be authorized to attend the conference of the International City Manager's Association being held in Washington, D. C. late in October.

Moved by Arata Seconded by Adams Unanimously carried

REMIND COUNCIL MEMBERS OF LEAGUE MEETING IN SAN FRANCISCO 11-07

The City Manager reminded the members of the League of California Cities conference being held in San Francisco September 23-25. The Council approved the City Clerk adjourning the regular meeting of September 25 until 7:30 P.M. Thursday, September 26.

ANNUAL REPORT OF MCHENRY PUBLIC LIBRARY FILED 11-25

The annual report for the fiscal year ending June 30, 1957, for the McHenry Public Library was filed and copies distributed to the Council members.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Anderson Seconded by Adams Unanimously carried

The meeting was adjourned at 6:45 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

Council Meeting

September 25, 1957

The City Clerk adjourned the regular Council meeting scheduled for 7:30 P.M. this date, due to the absence of the Council members, who were attending the annual League of California Cities Conference in San Francisco, to 7:30 P.M. September 26, 1957.

Signed: _____
City Clerk

Adjourned Special Council Meeting
October 3, 1957

Due to the absence of all Council members, the City Clerk, as provided in Section 2-107 of the Modesto Municipal Code, adjourned the adjourned Special Council meeting, which had been adjourned from October 1, 1957, to 4:00 P.M. this date, to Thursday, October 10, at 4:00 P.M., in the Council Chamber at the McHenry Public Library, 14th and I Streets.

Signed: _____
City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 7:30 P.M., having adjourned from the regular meeting of September 25, 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.

City Clerk Rex Gailfus called the roll and there were

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

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

Rev. Magnus Anderson, pastor of Calvary Lutheran Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of September 11 and 18, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM EAST SIDE MOSQUITO ABATEMENT DISTRICT 1-17

A letter was read from the East Side Mosquito Abatement District expressing appreciation for the city's cooperation in the control and reduction of mosquitos.

City Manager Ross Miller noted that the District was doing a commendable job in the control of mosquitos.

TELEGRAM FROM E. J. MULLIGAN RE: CALIFORNIA BASEBALL LEAGUE OPERATION DURING 1958 1-26

The telegram stated that the League had voted to continue operation during 1958. Mayor Marks noted that this would indicate the city should start repairing the Del Webb Field facility for the use of the Modesto Red Baseball Team for the next season.

NOTICE OF APPLICATION OF TIDEWATER SOUTHERN RAILWAY COMPANY FOR AUTHORITY TO CANCEL PASSENGER TARIFFS FILED WITH THE PUBLIC UTILITIES COMMISSION 1-30

A copy of the application filed by the Tidewater Southern Railway Company with the Public Utilities Commission for authority to cancel passenger tariffs, was briefed by the City Manager, and ordered filed.

LETTERS RELATING TO PROPOSED RELOCATION OF "THE BARN" IN THE CITY OF MODESTO 1-42

A letter from Mrs. Helen Phillips, Rt. 2 Box 911, Modesto, was read, protesting the relocation of The Barn nightclub within the city limits.

A letter from Rev. L. H. Bone, pastor of the Nazarene Church, commending the Council on its action protesting to the Department of Alcoholic Beverage Control, the relocation of the business in the city limits, was read.

PETITION PROTESTING THE REMOVAL OF STOP SIGNS ON ENCINA AT ITS INTERSECTION WITH SANTA BARBARA 1-60

A petition signed by 89 persons, protesting to the removal of the existing stop sign on Encina Avenue at Santa Barbara Street filed by Mrs. Charles Snyder was considered by the Council. Mrs. Snyder and her husband both spoke in protest to the removal on the basis that 1) Encina Avenue had only two cross streets in a distance of nine blocks, and 2) the removal

of the signs would encourage speeding which would prove a hazard to the numerous children residing in the area, both coming and going to schools and during their recreation activities.

Director of Parking and Traffic Douglas Carmody reviewed the action previously taken by the Council which called for the ultimate removal of the signs on Encina Avenue, within a few weeks, after the motorists had become familiar with the new stop signs on Santa Barbara. He stated that it was still his recommendation that this action be taken.

Mayor Marks suggested that the removal of the signs be on a 4 to 6 week trial basis, with increased police enforcement against speeders, and if this did not improve the situation that Mrs. Snyder come back to the Council for further action.

Mr. Carmody reported that the percentage of cars using Encina Avenue was approximately 477 to 180 on Santa Barbara Street, for a 24-hour period. He considered that the major movement should be allowed to go through unimpeded and that the matter of speed should be covered by enforcement.

The City Manager stated that if the removal of the signs created a special traffic problem that it would be given special attention. He pointed out that the new radar equipment could be used at this location to catch the speeders.

MOTION

That the City Attorney be instructed to prepare a resolution to reestablish the stop signs on Encina Avenue and remove the ones on Santa Barbara.

Moved by Merrill Seconded by Hammond Unanimously carried

Mrs. Snyder offered to work on a committee to help clear the Thousand Oaks Park restrictions so that it could be used as a park area for the children in the neighborhood.

ACCEPT BID FOR CHAIN LINK FENCE FOR PUMP STATIONS NO. 19 & 20 3-26

Tabulation of the bids received on the construction of chain link fence at pump stations No. 19 and 20, opened on Monday, September 23, were considered by the Council. Director of Public Works Ray recommended that the low bid of $1,999 submitted by Anchor Post Products Company be accepted.

RESOLUTION NO. 57-415

A RESOLUTION ACCEPTING THE BID OF ANCHOR POST PRODUCTS, INC. FOR THE CONSTRUCTION OF CHAIN LINK FENCE AT PUMP STATIONS NO. 19 AND 20

Introduced by Anderson Seconded by Merrill

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

FINAL ADOPTION OF ORDINANCES 3-26

ORDINANCE NO. 198-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 September 11, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Hammond Seconded by Anderson

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

ORDINANCE NO. 202-C.S. entitled

"AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE MODESTO IRRIGATION DISTRICT"

introduced on September 18, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Hammond Seconded by Anderson

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

REPORT ON APPOINTMENTS ON CITIZENS' CITY HALL COMMITTEE BY MAYOR MARKS 3-67

Mayor Marks read a report "Citizens' City Hall Committee" dated September 26, 1957, on appointments made by him, as directed by the Council, a copy of which is on file with the records of this meeting. He stated that this committee had been appointed to see "that every citizen, prior to November 12, receives adequate factual information about the proposed bond issue for a new city hall". He stated that the first committee meeting would be held on Tuesday, October 1, at 5:15 P.M. to review the assignment with the City Council. The following persons had agreed to serve on the committee:

Clifford M. Annan
Morey Appelbaum
V. E. (Pete) Barton
George Beard
Paul V. Birmingham
Robert Carter
Rev. Howard Clarke
R. L. Cloward
Dan Chaddock
Harry Crow
Lee Davies
Mrs. Vic Donihue
Folke Floden
Richard Giddings
George Hansen
Dr. Stanley Hinkley
Dr. Wm. A. Holloway
Mrs. E. E. Hughes
Wendel J. Kiser
John Martin
Ian Mensinger
Dr. Robert Moon
Richard Penney
Wynn Plank
Roy Ress
Dr. T. M. Spaulding
Cleveland Stockton
O. A. Sullivan
Arch Taylor
Charles Tocalino
H. C. Torreano
Mrs. Roy Vernor
Mrs. Wm. Warner
Rev. Donald Weston
Henry G. Anderson
Roy Fredricksen
Mrs. Walter Peacock

Other names could be added, Mayor Marks suggested, as the Council recommends them.

The City Attorney stated that the question had arisen as to what position the Council wished the staff to take in implementing or rendering assistance or making talks or other activities on behalf of the bond proposal.

Mayor Marks considered that it was the job of the staff to support the position of the Council, and to help the committee in every way possible.

MOTION

That the staff be authorized to render assistance, make talks, or conduct other activities on behalf of the bond proposal.

Moved by Anderson Seconded by Hammond Unanimously carried

ACCEPT GRANT DEED FROM SEYMOUR COEY (WIDEN SANTA BARBARA AVENUE) 4-80

RESOLUTION NO. 57-416

A RESOLUTION ACCEPTING A GRANT DEED FROM SEYMOUR COEY AND BERTHA COEY FOR WIDENING OF SANTA BARBARA AVENUE

Introduced by Anderson Seconded by Arata

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

ACCEPT EASEMENT FROM MODESTO IRRIGATION DISTRICT (NORTHGATE TRACT) 4-80

RESOLUTION NO. 57-417

A RESOLUTION ACCEPTING EASEMENT FROM MODESTO IRRIGATION DISTRICT (NORTHGATE ADDITION)

Introduced by Arata Seconded by Anderson

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

Unanimous Council permission was granted to the City Attorney to present the above item which had not been placed on the agenda.

ACCEPT IMPROVEMENTS OF 14th AND J STREET PARKING LOT FROM M. J. RUDDY AND SON 4-90

RESOLUTION NO. 57-418

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS ON THE PARKING LOT LOCATED AT THE INTERSECTION OF FOURTEENTH AND J STREETS IN THE CITY OF MODESTO BY M. J. RUDDY & SON; AUTHORIZING PAYMENTS DUE AS PROVIDED BY THE CONTRACT; AND AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Merrill Seconded by Anderson

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

TRAFFIC RESOLUTIONS 4-90

RESOLUTION NO. 57-419

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON O STREET BETWEEN NINTH STREET AND TENTH STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

RESOLUTION NO. 57-420

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE NORTHWESTERLY SIDE OF J STREET BETWEEN SEVENTH STREET AND THE ALLEY BETWEEN SEVENTH STREET AND EIGHTH STREET IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Arata

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

RESOLUTION NO. 57-421

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Mayor Marks

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

RESOLUTION NO. 57-422

A RESOLUTION ESTABLISHING TWO HOUR PARKING ZONES ON I STREET BETWEEN FIFTEENTH STREET AND SIXTEENTH STREET IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Hammond

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

REPORTS FROM PLANNING COMMISSION 5-10

(a) Proposed abandonment of portion of Mills Avenue.

A letter was read from Jack Ulrich, petitioner, withdrawing his request.

MOTION

That the matter be referred back to the Planning Commission.

Moved by Anderson Seconded by Hammond Unanimously carried

(b) Proposed closing of Rosemary Lane at its Junction with Maria Court

This matter was held over for further consideration by the City Attorney.

(c) Distribution of the annual report.

Planning Director Smeath distributed copies of the annual report of the Planning Commission, Board of Zoning Adjustment and Planning Department.

Unanimous consent of the Council was given to present three items which had not been included on the agenda, 1) award of bid for construction of runway at the Modesto City-County Airport; 2) approval of final map of the College Village No. 2 (resubdivision of lots 2 through 7, Block 6717), and 3) letter from Frank Andrews.

ACCEPT BID ON CONSTRUCTION OF RUNWAY AT MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 57-423

A RESOLUTION ACCEPTING THE BID OF W. H. DARROUGH & SONS FOR THE CONSTRUCTION OF MODESTO CITY-COUNTY AIRPORT 150' x 5000' RUNWAY ADDITION (CALIFORNIA PROJECT NO. 9-04-027-0604), SUBJECT TO THE APPROVAL OF THE C.A.A. AND STANISLAUS COUNTY

Introduced by Arata Seconded by Hammond

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

APPROVE FINAL MAP OF RESUBDIVISION OF COLLEGE VILLAGE NO. 2 5-52

RESOLUTION NO. 57-424

A RESOLUTION APPROVING THE FINAL MAP OF THE RESUBDIVISION OF LOTS 2 THROUGH 7, BLOCK 6717, COLLEGE VILLAGE NO. 2 OF THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

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

LETTER FROM FRANK ANDREWS 5-60

A letter from Mr. Andrews relating to remodeling of the old Hotel Modesto building for use as a city hall was read and ordered filed.

The City Manager pointed out that the statements in the letter were contrary to the facts presented to the Council and shown in the official records of Council meetings.

REPORT ON IMPROVEMENT OF "DRAGGING ON TENTH STREET" 5-75

With the unanimous consent of the Council, Councilman Arata raised a matter which was not on the agenda. He commended the Police Department for the improvement of the "dragging of Tenth Street", since last week.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Mayor Marks Seconded by Anderson Unanimously carried

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, to consider Pending Projects, Mayor Marks presiding.

The City Clerk called the roll and there were

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

City Manager Miller suggested a procedure in order to save time, that the Council consider the pending project items by departments, to which the Council concurred.

ATTORNEY

(4) Business License Ordinance Revision

Director of Finance Bird reported that the proposed revision had been referred back to the Citizen Committee. All comments made at the public hearings have been reviewed. A sub-committee of this committee has submitted a report to all members and if accepted it will be presented to the Council for consideration shortly. Ordinances from the City of Merced and City of Vallejo have been considered by the Report Committee.

The City Attorney asked if he could make suggestions of policy for consideration of the Council. He was asked to review the report with the City Manager before it was presented to the Council.

(5) Special problems Business License Ordinance

The City Manager pointed out that items 1 (trucks) 2 (Wholesalers) and (3) Contractors were special matters which may well be cleared in connection with the business license ordinance. Item (4) selling tickets by phone. The Council agreed that it would be impractical to regulate this field.

The City Manager noted that there was an area where persons could "invade your home" by telephone without permission, but the city did legislate and prohibit the "ringing of door bells" for sales of merchandise. It was agreed by the Council that this matter could be dropped from the list of pending matters unless it was again raised on some different basis.

(7) South Modesto Industrial Park (3) annexation

Complication on this item are being checked out by the staff and it will be presented later for Council consideration.

(27) Stricter enforcement and better collection of business license fees

To be discussed under Finance Department items.

(32) Condemnation proceedings - Garrison School Park

Proceeding on schedule, the City Attorney reported.

(1) Group II - Claims for Police Holiday Pay

The City Attorney reported that although the demurrer to the complaint in this matter was argued before the Superior Court of Stanislaus County on December 6, 1956, no ruling has been received from the Court. The City Manager pointed out that there were two factors which might increase the city's liability, if the liability is determined to be the city's, 1) interest involved, 2) as pay increases, it may increase the liability.

The City Attorney stated that there was nothing the city could do under the circumstances and the matter was "proceeding according to schedule".

Group II (3) Tidewater Franchise and relocation

The City Attorney recommended that the Council reconsider its decision not to grant a temporary franchise to the company so that the city could be receiving some revenue from the use of the tracks. He pointed out that the company had indicated willingness to take out a temporary franchise with compensation to the city. He considered that it would not prejudice the city's position by granting a temporary franchise.

Councilman Hammond reviewed the recommendation made by the Council committee that the granting of a temporary franchise not be considered.

It was agreed that a further report be made by the staff on this matter. Mayor Marks reappointed Councilmen Arata (Chairman), Hammond and Merrill as a Council Committee to reconsider this matter.

Group II (11) Water supply and water rights for the city

The City Manager reviewed the Council's previous direction to the staff on this matter---that no active, agressive action be taken, but to wait for action on the state level. (Should be placed in Group III)

Group II (12) Franchises (1. Water, 2. Railroad, 3. M.I.D.)

The City Attorney reported that the staff was presently working on water franchises and a progress report would be submitted shortly; Railroad was previously discussed; M.I.D. Council Committee was appointed to discuss with the District, which was proceeding according to schedule.

Group III (19) M.I.D. (water-rates-other)

The City Manager reviewed receipt of a letter from the M.I.D. relating to the city's water rights. He pointed out that at some proper time the city should be certain that its legal water rights was made clear, precise and assured.

Mayor Marks suggested that the letter from the M.I.D. be referred to the City Attorney for consideration as to the legal rights of the city. The City Manager suggested that some contractual arrangements between the city and the district might be considered later.

A Council discussion was held on whether any state legislation might affect any contract agreement the city might have with the district, and it was agreed that some consideration should be given to securing a contract for allocation of water to the city. It was agreed to leave this item in Group II. The Council Committee was already working on this matter, Councilman Hammond reported, and it was agreed by the Council that the matter of water and rates should wait pending the report of the Council committee, and that no further staff work be done until this report was submitted. An analysis of the electrical rates being made by the staff should be made available to the committee in its discussion with the M.I.D. prior to Council consideration, and copies of the analysis be made available to all Council members.

Report on Status of Acquisition of Rights of Way

Copies of this report prepared by the City Attorney were distributed to the Council members. Since this would be a major change in Council policy, the matter was held over for consideration, and was ordered placed on the agenda at an early date for further discussion and decision.

The City Manager pointed out that in his judgment it should be cleared at this time, since it was raised, and if one person is to receive compensa-

tion, all persons should be paid. He also stated that a report could be submitted on projects already completed. If the city starts buying rights of way it will cut sharply into the improvement of streets in the city, since the funds would be used in securing the rights of way.

CITY CLERK

Group III (2) Inventory of real property interests

The City Clerk reported that this was being held up pending the receipt of the survey proposed.

FINANCE DEPARTMENT

Group I (1) Simplification and centralizing of records and files

The City Manager reported receipt of the preliminary report from Remington Rand and stated that it will be summarized and given to the Council later. It was agreed by the Council that this matter was proceeding according to schedule.

Group I (3) Further mechanization of accounting, receiving paying

Mr. Bird reported that this was a continuous job in the Finance Department and was progressing. Recommendations will be submitted later on the use of the various machines.

Group I (4) Business License Ordinance revision

Group I (5) Special problems on business license ordinance

Already covered in the City Attorney's section.

Group I (9) Improve Yosemite Avenue

Relating to traffic signals and other improvements. An alternate method of getting the signals in is being explored by the state, the City Manager reported. Leave in Group I.

Group I (23) Private water companies.

Franchises reported on by the City Attorney. Integration with city system and possibility of better service and better protection--whether the city should purchase some of the companies, is in the hands of the Council Committee and a report will be submitted shortly on the study. Fire protection is related to the integration item. This item is active, the City Manager pointed out.

Group I (24) McHenry Dry-Creek Fire District Settlement

Mr. Bird reported this item had been worked on for some time by the staff and the staff is at the point now of determining assessed value of the various annexation of additions which were protected by this Fire District. The division of the assets and liabilities of the district will be made on the basis of the territory annexed. The City Attorney pointed out the difficulties in securing the assessed valuation of the properties and has suggested the possibility of settling the matter on a negotiated basis between the District and the City. It was agreed that this item was progressing satisfactorily.

Group I (27) Stricter enforcement and better collection of Business License Fees

Mr. Bird commented on this item. The hiring of an outside man on a temporary basis, he stated, has been done, and he has started his duties of investigating and enforcement of the ordinance. A permanent

appointment will be made in the near future and enforcement of the ordinance will be made. He reported on the possibility of collection of delinquent sewer service charges on the property tax billing. There may be other types of fees which could also be included in this method, he reported. The present costly method of collecting through the Small Claims Court, the sewer service charges, where water was furnished by a private company, was briefly discussed by the Council. It was agreed that the staff should do further work on this item and a further discussion be held by the Council.

Group I (33) McHenry Avenue area fire station

Money has been appropriated in this fiscal budget for land acquisition, plans and construction up to a point and a recommendation will soon be forthcoming on a suitable site for the station, the City Manager reported.

Group I (34) Retirement and O.A.S.I.

This is a continuous project, based partly on changes in State and Federal Law.

Group I (36) Delinquent real property taxes

Mr. Bird reported that the Finance Department was checking on this item and a further report would be submitted. Mr. Miller asked that he report to him on the progress being made so that it could be removed from the pending projects list, if indicated.

Mayor Marks questioned why this was placed on a "pending project" list. Mr. Miller pointed out that the Council had asked for a list of items which required time by the staff so that the work load could be analyzed as to degree of importance, etc. He pointed out that all of the projects could not be done at once and the staff wished to review with the Council its judgment as to the most important and urgent items, so that a priority could be determined.

Group II (1) Claims for Police Holiday Pay and (12) Franchises

Already discussed.

Group II (21) Evalution of Assessment Program

The Council considered that it was of prime importance to see that the property owners in the city were being assessed properly by the County, since a promise had been made to the taxpayers when the assessing had been turned over that the Council would "keep a watch on it".

The possibility of having an outside firm do the spot checking periodically was discussed. A suggestion was made, to which the Council agreed, that the City should try to get a copy of the spot analysis made a few years prior, by the State on various properties in the county and to check with County Assessor Broadwell. The City Manager suggested that the staff submit a further report to the Council on the various factors involved, such as costs, procedure, percentage of assessments on the city, urban and rural properties, etc. It was agreed by the Council that this item be moved over into Group I, and the staff submit a report as suggested by the City Manager.

Group III (Items 7 and 8) amend dog license ordinance and fees for kennels

The staff will continue its study on these two items as the time is available, it was agreed by the Council.

FIRE DEPARTMENT

Group I (7) South Modesto Industrial Park--fire alarm

The City Manager stated that the city had agreed, as soon as it was

feasible, that a fire alarm would be located in this area and the staff was working with the Railroad Company. This is current and urgent item, he pointed out.

Councilman Hammond left the meeting at 5:07 P.M.

Group I (14) Communications Center

Due to savings factor the staff should be working on this project as rapidly as it finds time, the City Manager pointed out. The cost of the center, Mayor Marks pointed out, should not be confused with the cost of the city hall building.

Items 32 and 33 of Group I---Private water companies and McHenry Avenue Fire Station

Group II (13) Fire zones revision

It is urgent but the staff is not "pushing it as much as other projects", the City Manager reported. Planning, Fire Department, Public Works and the City Attorney are involved in this matter.

Group II (14) Private fire alarm systems

Jack Wemyss explained the private fire alarm systems installed by private companies as it related to the city fire department. He recommended additional legislation or contract agreements for these private systems, since the city, at the present time, had no jurisdiction over the installation, operation or maintenance of these systems. He pointed out that the city furnished space and equipment for the A.D.T. systems and an operator to receive the calls at no cost to the company.

Acting Police Chief Coulson reported on the method the A.D.T. police calls operated. The same problems are involved with the police calls, he pointed out. The department is often called out to one of these private companies on a false call due to error of equipment or employees, he stated.

Mayor Marks considered that the problems involved on the private police and fire systems should be considered jointly. He asked that a staff report be made for Council consideration of all the problems and fact and recommendations be included in the report.

MEETING ADJOURNED TO THURSDAY, OCTOBER 3 AT 4:00 P.M

Motion

That the meeting be adjourned until Thursday, October 3, at 4:00 P.M.

Moved by Anderson Seconded by Adams Unanimously carried

The meeting was adjourned at 5:15 P.M.

ATTEST: _____
REX E. GAILFUS, CITY CLERK

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

Due to the absence of Mayor Marks and Vice Mayor Hammond, City Clerk Gailfus called the meeting to order, as provided by Section 2-1.05 of the Code.

MOTION

That Councilman Robinson serve as Acting Mayor for the meeting.

Moved by Adams Seconded by Anderson Unanimously carried

The City Clerk called the roll and there were:

Present: Councilmen: Adams, Anderson, Arata, and Acting Mayor Robinson
Absent: Councilmen: Hammond, Merrill and Mayor Marks
Councilman Merrill arrived at 4:10 P.M.
City Manager Ross Miller being absent, Assistant City Manager George Tomsho acted in his place.

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

The invocation was given by Rev. John Watson, Pastor of the First Southern Baptist Church.

WELCOME STUDENTS FROM DOWNEY HIGH SCHOOL

Acting Mayor Robinson welcomed the students from the Government in Action class of the Downey High School and their instructor, Kenneth Baldridge.

LETTERS RE: LOCATION OF "THE BARN" IN THE CITY LIMITS 1-25

Letters received from the Department of Alcoholic Beverage Control and Jack Watson, operator of "The Barn" club notifying that the application for the removal of the club from South 99 Highway to Yosemite and Ruffino Avenue inside the city had been withdrawn, were read and ordered filed.

Councilman Merrill arrived at 4:10 P.M.

REQUESTS FROM MODESTO BAND FOR FUNDS 1-55

Letters from the Modesto Band requesting payment of one-half of the sum allocated in the fiscal budget for summer concerts, $600, and for $350 to help defray expenses for the Band's trip to the California State Fair in Sacramento, were read.

RESOLUTION NO. 57-425

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $350 FROM GENERAL RESERVE TO MUSIC AND PROMOTIONS - MODESTO BAND TO ASSIST IN DEFRAYING EXPENSES FOR THE TRIP TO THE CALIFORNIA STATE FAIR IN SACRAMENTO DURING SEPTEMBER, 1957

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

MOTION

That the Director of Finance be authorized to draw warrant in the sum of $600 to the Modesto Band for summer concerts.

Moved by Anderson Seconded by Merrill Unanimously carried

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR PURCHASE OF NEW RUBBER TIRED TRACTOR 1-80

RESOLUTION NO. 57-426

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE FURNISHING OF ONE NEW RUBBER-TIRED TRACTOR

Introduced by Adams Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

The time set for the opening of the bids was October 14, at 2:00 P.M.

ORDINANCE AMENDING SECTION OF CODE RELATING TO COUNCIL MEETINGS 1-85

ORDINANCE NO. 204-C.S. entitled

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

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

Moved by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

APPROVE AMENDMENT NO. 1 TO GRANT AGREEMENT FOR LAND ACQUISITION AT AIRPORT 1-105

The City Attorney presented for Council consideration a proposed agreement from the C.A.A. which would change the grant agreement under Project No. 9-04-027-503 to increase the maximum obligation of the United States from $89,447.00 to $98,391.00. The County Board of Supervisors has approved and accepted the agreement.

RESOLUTION NO. 57-427

A RESOLUTION RELATING TO MODESTO CITY-COUNTY AIRPORT, ACCEPTANCE OF AMENDMENT NO. 1 TO GRANT AGREEMENT

Introduced by Merrill Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

ACCEPT TRAFFIC SIGNALS FROM INDUSTRIAL ELECTRICAL COMPANY 1-114

A report from Director of Parking and Traffic Carmody indicating that the work of installation of traffic signals and lights for the one-way street system by Contractor, Industrial Electrical Company, had been completed to his satisfaction, was noted by the Council.

RESOLUTION NO. 57-428

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING FOR THE ONE-WAY STREET SYSTEM FROM CONTRACTOR INDUSTRIAL ELECTRICAL COMPANY; AUTHORIZE PAYMENT OF AMOUNT DUE; AND RECORDATION OF THE NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

ESTABLISH STOP SIGNS ON ENCINA AVENUE AT SANTA BARBARA AVENUE 1-115

As directed by the Council, the City Attorney presented a resolution for Council consideration which would establish the stop signs on Encina and rescind Resolution No. 57-402, which established stop signs on Santa Barbara.

RESOLUTION NO. 57-429

A RESOLUTION ESTABLISHING STOP SIGNS ON ENCINA AVENUE AT ITS INTERSECTION WITH SANTA BARBARA AVENUE IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 57-402

Introduced by Merrill Seconded by Adams

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

ACCEPTING GRANT DEEDS FOR WIDENING OF STREETS 1-125

RESOLUTION NO. 57-430

A RESOLUTION ACCEPTING GRANT DEEDS FROM JOHN B. BEARD, DEPARTMENT OF VETERANS AFFAIRS OF THE STATE OF CALIFORNIA, CLYDE L. MERRITT AND ORA V. MERRITT, AND CHARLES E. McPHERSON AND MYRTLE D. McPHERSON FOR THE WIDENING OF SANTA BARBARA AVENUE, CITY OF MODESTO

Introduced by Adams Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

RESOLUTION NO. 57-431

A RESOLUTION ACCEPTING GRANT DEED FROM GLADYS L. ULRICH FOR THE WIDENING OF ROSEBURG AVENUE BETWEEN TULLY AVENUE AND VIRGINIA AVENUE, CITY OF MODESTO

Introduced by Arata Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

RESOLUTION OF INTENTION TO CLOSE ROSEMARY LANE AT ITS JUNCTION WITH MARIA COURT 2-05

Resolution adopted by the Planning Commission recommending to the Council, the closing of Rosemary Lane to vehicular traffic at its junction with Maria Court was noted. Resolution of Intention setting the date of October 23, 1957, at 8:15 P.M. for a public hearing before the Council was presented for Council consideration.

The present status of the street was explained by the City Attorney. He pointed out that the street had been used as a public street for many years and under a new state law, unless a street has been accepted by Resolution by the Council it does not become a part of the city street system. However, he stated, it is possible that this new law does not have retroactive effect. The proposal of the Commission is to only barricade the end of Rosemary Lane so that traffic could not go through into the residential area. Access on and off of Rosemary Lane would be Yosemite Boulevard. The City Attorney reported that a verbatim copy of the discussion of the property owners at the public hearing held by the Commission would be made available to the Council members before the hearing.

RESOLUTION NO. 909-S.P.
RESOLUTION OF INTENTION NO. 260

A RESOLUTION OF INTENTION TO CLOSE ROSEMARY LANE TO VEHICULAR TRAFFIC AT ITS

JUNCTION WITH MARIA COURT IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

The City Attorney suggested that the Council members inspect the site before the hearing date.

ACCEPT REMODELING OF MODESTO COMMUNITY SERVICE CENTER 2-70

The Director of Public Works reported that the contractor had completed the remodeling of the Modesto Community Service Center and recommended its acceptance by the Council, authorization of payment due and filing of Notice of Completion.

RESOLUTION NO. 57-432

A RESOLUTION ACCEPTING THE REMODELING OF THE MODESTO COMMUNITY SERVICE CENTER FROM CONTRACTOR EDWARD A. TOMLINSON; AUTHORIZE PAYMENT OF AMOUNTS DUE; AND RECORDATION OF THE NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

CONSIDERATION OF REQUEST OF RICHARD LYNG FOR VARIANCE TO PERMIT OILED SIDEWALK AREA 2-82

A request for a variance from the Municipal Code provisions was filed by Richard Lyng of the Ed J. Lyng Company in order to permit the oiled section of the sidewalk area already installed remain on the west side of Kearney Avenue, was considered by the Council. A report was submitted by the Director of Public Works, a copy of which is on file with the records of this meeting.

Mr. Ray reported that he had advised the company that the oiled section of the sidewalk area, which was in violation, must be removed by Friday, October 4. The request now under consideration, he stated, is a request for a variance to leave the material in place. He recommended that the appeal be denied, on the same basis as similar requests had been denied by the Council.

A blacktop driveway had also been installed within the sidewalk area but it appeared that this had been installed at sometime prior to the application of oil and possibly could have been done prior to annexation of the area to the city.

Mr. Lyng stated that he was uncertain of the date when it had been done but was of the opinion that it had been several years ago since there had been constant construction at the plant during the past years and the city had installed its deep trunk sewer line. The entire area had been oiled, however, he stated, during the month of September.

At the request of Councilman Merrill, Mr. Ray stated, his objections to the use of oil were that 1) light oil application is such that water penetrates it quickly and weeds grow up through it, as if it were native soil and 2) if there is any activity upon the oiled area, it quickly results in sharp edged holes in the sidewalk area.

Councilman Adams considered that this was a definite violation of the Code and the Council had no choice in this case. To a suggestion from Councilman Arata that there would be no pedestrian traffic on the sidewalk

area, Councilman Adams pointed out the proximity of the Pike Park to the plant. He cited other cases where the Council had ruled that this type of surfacing was a violation. If the Council is going to have to decide the degree of foot traffic, to determine whether oiling would be legal or not legal, it would be in "trouble".

Mr. Ray pointed out that the company had acted in good faith but the contractor had not checked with the city before installing the oil. The oiling is not accomplishing the purpose for which it was installed, keeping the weeds down and the dirt from blowing.

Acting Mayor Robinson pointed out that the basic reason for the code provision was that when a marginal type of improvement is made it breaks down rapidly and on breaking down creates a greater public hazard than if the property had been left unimproved originally. He asked Mr. Ray if he considered that the code requirements could stand some review as far as industrial areas were concerned.

Mr. Ray considered that the same high standards should be maintained for the industrial area as any other area in the city because pedestrian traffic also existed in these areas. Although there might not be traffic at the present time it is quite possible there would be later on. He pointed out that the Council had in some instances permitted black topping in the sidewalk areas in industrial areas on a temporary basis.

Councilman Arata pointed out the problem of the city's oiled streets which were also creating a traffic hazard.

Mr. Lyng asked that the Council extend the dead line of October 4 established by the Director of Public Works so that he could confer with the Department of Public Works on the manner to be used in removing the oiled surface.

The City Attorney stated that there would be no problem to extend the time limit for removal.

RESOLUTION NO. 57-433

A RESOLUTION DENYING THE APPEAL OF RICHARD LYNG FOR VARIANCE FROM THE MUNICIPAL CODE RELATING TO IMPROVEMENT TO SIDEWALK AREA

Introduced by Adams Seconded by Anderson

Ayes: Adams, Anderson, Arata, Acting Mayor Robinson
Noes: Merrill Absent: Hammond and Mayor Marks

REQUEST OF WELTON COMPANY FOR VARIANCE FROM MUNICIPAL CODE RELATING TO OILING OF SIDEWALK AREA 3-110

Welton Company, 1601 McHenry Avenue, filed an appeal for a variance to permit oil to remain on a sidewalk area on the south side of Judith Lane, west of McHenry Avenue.

The letter from the company, signed by L. P. Hudelson, was read.

A report filed by the Director of Public Works was considered, recommending that the request be denied on the basis that this type of surfacing is of such nature that it will develop holes and depressions over a very short period of time and become a potential hazard to pedestrians using the walkway. Although there is little pedestrian traffic on the area at present, it will be increased as the area develops, Mr. Ray reported, and this request should be considered on a basis of what can be permitted over the entire city.

The Council generally discussed the restriction of the code which

prohibited the granting of permission to install oil on sidewalk areas. Whether these prohibitions should be reconsidered by the Council was raised.

Mr. Hudelson commented briefly on his appeal. He stated that his contractor had failed to get the necessary permit from the city before the work was done. He pointed out the limited use to which this sidewalk area would be used since the area was not completely developed.

Acting Mayor Robinson suggested that since this question was a recurring problem, it might be well for a Council Committee to take a look at the regulations.

Councilman Merrill objected to demanding that a property owner construct a concrete sidewalk where it would not be used by pedestrians. He pointed out that Mr. Hudelson would agree to put in a sidewalk when needed, if this variance was granted, which seemed a reasonable basis upon which to approve the appeal. If the oiled surface was removed, it would just be a "mudhole in the winter".

Mr. Ray pointed out that the Council had not granted any previous appeals for oiled surfaces but it had for blacktop areas.

Councilman Arata recommended that a committee be appointed to make a study and permit both the Lyng and Welton properties remain "as is" until this study report was submitted with some recommendations for Council consideration. Councilman Merrill approved of this suggestion. He considered that this appeal could not be approved unless the appeal filed by Mr. Lyng was also approved.

Councilman Anderson pointed out that some action should be taken on the regulations, either modify them or not modify them because there would be many other similar instances.

Director of Planning Smeath discussed briefly the staff's problems presented by the permit of variances by the Council. This kind of problem, he stated, affects all the city departments and similar ones are being presented each week----someone constructs something without a permit, in violation of the ordinances of the city, and the time that is taken by the different staffs studying the problems which result, is most serious. He suggested that the Council might wish a report from the City Manager on these types of problems.

Mr. Hudelson voiced his approval of the suggestion that a committee be appointed to check the code regulations for materials to be used on a temporary basis. If the city, by ordinance, cannot require a sidewalk, he contended, there should be some provision made by a committee study of something which could be in between a "nice modern sidewalk and just a big mud puddle". Perhaps an arrangement could be made, he stated, if sidewalks are not mandatory, then it could be required that something other than dirt be used. The City Attorney pointed out that in preparing the ordinance with the staff, it was intended to avoid this, as an inducement factor to encourage the construction of sidewalks. The property owner would become dissatisfied with the mud area, and would install concrete sidewalks and curbs and gutters.

Mr. Ray pointed out if the Code was changed, the city would end up with the oiled type of improvement all over town and there would be more problems. He asked that the Council bear in mind that there were many instances similar to these two cases in the course of a year and there were only about 2% who do not comply with the Code that the Council hears about, the others do comply. It is fine to have a committee, he pointed out; they might want to check the problems of other cities, which have allowed materials like this and which no longer do. The city will get into a rough situation if it permits any type of materials, temporary or otherwise, than the material permitted in the Code. He pointed out that both of the requests considered were not for a temporary permit. If this is to be done, the Code

should be revised to permit it. It is an important point to be considered since many people are putting in the concrete sidewalks all the time, although they might not be needed at the time of installation, but this is part of the over-all development of the whole city.

RESOLUTION NO. 57-434

A RESOLUTION DENYING THE APPEAL OF WELTON COMPANY FOR VARIANCE FROM MUNICIPAL CODE TO PERMIT THE OIL REMAIN ON SIDEWALK AREA ON JUDITH LANE BETWEEN McHENRY AVENUE AND ALLEY

Introduced by Adams Seconded by Anderson

Ayes: Adams, Anderson, Arata, Acting Mayor Robinson
Noes: Merrill Absent: Hammond and Mayor Marks

Councilman Arata stated that the reason he had voted "aye" was that the code stipulated it and he was not wholeheartedly in favor of it.

MOTION

That the Welton Company and Ed J. Lyng Co. be granted at least 30 days to comply in order to give a committee time to look into the matter, at the discretion of the Mayor

Moved by Anderson Seconded by Merrill Unanimously carried

MOTION

That the City Manager be directed to prepare a report re-evaluating the provisions and indicating the advantages and disadvantages and alternatives.

Moved by Adams Seconded by Arata Unanimously carried

Councilman Adams recommended that the report show a comparison with some other cities and the problems they have had and not be too extensive but enough to give the Council an opportunity to determine whether it wished to go deeper into the matter.

LETTER FROM SIGN DESIGNS REQUESTING PERMISSION INSTALL TEMPORARY SIGNS FOR PERIOD IN EXCESS OF CODE REGULATIONS 5-33 (TED'S)

A letter from Sign Designs, 1011 F Street, on behalf of Ted's, 915 10th Street, asking permission to install four temporary oilcloth signs for a period of 90 days, was read.

Both the Building Inspector and the Director of Public Works recommended that an extension be denied.

The City Attorney pointed out that the Municipal Code permitted the installation of a temporary sign for a period of 30 days only and that there was no provision for extension of the time limit and the Code provision was mandatory.

MOTION

That a letter be written to the Sign Designs notifying that the Municipal Code prohibited an extension.

Moved by Anderson Seconded by Merrill Unanimously carried

The City Attorney suggested that the letter should indicate the reasons for the denial---that in drafting the sign regulations the prohibition for an extension was to discourage and limit temporary signs.

CALLING ELECTION FOR CITY HALL 5-64

RESOLUTION NO. 57-435

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE ACQUISITION, CONSTRUCTION AND COMPLETION BY THE CITY OF MODESTO OF THE FOLLOWING MUNICIPAL IMPROVEMENT, TO WIT; NEW CITY HALL; AND THAT THE COST OF SAID MUNICIPAL IMPROVEMENT WILL REQUIRE AN EXPENDITURE GREATER THAN THE AMOUNT ALLOWED THEREFOR BY THE ANNUAL TAX LEVY

Introduced by Merrill Seconded by Adams

Ayes: Adams, Anderson, Arata, Merrill, Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

REQUEST OF TRINITY CHURCH OF THE NAZARENE FOR SEWER SERVICE 5-75

A letter was read from the Trinity Church of the Nazarene, located on Sunrise Street near Athens Street, outside the city limits, requesting city sewer service for its new church building. Since the property was not contiguous to the city, Mr. Ray stated, it is necessary for the Council to approve the service. He recommended that the service be approved upon payment of the proper fees since the Church had agreed to annex when possible, and the new sewer line constructed by the city to serve the Montgomery Subdivision, was available.

MOTION

That the furnishing of sewer service to the Trinity Church of the Nazarene be approved on the conditions outlined by the Director of Public Works

Moved by Adams Seconded by Anderson Unanimously carried

REPORT ON CONSTRUCTION OF PARKING AREA AT ELKS PARK 5-90

A report submitted by Director of Parks and Recreation Lloyd Lowrey indicated that Earl Holtham had withdrawn his opposition to the proposed construction of a parking strip at Elks Park across the street from his property on Morris Avenue. The Council indicated its approval of the project.

REPORT ON INVITATION OF HARBOR ASSOCIATION FOR THE CITY TO BECOME A MEMBER OF THE CALIFORNIA MARINE PARKS AND HARBORS ASSOCIATION 5-105

Pursuant to the request of the Council, a report was submitted by the Director of Parks and Recreation that at this time it would not be beneficial to the city to become a member or until such time as some of the proposed long range plans which might include boating facilities are established.

MOTION

That the recommendation of the Director of Parks and Recreation be approved.

Moved by Adams Seconded by Anderson Unanimously carried

REPORT ON LETTER RECEIVED FROM MRS. CHARLES FLETCHER REGARDING PLANTING OF TRAFFIC ISLANDS ON NEEDHAM AVENUE 5-115

A report received from the Director of Parks and Recreation on the suggestion of Mrs. Charles Fletcher that the traffic islands on Needham Avenue be planted, was read.

A copy of the report had been submitted to Mrs. Fletcher, so no Council action was necessary.

PLANNING COMMISSION REPORTS 6-15

Mr. Smeath reminded the Council members and urged them to attend the meeting of the American Institute of Planners, Northern Section, California Chapter being held on Saturday, October 5, at the County Center No. 3.

He reported that the Advance Planning staff had been working to get

the preliminary general plan, in booklet form, out to the printer before Mr. Potter leaves his job. Copies of the 4000 booklets will be distributed on a county-wide basis to the cities in relation to their contribution to the program.

The general plan map showing all of the cities in the county and plans for the urban area development is to be made a part of the preliminary plan which will be printed in color. An additional map will be provided for each urban area. This map will be in black and white unless the local area pays the difference in cost, which would be approximately $250 for 3,000 copies of the Modesto-Ceres map, Modesto to pay $235 and Ceres $15 if approved by the Council.

RESOLUTION NO. 57-436

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $250 FROM THE GENERAL RESERVE TO PLANNING DEPARTMENT (CONTRACTURAL SERVICES) TO PROVIDE COLORED MAPS IN ADVANCE PLANNING REPORT

Introduced by Adams Seconded by Acting Mayor Robinson

Ayes: Adams, Anderson, Arata, Merrill, Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

REPORT ON APPOINTMENT OF NEW POLICE CHIEF 6-80

The appointment of George Bowers, as the new Police Chief for the City of Modesto, effective October 15, was announced in a report from the City Manager to the Council which was read by Acting City Manager Tomsho.

APPROVE PROJECT FOR IMPROVEMENT OF CROSSING OF M.I.D. LATERAL NO. 3 AT TULLY AVENUE 6-100

Mr. Ray reported on his meeting with the county representatives relating to the construction of a new crossing of the M.I.D. Lateral #3 at Tully Avenue. The County has agreed with the City that the present bridge should not be expanded but the crossing should be developed in a pipe similar to the College Avenue crossing.

He reported that he had indicated to the county representatives that he would recommend to the Council that the city participate to the extent of 50% of the costs if this plan for the bridge was used. He estimated the approximate total cost to be between $14,000 to $15,000. He pointed out that the city had not budgeted any funds for this improvement but an amendment to the agreement with the State for gas tax funds could be made, until the city had some unallocated money or capital outlay funds which might be used.

MOTION

That the City Manager be authorized to write a letter to the Board of Supervisors bringing the city's interest to their attention.

Moved by Anderson Seconded by Adams Unanimously carried

Mr. Ray pointed out the urgency of the project due to the rains and also that the work should be done while the canal was empty. Since traffic is constantly increasing due to the rapid development of this area, it is necessary to widen the crossing at an early date.

REPORT ON CITY TREES 7-20

Mr. Lowrey distributed copies of a report on the city's trees which had previously been requested by the City Council. He suggested that the members read the report and discuss it at a later meeting, to which the Council concurred.

APPROVE RENEWAL OF LEASE ON CITY ATTORNEY'S OFFICE SPACE 7-30

With the unanimous consent of the Council members, the City Attorney brought up an item which had not been included in the agenda---renewal of lease for office space for the City Attorney which was written for the term of one year beginning October 6, 1957, for a monthly rental of $85.00. He pointed out that the rental fee had been increased $10 per month.

RESOLUTION NO. 57-438

A RESOLUTION APPROVING THE RENEWAL OF LEASE AGREEMENT WITH D. E. SHANNON AND CARL W. SHANNON FOR THE OFFICE OF THE CITY ATTORNEY

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

ARRANGE TIME OF MEETING WITH ARCHITECT ON CITY HALL PLANS 7-48

Mr. Tomsho reported that Architect Milton Pflueger had been contacted regarding a meeting with the Council to discuss the City Hall plans and had indicated that he could be here Tuesday, October 15, at 11:00 A.M. However, if it was desirable for him to meet with the Council earlier, it could be arranged.

The City Attorney reported that the limitation of time was a serious factor. If the Council would require a study of the plan after the meeting with Mr. Pflueger, before it finally made its decision, it might seriously complicate the campaign.

Acting Mayor Robinson stated that the Council authorized the bond issue on the basis of a maximum of $950,000 for the city hall. He pointed out the possibility that the Council could not decide on a plan after the meeting with the Architect.

Councilman Arata contended that he did not approve the plans which had already been filed by the architect. He reported that opposition to the plan had already been indicated by the merchants on Tenth Street, due to the loss of parking space.

Acting Mayor Robinson pointed out that many of the members did not approve of the preliminary plans, but if this issue was pressed it might create divergent points of view.

Councilman Merrill recommended that the Council have something positive to sell the people and that Mr. Pflueger should be asked to come to the city as soon as possible.

The City Attorney suggested that the design of the building be divorced altogether from the bond issue, so that there would not be two issues going at the same time.

Councilman Arata pointed out the advisability of "killing the sketch" filed by the architect.

The City Attorney stated that it would be his serious recommendation to the Council that it not even discuss design of the building prior to the election and that it consider the adoption of a resolution which would declare that the plans filed by the architect were preliminary plans and that the final plans would have adequate off-street parking consistent with the previous Council policy declarations. If the Council, however, feels that it is essential to have the design approved, it should proceed on that basis with all emergency dispatch.

RESOLUTION NO. 57-437

A RESOLUTION OF POLICY RELATING TO THE PROPOSED CITY HALL

Introduced by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill and Acting Mayor Robinson
Noes: None Absent: Hammond and Mayor Marks

Mr. Pflueger was to be notified that it would not be necessary for him to arrange a meeting on October 15, and that he could have additional time to complete the plans.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Adams Seconded by Anderson Unanimously carried

The meeting was adjourned at 6:00 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

City Clerk Rex Gailfus called the roll and there were

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

Councilman Merrill arrived at 7:40 P.M.

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

Rev. Lewis Whitehead, pastor of the Wesleyan Methodist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of September 26 and October 1, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM FRANK ANDREWS RE: ARGUMENTS AGAINST THE CITY HALL BOND ISSUE 1-14

This letter was ordered referred to the City Attorney for a report.

INVITATION FROM AMERICAN MUNICIPAL ASSOCIATION TO COUNCIL MEMBERS TO ATTEND 34TH ANNUAL AMERICAN MUNICIPAL CONGRESS IN SAN FRANCISCO, DECEMBER 1-4

The City Manager suggested that an individual check would be made with the members at a later date to determine if they could attend.

OFFER TO SELL TO THE CITY PORTION LOT 7 OF FRESNO TRACT FOR NORTHERN BOULEVARD EXTENSION - ROBERT L. NICKERSON 1-32

This letter was read offering to sell the property for $20,000.

MOTION

That the offer be referred to the staff for investigation and report to the Council.

Moved by Adams Seconded by Robinson Unanimously carried

ACCEPT BID OF WALTER R. COLE & CO. FOR SAND TRAPS

RESOLUTION NO. 57-439

A RESOLUTION ACCEPTING THE BID OF WALTER R. COLE & COMPANY OF $3,685.30 FOR THE FURNISHING OF TWO SAND TRAPS

Introduced by Adams Seconded by Robinson

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

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR CONSTRUCTION OF HANGAR AREA DRAINAGE AT AIRPORT 1-65

RESOLUTION NO. 57-440

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR

CONSTRUCTION OF HANGAR AREA DRAINAGE AT MODESTO CITY-COUNTY AIRPORT

Introduced by Arata Seconded by Anderson

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

Monday, October 21, at 2:00 P.M. was set for the time to open the bids in the City Clerk's office.

CALL SPECIAL BOND ELECTION FOR CITY HALL ON NOVEMBER 12 1-70

ORDINANCE NO. 205-C.S. entitled

"AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY THE PROPOSITION OF INCURRING A BONDED INDEBTEDNESS OF SAID CITY FOR THE ACQUISITION, CONSTRUCTION AND COMPLETION OF THE FOLLOWING MUNICIPAL IMPROVEMENT, TO WIT: NEW CITY HALL; DECLARING THE ESTIMATED COST OF SAID MUNICIPAL IMPROVEMENT, THE AMOUNT OF THE PRINCIPAL OF SAID INDEBTEDNESS TO BE INCURRED THEREFOR, AND THE MAXIMUM RATE OF INTEREST TO BE PAID THEREON; MAKING PROVISION FOR THE LEVY AND COLLECTION OF TAXES; FIXING THE DATE OF SAID ELECTION, THE MANNER OF HOLDING THE SAME, ESTABLISHING ELECTION PRECINCTS AND POLLING PLACES FOR SAID ELECTION AND APPOINTING ELECTION OFFICERS THEREFOR, AND PROVIDING FOR NOTICE THEREOF

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

Moved by Robinson Seconded by Arata

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

FINAL ADOPTION OF ORDINANCE NO. 204-C.S. AMEND CODE RELATING TO COUNCIL MEETINGS 1-70

ORDINANCE NO. 204-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER I OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL MEETING"

introduced on October 2, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Anderson Seconded by Hammond

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

DECLARE PROCEEDINGS INITIATED TO ANNEX MARSHALL PARK ADDITION 1-90

RESOLUTION NO. 57-441

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 THE MARSHALL PARK ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION

Introduced by Robinson Seconded by Hammond

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

APPROPRIATE $3500 FOR INDUSTRIAL WATER DEVELOPMENT (PUMP STATIONS NO. 19 AND 20) 1-100

RESOLUTION NO. 57-442

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3500 FROM SPECIAL CAPITAL OUTLAY RESERVE TO SPECIAL CAPITAL OUTLAY - INDUSTRIAL WATER DEVELOPMENT

Introduced by Merrill Seconded by Robinson

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

The City Manager reported that these funds would be used for the fencing and developing of the wells recently installed in the Tidewater Southern Railway Industrial area.

APPROVE RECOMMENDATION OF PLANNING COMMISSION NO CHANGE TO BE MADE IN ZONING REGULATIONS TO PERMIT PROFESSIONAL OFFICES IN R-3 ZONE 1-110

Pursuant to referring the matter of amending the zoning regulations to permit professional offices in R-3 zone back to the Planning Commission for consideration, Resolution No. 420 adopted by the Commission at its meeting of October 1, was considered by the Council. The Commission recommended that no change be made at the present time in Section 10-2.701 of the Municipal Code because

1- The R-3 zone should be protected from excessive noise, traffic congestion, commercialization and loss of dwelling area amenities; and

2- There are sufficient, well located areas properly zoned for office buildings currently vacant or used residentially.

Mayor Marks briefly reviewed the background history of the Council discussions and actions on this matter.

Director of Planning Smeath reported that the staff had gathered additional information on the subject after it had been referred back to the Commission, as to the amount of residential use in the industrial and commercial areas, and vacant property available in these areas which could be used for professional offices. He reported that there was 20.4 acres now used by homes in the industrial zones; 135.41 acres of homes in the commercial zones; 83.21 acres vacant in industrial zones and 74.98 acres vacant in the commercial zones. Less than two acres of actual office building space has been constructed since January, 1955, he reported, and there is available at the present time more than 210 acres in the commercial zones for this purpose.

Mayor Marks pointed out that if there were any exceptions they should be considered individually. Mr. Smeath stated that the final agreement of the Commission, was, in the case of the original request for permission to construct a real estate office in an R-3 zone, that the only recourse would be to ask for commercial zoning. The Commission and staff considers that there is adequate commercial zoning and that there is no need for an intermediate zone.

In a Council discussion on the possibility of creating an intermediate R-3-P zone, Mr. Smeath stated that it was the general feeling of the Planning Commission and staff that if this zone was to be created it should be carved out of existing commercial areas and not existing R-3 areas. This would not solve anybody's problems since owners of commercial property would not want their property changed to a zone which would limit his uses.

The Council discussed whether a set of standards for construction in an R-3-P zone might alleviate the objection of building professional offices in an R-3 residential zone.

RESOLUTION NO. 57-443

A RESOLUTION DETERMINING THAT THE FINAL RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION WITH RESPECT TO SECTION 10-2.701 OF THE MODESTO MUNICIPAL CODE RELATING TO PERMITTED USES IN R-3 ZONE BE APPROVED

Introduced by Hammond Seconded by Robinson

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

HEARING ON APPEAL OF JOHN QUARESMA, SPONSOR OF IVA CAUSEY, FOR REZONING OF PROPERTY ON TULLY AVENUE 3-25

Mayor Marks announced that the hour of 7:45 P.M. had arrived, the time set for the public hearing on the appeal of John Quaresma, sponsor for Iva Causey, to the decision of the Planning Commission denying petition for the rezoning of her property located on Tully Avenue, south of Princeton, from R-1 to R-3. For the benefit of the audience, he outlined the Council procedure for public hearings.

The City Clerk filed a certification that the notice of the public hearing had been published in the city's official newspaper; that notices had been mailed to property owners living in the area on September 24 and delivered to houses in the area on September 25 and that no written protests had been received. He noted that protests had been previously filed with the Planning Commission at the time of its public hearing.

Resolution No. 414 adopted by the Commission on September 3, denying the request for rezoning, was noted.

At the request of the Council, Planning Director Smeath reviewed the background of the appeal, and pointed out that the area presently zoned R-1 was adjacent to multiple family on the south, single family zoning on the north and west and partially multiple zoning on the east. The Planning Department suggested to the Commission that if the only entrance to the area was to be from Tully Avenue, and adequate fencing was constructed around the property to protect the R-1 area, that this would be a good location for multiple family purposes and recommended the rezoning. He reported that many sketches had been made of this area during the past years, attempting to work out a possible subdivision design but there had been no progress made on the development of the 2½ acre area. The Commission, although sympathetic to the property owner, considered that since there were no plans for the development of the area for multiple family purposes and no understanding of what would be done, denied the request for rezoning.

The Council questioned if some "iron-clad" plan could be tied in with the rezoning of the property. Mr. Smeath reported that the City Attorney reported at the Commission's hearing that these conditions could not be put on rezoning. He reported that the staff would shortly have prepared for Council consideration a "community development plan district" where any area more than one acre in size could be presented, regardless of the zoning.

Mr. Smeath pointed out that if an area was rezoned and there was some agreement for the development of the area prior to the rezoning, unless the agreement carried with the land, the owner could sell the property and it could be developed for any R-3 use regardless of the plan which was approved prior to the rezoning.

To a question from Councilman Anderson---is it possible to use this land as it is presently zoned (R-1), Mr. Smeath stated that it was possible if the adjacent property owners could work together so that the property could be divided to better advantage, and it could be divided alone, with absolute minimum lots for single-family lots, provided there is not an alley required on the south side.

John Quaresma spoke in behalf of the appeal for rezoning and brought out the following arguments:

1- That the property could not advantageously be used for single family residences (displayed a sketch);

2- That even if the Council waived all conditions which might arise in the subdivision of the area for R-1 purposes, it would never pass the land planning department of the federal agencies;

3- That the property could be developed to great advantage for church purposes or for garden type apartments because it was located adjacent to an existing R-3 zone, it would make a good barrier zone from a C-1 to an R-1 zone, it is on a main thoroughfare where bus facilities would be available and would be within walking distance of schools, commercial area and much of the city's present and proposed industries;

4- That there is a terrific need for garden type apartment houses in this community for teachers, single people, newlyweds, and senior citizens.

He displayed a sketch of the construction he proposed for the area, and pointed out that R-3 zone areas sufficiently large enough to accomodate were limited in the city. He considered that it was the Council's responsibility to see that all classes of citizens in the city should be provided with the type of houses in which they wished to reside.

To a question from Mayor Marks---would you be willing to sign a fair contract with the city or be willing to work with the staff and the neighborhood so that we could sign some type of valid contract that this plan shown on the sketch would be the type of construction to which the property would be developed, Mr. Quaresma stated that he would at the present time, but if the conditions were too rigid to comply with he could not do so. He estimated the cost to be in excess of $500,000 for the development of the property according to his present plans.

Attorney Robert Bienvenu spoke for the property owners and contended that the opposition was based on the following facts:

1- That it should be difficult, without further study, for the Council to accept the plan which Mr. Quaresma presented as the only plan under which the property could be developed;

2- That the Causey's own more land than shown on the sketch and if their home site was sold and developed along with the undeveloped portion, it would be better;

3- That it has not been demonstrated through the public hearings that the owner is anxious for the rezoning of the area;

4- That the question to be resolved is not this particular area but what is best for the entire area.

Mr. Bienvenu contended that the reasons given by Mr. Quaresma for apartment facilities would also hold true for residential development of the area. He questioned the need for apartments because there were no facts or figures presented to indicate an urgent need. He questioned the the legality of a developer signing a contract with the city for the

improvement of property, as a basis for rezoning. He contended that this contract could only bind Mr. Causey and not Mr. Quaresma since he did not have any interest in the land at this time.

He questioned the right of Mr. Quaresma to request the rezoning of the property, since the burden should be upon the applicant Iva Causey to show that there was a need and necessity for the rezoning. He pointed out that once the rezoning was changed that Mr. Causey would be permitted to use the land up to the maximum of R-3 uses and the city would have no control over the development. He contended that this would be setting a precedent if the city granted the rezoning to a developer instead of the owner.

The Council delegated its authority to the Planning Commission to carry out the Council's policies at the time the members were appointed, Mr. Bienvenu stated. The Commission denied the application for rezoning and the Council should abide by this decision. He asked that legislation be adopted to eliminate one of the hearings to avoid two full scale public hearings which was time consuming for the Council, Commission and property owners.

To a question from Mayor Marks, about the legality of the application for an appeal signed by Mr. Quaresma, sponsor for Iva Causey, Mr. Quaresma stated that he had legal documents which would permit him to represent Mrs. Causey. Mr. Bienvenu summed up his arguments against rezoning of the property as follows:

1- The Council would be setting, if it overruled the Commission's decision, a very dangerous precedent in permitting a third party who has no interest in the land to influence the Council to rezone the property for the land owner himself when there is no connection between the two that has been presented to the Council at this time.

2- The Council having delegated this authority to the Commission and having received a six to one decision against the rezoning, the property owners expect and hope that the Council will uphold the decision.

Mayor Marks asked if there were any other persons who wished to speak on the matter. Councilman Hammond asked that the speakers express themselves on the following questions: 1) whether they would object to a multiple family unit if it was in keeping with the quality of construction of their homes and 2) whether they would object to more than one level of construction.

The following persons spoke opposing the granting of the appeal for rezoning, and objected to multiple family construction of one or more stories on the basis it would depreciate the value of their property:

Mrs. Fred Sattler, 1318 Princeton Avenue
Ursul Bohne, 1334 Princeton Avenue
Arthur E. Dutcher, 1412 Louise Avenue
Mrs. Gene Fehlberg, 829 Del Rey
Vincent B. Jerome, 1412 Princeton
E. V. Darpinian, 1417 Louise Avenue

Mayor Marks pointed out that the Council was on record that changes in zoning would be made only on a basis of area and community needs and unless justified on that basis they would be denied. The burden of proving that these changes are necessary rests on the property owner or his representative, he stated.

Mayor Marks asked if anyone in the audience, besides Mr. Quaresma, wished to speak in favor of the proposed rezoning. No comments were made.

In rebuttal to Attorney Bienvenu's argument, Mr. Quaresma pointed out that

1- He had contacted various rental agencies regarding the need for apartments and was assured there was a need for the proposed type of unit, since the city does not have one;

2- The Planning staff has stated that there is a need for this type of R-3 use;

3- That he had the proper documents to prove that he was legally present at this meeting representing the property owner, Iva Causey;

4- That it is also permissible to permit a two story dwelling in R-1 zone. If his plan went to a two story development, he would cooperate with the people adjacent to the property so that windows would be obscured and would not overlook the yards.

5- That it would be impossible to construct a 65 foot high apartment at this location due to the limited area;

6- Under any of his proposals for development, the traffic would leave and enter on Tully Road, which is a main street;

7- That the proposed development would be a wonderful project for the city and would mean progress for the community.

He pointed out that there was no other undeveloped R-3 zoning of sufficient size in the city on which the proposed unit could be constructed. There are only a few remaining undeveloped lots, he contended.

Mr. Smeath agreed with this statement, when asked by Mayor Marks.

If the land could be subdivided, Mr. Quaresma stated, and a number of zoning and subdivision conditions waived by the city, it could be used for duplexes, but there would be the possibility that the federal agencies would not approve the area as subdivided. He reported that he had planned to construct both one and two bedroom apartments which would average approximately 400 to 800 square feet, renting from $80 to $100 per month. He considered that there could be an architectural clause in the deed restrictions from Mrs. Causey to whoever developed the area, which would remain with the property hereinafter.

The City Manager pointed out that if all the parties concerned agreed that deed restrictions be removed that it would be possible to do so. Mr Bienvenu questioned who would enforce these deed restrictions--- the adjoining property owners would be compelled to institute litigations, at extra costs to them.

Mayor Marks pointed out to Mr. Quaresma that the community would ultimately have a large urban redevelopment program and at that time there would be many existing structures cleared away and it would be conceivable at that time that there would be plenty of room for the type of development he was proposing.

Councilman Hammond considered that it would be advisable until such time as more legal standards could be provided to protect the persons involved, that the decision of the Planning Commission should be upheld.

Mayor Marks closed the hearing at this time.

RESOLUTION NO. 57-444

A RESOLUTION AFFIRMING THE DECISION OF THE MODESTO CITY PLANNING COMMISSION DENYING THE REQUEST OF JOHN QUARESMA, SPONSOR FOR IVA CAUSEY TO AMEND SECTION 19 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 414 ADOPTED

BY THE COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN THIS RESOLUTION

Introduced by Hammond Seconded by Mayor Marks

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

Mr. Smeath briefly discussed studies being made by the staff and commission on rezoning of areas of one acre or more on the basis of specific proposals and plans for development.

HEARING ON PRINCIPLES OF MASTER PLAN 10-5

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time scheduled for the public hearing on the adoption of the principles, a section of the general plan of the City of Modesto, a guide for the physical development of the city, as defined in Article 7, Chapter 3, Title 6 of the Government Code of the State of California.

The City Clerk certified that the notice of the hearing had been published in the city's official newspaper as provided by law.

Resolution No. 415 adopted by the Commission on September 3, approving the principles was noted.

The City Manager briefed the principles as set forth in the Commission's statement. He reported that the principles had been approved by the Stanislaus Cities-County Advisory Planning Committee.

Mr. Smeath spoke briefly on the principles and pointed out that the Council had previously approved the planning goals and that the standards would be presented later for Council approval.

Mayor Marks asked if there were any protests or comments to be made.

Mrs. Gene Fehlberg inquired if it would be necessary for the property owners to appear each time the Council had a public hearing on zoning property R-3, to protect their property.

Mayor Marks stated that the Commission was considering a different way by which the people may present their application for rezoning---presenting a development plan. He pointed out that rezoning was a continuing matter and could be presented again and again for many years. He pointed out the property owner would have the right to protest any rezoning and they should be on their guard at all times. Mr. Smeath reported on the new amendment to the zoning code which permitted hearings on rezoning during the months of October, January, April and July.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 57-445

A RESOLUTION ADOPTING THE PRINCIPLES, A PORTION OF THE GENERAL PLAN OF THE CITY OF MODESTO AS PROVIDED BY TITLE 7, SECTION 65509 OF THE GOVERNMENT CODE

Introduced by Robinson Seconded by Adams

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

Councilman Anderson left the meeting at 10:20 P.M.

REPORT FROM COMMISSION ACCEPTING THE WITHDRAWAL OF REQUEST OF JACK ULRICH FOR ABANDONMENT OF A PORTION OF MILLS AVENUE 11-21

Resolution No. 421 adopted by the Planning Commission on October 1, accepting the withdrawal of the request filed with the Council by Jack Ulrich for abandonment of a portion of Mills Avenue, was noted.

CLEAR WORDING OF RESOLUTION NO. 57-437 ON CITY HALL BUILDING 11-22

Mayor Marks stated that he concurred in the resolution which had been adopted in his absence but asked that the wording in the second paragraph, "Be it further resolved that the plan for the city hall, as finally approved, will include adequate off-street parking facilities consistent with previous official policy declaration of the City Council", be changed since there was not any official action by the Council on a policy declaration for parking facilities. He suggested that the Council not discuss this phase of the city hall program at this time due to the limitation of time before the November 12 election. He suggested that the words "facilities consistent with previous official policy declaration of the City Council", be deleted. The Council concurred in this suggestion.

RESOLUTION NO. 57-446

A RESOLUTION AMENDING RESOLUTION NO. 57-437 ENTITLED "A RESOLUTION OF POLICY RELATING TO THE PROPOSED CITY HALL

Introduced by Robinson Seconded by Adams

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

REPORT ON CITIZEN COMMITTEE ON CITY HALL BY MAYOR MARKS 11-33

Mayor Marks reported that the Citizen Committee approved the action of the Council on its resolution of policy relating to the City Hall, however, they have asked that the committee be allowed to sit in on the discussion of design after the bond election. The members of the Committee recognize that the Council has the authority to pick its own design but because of their interest in the progress of the project and since they are going to work for it, he stated, he had assured the committee that they would have a full opportunity to sit in with the Council on the city hall design. The Council will naturally make the decisions but the committee, like the rest of the taxpayers, will have an opportunity to work along with the Council, he stated.

Mayor Marks reported that he had already advised the committee and asked that if there was any change on the part of the Council that he be notified so that he could notify the committee.

The Council indicated its approval of the action of the Mayor.

Whether the Architect could be proceeding on any preliminary work on the City Hall prior to the election was discussed and it was agreed that it would not be possible until the shape, bulk or pattern of the building was determined.

It was generally agreed by the Council that the meeting with Architect Pflueger, temporarily scheduled for October 15, would not be held.

The City Manager assured the Council that if it was possible to do any specific work which might further the progress of the building prior to the election, it would be done by the staff after conferring with the Architect.

CONSIDER MATTER OF ANNEXATION OF GREGORY GARDENS NO. 4 AS IT WOULD RELATE TO CITY SERVICES 11-90

Problems involved in furnishing city services to Gregory Gardens No. 4 Subdivision, located outside the city limits, west of Tully Avenue, north of Gregory Gardens No. 3 subdivision, which is presently being considered for annexation, were discussed by the Council.

The City Manager pointed out that the city was now faced with the problem that it had arrived at the limit of the area which could be served with city sewers with the present system. The city is also at the limit of reach as far as park services and fire protection are concerned in this area. It appears that the subdivision may be developed without sewers. If it is developed outside the city, it will be on lower standards, but it would also be on lower standards if developed inside the city because sewer service cannot be furnished. The City can serve it with water. The basic question before the Council for decision---"we are now at the line and what are we going to do about it. Sould the City reach into areas where they are going to be difficult to handle and expensive to serve."

Mr. Smeath reported that the subdivider had unofficially requested annexation to the City on the basis of septic tanks, with larger lots.

The City Manager suggested the following procedure to the Council:

1- That this be considered as a trial-run project in terms of costs and distances and problems;

2- That the staff work with the staffs from the county and schools to bring a full report to the Council on what this means to the city and its tax rate, and to others concerned.

He pointed out that if the City keeps reaching out that the tax rate would have to be higher and that the service would be poorer to the area and the development less desirable.

The Council agreed that the staff should continue its study with the staffs from the county and schools and make a further report to the Council outlining the alternatives.

Councilman Anderson returned to the meeting at 10:40 P.M.

RESOLUTION RELATING TO TRAFFIC MATTERS 12-64

RESOLUTION NO. 57-447

A RESOLUTION ESTABLISHING STOP SIGNS ON HELEN AVENUE AT ITS INTERSECTION WITH SUNRISE AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Hammond

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

RESOLUTION NO. 57-448

A RESOLUTION DESIGNATING BUS LOADING ZONES IN THE CITY OF MODESTO AND RESCINDING CERTAIN RESOLUTIONS AND/OR PORTIONS OF RESOLUTIONS IN CONFLICT THEREWITH

Introduced by Hammond Seconded by Arata

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

A new type parking meter was displayed by Traffic Engineer Carmody, who explained the operating features and the fact that the meter would be less costly than the type now used in the city. He asked that a trial of the meters be approved by the Council. After a brief Council discussion it was agreed that a trial of the meters should not be approved due to increased cost for enforcement.

RESOLUTION NO. 57-449

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE SOUTHEASTERLY SIDE OF H STREET BETWEEN FIRST AND SECOND STREETS IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Arata

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

RESOLUTION NO. 57-450

A RESOLUTION ESTABLISHING PARKING METER ZONES ON G STREET BETWEEN NINTH STREET AND TENTH STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Hammond

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

RESOLUTION NO. 57-451

A RESOLUTION RESCINDING RESOLUTION NO. 8213-N.S. WHICH ESTABLISHED DIAGONAL PARKING ON M STREET BETWEEN NINTH STREET AND ELEVENTH STREET IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Robinson

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

CONSIDER REPORT ON CITY TREES SUBMITTED BY DIRECTOR OF PARKS AND RECREATION 13-11

Director of Parks and Recreation Lowrey was commended on his report on city trees which had been submitted at the last Council meeting and held over to this date for discussion. He estimated the master or precise plan for trees would be completed within a year, at which time it would be presented to the Council and Commission for a public hearing. He briefly discussed the replacement program for trees which was being carried out continuously throughout the city. He estimated the number of trees being removed annually to be 600 and new planting to be 1200 trees.

REPORT ON FENCING AND PIPE PURCHASE AT DRYDEN PARK MUNICIPAL GOLF COURSE 13-56

Mr. Lowrey reported on his meeting with Horace Dryden regarding the fencing problem at the Dryden Park Municipal Golf Course. He has agreed to a plan advanced by the city which would provide for approximately 1800 feet of permanent 6 foot chain link fencing and 400 feet of temporary fencing which will protect his property while the city is working out further details on club house location, etc. The estimated cost would be $3,500 to $4,000.

The City Manager asked for Council approval to install the fencing, get in the water supply, buy as much pipe as possible with the remaining funds but leave sufficient funds to work with if the City would be offered assistance from individuals and organizations to place the pipe in the ground. He suggested that the best time to purchase the pipe would be

after the first of the year, but the fence and water supply could be cleared at once.

MOTION

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

Moved by Arata Seconded by Merrill Unanimously carried

FILING OF FINANCIAL STATEMENT FOR MONTH OF SEPTEMBER, 1957

Copies of the financial statement for the month of September, 1957, were distributed to each member by the City Manager.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was adjourned at 11:00 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

ADJOURNED SPECIAL COUNCIL MEETING
October 15, 1957

The Council of the City of Modesto met in adjourned special session this date at 4 P.M., having adjourned from the special meeting of October 3, until this hour, 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, to consider "Pending Matters", Acting Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen Anderson, Merrill, Robinson and Acting Mayor Hammond

Absent: Councilmen Adams, Arata, and Mayor Marks

Acting Mayor Hammond opened the meeting to further discussion of the "Pending Matters", report to determine the degree of importance of the items and extent of efforts to be expended by the staff.

INTRODUCTION OF NEWLY APPOINTED POLICE CHIEF GEORGE BOWERS 1-12

George Bowers, newly appointed Police Chief of the City of Modesto, was introduced to the Council by the City Manager.

PARKING AND TRAFFIC

(9) Improvements-Yosemite Avenue, which relates primarily to the signal installation; (10) Interim Highway Program already presented to the Council by distribution of a copy of a report from the Traffic Engineer to the City Manager; (11) Freeway agreement. All of these are important and urgent, the City Manager pointed out.

He reported on the conference held on October 15, in Stockton, when the city staff had discussed these matters with the State Division of Highway representatives. The staff is now checking, as authorized by the Council, he stated, on the installation of traffic signals on Yosemite Avenie, which would not require as much right of way as was originally proposed. The minimum right of way which could be secured for this intersection was discussed with the state and sketches will be transmitted shortly to the city by the state, he reported.

The staff has discussed the f act with the state that the city does not yet have the analysis from the state of the data which was assembled by the recent state study of traffic in the Modesto area. The state has assured that this report would be submitted to the city as soon as possible. Mr. Miller reported that he had reminded the state representatives that "the freeway matter was in your hands and we will await your further report on these matters----we are not hampering or holding up the freeway matter".

(19) Traffic ordinance; (22) Taxi ordinance; Will be in the hands of the Council shortly for study.

(29) Bridge over MID Lateral #3 ;

A study by the city and school staffs is progressing on the possible need of a pedestrian bridge across this lateral, near Sherwood Ave.

(39) Grade crossing protection;

A further hearing on this matter has been set up for October 29 by the Public Utilities Commission.

(40) Signals;

A report on additional signals will be distributed to the Council for consideration at the meeting to be held on Oct. 16.

(41) Development of 8th Street Parking lot;

This has been approved by the Council and will be commenced as soon as a new 5 year agreement with the Southern Pacific has been approved. Mr. Carmody pointed out that this new lease would permit the city to ammortize its costs for improvements.

Group II (3) Tidewater franchise and relocation;

Already discussed by the Council.

Group III (9) Airline and helicopter service;

The City manager reported that there were a number of applications before the C.A.A. and P.U.C. relating to service to Modesto. Mr. Carmody has been attending hearings held on these applications.

PARKS & RECREATION

Group I (16) Reconstruction of Ball Park;

The staff is still checking the relative merit and costs of the more permanent type of construction.

(26) Park Improvement-Kewin property;

Staff work is now being done and possibly a more intensive program will be needed later on.

(28) Tuolumne River Park development;

Special assistance has been obtained on this matter. The city is also working with the county on this project and preliminary plans should be presented for Council consideration within about 60 days.

(30) Petitions for swimming pool--Roosevelt Park;

Director of Parks and Recreation is now meeting with the petitioners. This should be cleared within a short time.

The City Manager noted that the three items previously included in Group II had been transferred to Group I since the staff was continually working on (6) development of the new golf course (7) Dennett Dam; The Board of Supervisors have appointed a committee and arrangements are being made for a joint meeting. A portion of the county funds allocated for general improvements has been designated for the construction of the dam.

(16) Thousand Oaks Park--modify restrictions;

A report has already been submitted to the Council, the City Manager stated, Mr. Lowrey reported that there was to be a meeting of the property owners on this matter on November 4.

(31) Policy on Park improvement districts;

This is less urgent, the City Manager reported and could be deferred.

Group III-- (5) Plans for improvement of Garrison School Park

(6) Plans for improvement of James Marshall Park

Will be accomplished as the staff finds time available.

To a question from Councilman Robinson----has your study of forming park improvement districts, so far, been encouraging----Mr. Lowrey reported new state legislation had been adopted and that he was

obtaining information on the new laws from the State Recreation Department.

PERSONNEL

(34) Retirement and O.A.S.I;

This has been moved from Group I on the list to Group II, the City Manager stated, on the basis that it is not urgent or active. The staff will keep conversant on the subject however, he stated.

(42) Suggestion Plan;

This is already approved by the Council and is progressing satisfactorily and will be in effect by January 1, 1958.

(43) Employee's handbook;

Considerable work has already been done on this project. Mr. Miller reported that the employees have now agreed to try a signup on a new type of employee insurance plan and a campaign was underway for membership.

PLANNING

The City Manager pointed out that most of the items listed for this department had previously been discussed under other departments. (9) Improvements Yosemite Avenue, was deleted from the list since this department was not directly concerned in the matter.

(18) Setback ordinance;

Would be completed as soon as possible.

(31) Policy on park improvement districts;

Was moved over into Group II

(33) McHenry Avenue area fire station;

Already discussed and report will be submitted shortly.

Matters added to the previous list were:

(44) State College location; (45) Zoning revision; (46) Precise plan projects (a) Tidewater Southern relocation; (b) Central District plans and (c) Neighborhood plans.

These were listed in the ap lication to the federal government for funds.

The City Manager reported that the city had some undeveloped two, three or four acre tracts which are being built upon and the improvements are not being provided which are required for subdivisions.

Group II (5) Corporation yard expansion;

The city needs to be thinking and working on this, the City Manager stated.

(13) Fire zones-revision;

This is a current project and progressing satisfactorily.

ANNEXATION

Planning Director Sheath reported that there was interest expressed on the annexation of a large inhabited area on the east side of the city. This would be a major project, he stated, if the group proceeds with the

annexation program.

Vice Mayor Hammond stated that the items listed in this department were all active and it would be difficult to assign a priority on any special item.

POLICE

The City Manager noted that item 13--police building, had been moved from Group I to Group II at the Council's direction.

(14) Communications Center

Already discussed and the staff will be working on this as time permits.

(19 and 22) Traffic and taxi ordinances;

Under preparation

Group III (4) Clerk with county, transfer of prisoners and teletype.

Will be discussed with the county officials as time permits.

(8) Fees for kennels;

Will be worked out as time permits since it is not an urgent matter.

PUBLIC WORKS

The City Manager noted that many of the items listed for this department had previously been discussed as other departments had been considered.

(15) Refuse disposal, area and incinerator;

The major problem had been discussed with the Council committee and a report is being drafted for Council consideration.

(6) Development of new golf course;

Plans for the portion of development of the golf course which will be done this year have already been discussed and various items will be presented through the year for Council discussion, such as the specification for the pipe and water supply.

(20) Revision of electrical ordinances;

Meeting has been held with the local contractors.

(21) Revision of sewer ordinance (1) service to partial plots

The City Manager noted that the Council had instructed the staff to prepare an ordinance to provide for the method of payment where only a portion of the tract is served. He stated that in each of the improvement districts proceedings, the staff has been going back 150' only and this program has proved satisfactory.

MOTION

That the present policy for determining sewer charges for partial plots be approved and the item be removed from the "Pending Matter" list, and the staff proceed on the present basis for charges.

Moved by Merrill Seconded by Robinson Unanimously carried

(21) Cost of sewer laterals;

The staff is analyzing the charges as they presently exist and a report will be submitted later. Some changes may be recommended, the City Attorney stated.

Group 2 Item 20 - Procedure for blacktop;

Moved into Group I in order to clear as soon as possible. A further report will be made to the Council shortly.

(25) Airport improvements;

Progressing satisfactorily.

(38) Storm Drainage in the North Central area;

This is a current project, the staff has been authorized to work on this project and the plans are being prepared for an improvement district, which will tie in with the McHenry Avenue improvement.

Director of Public Works Ray reported that part of the construction of the storm sewers on McHenry Avenue by the state called for the stubbing out wherever the city has a planned connection for another storm drainage trunk line coming into the main trunk. Until it is certain that the McHenry Avenue widening project will proceed, the city cannot institute proceeding for an improvement district for the North Central area, Mr. Ray pointed out. The staff is working on this however, as it finds the time, Mr. Ray stated.

(24) Storm drainage general (Group II);

The City Manager noted that this item covered the big drainage problem over the entire city. He noted various phases of the drainage program which would be presented later for Council discussion.

Group II (2) General street improvement program;

The general street improvement program is a continuing matter on which the city is constantly working.

(9) Policy res. on sewer service area;

The City Manager noted that the Council had asked the staff to prepare a resolution which would define the sewer service area. He pointed out that it was not only very difficult to do but he also questioned whether it would be wise to establish precise boundaries. He asked that this item could be deleted from the list of pending matters.

MOTION

The the policy resolution on sewer service area be deleted from the list of pending matters before the Council.

Moved by Anderson Seconded by Merrill Unanimously carried

(10) Amendment to water ordinance on portion of tracts;

Was ordered placed in Group III

(11) Water supply and water rights for the city;

Not urgent but keep on active pending list.

Group 11-- procedure for payment for perimeter sewers

Each case, Mr. Ray reported, has been handled by letter agreement,

approved by the Council in so far as installation of the lines, it is not certain this system would be sufficient for collection of the proportionate shares from those who may follow in the future. The city does need some kind of legislation to get this on a formal basis. This was added to the pending matters list by the Council.

Group 111- (4) Clear with County on water and sewer service

The City Manager stated that this item was not urgent but it should be left on the pending matter list.

GENERAL

(6) Right of way policy and procedures;

The City Manager asked that this item remain on the list.

(17) Organization ordinance;

The ordinance is progressing and will be presented for Council consideration shortly.

(23) Private water companies study;

The Council Committee report is progressing and will be presented soon.

(35) Safety Program;

This item was removed from the list since it was a continuing type of program.

(15) Airport Annexation

Was moved from Group 11 to Group 1.

(22) Smog-burning, etc.;

Should remain on list and worked out in cooperation with other agency on an over-all area basis.

(23) Statements for information for public

The advantages of preparing statements for general distribution to the public explaining the right of way policy, sewage charges, drainage, annexations, etc. were discussed by the City Manager.

Group 111 (2) Inventory of real property interests

The city now has a property inventory on the major parcels of property but there are many other interest of land which the city owns but these records are not at present centralized at one location. This item is not critically urgent but should remain on the list.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Anderson Seconded by Merrill Unanimously carried

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

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

The City Clerk called the roll and there were

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

Councilman Arata arrived at 4:05 P.M.
Councilman Anderson arrived at 4:08 P.M.
Councilman Adams arrived at 4:25 P.M.

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

Rev. L. H. Bone, pastor of the Church of the Nazarene, gave the invocation.

INVITATION FROM CALIFORNIA ART LEAGUE TO ATTEND SHOW 1-20

A letter to Mayor Marks from the Central California Art League was read asking that the Council declare the week of November 3-9 as Art Week in Modesto and inviting the members to attend its art show in John Muir Gallery in the Community Service Center on Monday, November 4.

Mayor Marks reported that the proclamation had already been prepared. The City Clerk was asked to remind the members of the invitation prior to the show.

Unanimous consent of the Council was given to raise three matters which were not on the agenda.

Letter from Frank Andrews:

A letter requesting permission to use a sound truck on the city streets, prior to the city hall election November 12, received from Frank Andrews, was read. He claimed that "the policy of the daily paper, together with the un-american policy and action of Modesto's City Council prohibited the citizens from voting on an initiative---Shall the City of Modesto rebuild and reface the present hotel building into a city hall".

Councilman Arata arrived at 4:05 P.M.
Councilman Anderson arrived at 4:08 P.M.

Provisions of Section 4-2.20 of the Municipal Code which would permit the use of a sound truck in commercial districts under certain conditions upon approval by the Council, was reviewed by the City Attorney. He pointed out that since the request related to a political matter that those opposed and those in favor should be afforded the customary "due process" treatment, providing they comply with the limitations specified in the Code.

Councilman Merrill objected to the accusations made by Mr. Andrews against the Council.

RESOLUTION NO. 57-452

A RESOLUTION GRANTING THE REQUEST OF FRANK ANDREWS TO USE A SOUND TRUCK IN THE BUSINESS SECTION OF THE CITY SUBJECT TO THE LIMITATIONS CONTAINED IN SECTION 4-2.20 OF THE MUNICIPAL CODE

Introduced by Robinson Seconded by Merrill

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

The City Manager suggested that the City Clerk send a copy of Section 4-2.20 to Mr. Andrews for his information.

Invitation to attend Industrial meeting in San Mateo

An invitation for Council members to attend an industrial meeting in San Mateo October 30, was referred to Councilman Hammond and Arata, members of the Council committee.

Letter from E. W. Hane, Chief Administrative Officer of Stanislaus County re: appointment of Acting Director of Advance Planning 1-105

An announcement of the appointment of Wesley Peterson as Acting Director of Advance Planning to succeed Roy Potter was noted.

MOTION

That Mayor Marks be authorized to write a letter to Mr. Hane notifying that the Council indicated its approval of this appointment.

Moved by Robinson Seconded by Hammond Unanimously carried

ARGUMENTS IN FAVOR OF CITY HALL BONDS 1-116

Due to the limited time available, the City Manager obtained unanimous consent of the Council to discuss "Arguments in Favor of the City Hall". He pointed out that the Clerk was permitted by law to distribute arguments pro and con with the sample ballot and that Oct. 18 had been set as the deadline date for acceptance of arguments. He asked if the Council wished to join in with the committee on the arguments in favor of the bonds. He read a proposed argument at this time and minor changes were made in the wording by the Council members.

MOTION

That the arguments in favor of the City Hall, as revised, be approved and that it be submitted to the City Clerk, signed by each individual Council member and members of the Citizen's Committee

Moved by Anderson Seconded by Merrill Unanimously carried

Councilman Adams arrived at 4:25 P.M.

ACCEPT BID OF GARTON-NANCE FOR RUBBER TIRED TRACTOR 2-70

RESOLUTION NO. 57-453

A RESOLUTION ACCEPTING THE BID OF GARTON-NANCE FOR RUBBER TIRED TRACTOR

Introduced by Anderson Seconded by Robinson

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

AUTHORIZE PURCHASE OF HI-RANGER FOR PARKING AND RECREATION DEPARTMENTS 2-75

Director of Parks and Recreation Lowrey reported on the proposed purchase of a demonstrator model of a Hi-Ranger unit from the Utility Body Company of Oakland at a cost of $10,308.02. He pointed out that it would be necessary to appropriate an additional sum of $433 since only $9,875 had been budgeted in the current budget.

RESOLUTION NO. 57-454

A RESOLUTION AUTHORIZING THE PURCHASE OF DEMONSTRATOR MODEL OF HI-RANGER UNIT FROM THE UTILITY BODY COMPANY OF OAKLAND AT A COST OF $10,308.02

Introduced by Hammond Seconded by Robinson

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

RESOLUTION NO. 57-461

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $433 FOR HI-RANGER UNIT FROM THE UTILITY BODY COMPANY OF OAKLAND

Introduced by Adams Seconded by Arata

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

Councilman Arata left the meeting at 4:36 P.M.

HEARING ON IMPROVEMENT DISTRICT NO. 6 3-03

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the work done under the contract, and the assessment on file for Improvement District No. 6--construction of sewer laterals in the Garrison Addition.

The City Clerk certified that the notice of the hearing had been posted as required by law; that notices had been mailed to each property owner in the district on September 19, and that one letter had been received from C. J. McConnell.

Director of Public Works Ray reported that the final assessments were approximately 19% below the estimated assessments, and there were 306 assessments involved in the district.

The communication from Mr. McConnell was read at this time. He considered that the city should improve 270 feet of the alley between Teresa and Orangeburg to permit the ingress and egress of his tenant on the back portion of his property at 1632 Teresa Street. He contended that the alley was not put back into the same condition which existed prior to the installation of the sewer lines.

The City Attorney pointed out that this protest did not relate to the hearing now underway.

Mr. Ray reported that the property had been inspected by city personnel prior to the work and the matter discussed with Mr. McConnell. There had been no visible indication of sand or rock surfacing in the alley at the time this work was undertaken. Mr. Ray pointed out that the same question might be raised by a number of other persons in the district since the alleys had not been improved. He asked for clearance by the Council---if work was to be done by the city in the alleys, it should be included in the improvement district costs, and the hearing should be postponed at this time so that these extra costs could be determined before the assessment roll was accepted by the Council. He pointed out that the alleys would again be torn up when the property owners connected to the sewer laterals.

Eugene Sturgis, Bond Counsel, stated that if the city was going to include improvement of alleys in the district, it would be necessary to take formal proceedings. He pointed out that the City Engineer had certified that all of the work had been done in accordance with the specifications. If the Council considers that there should be additional replacement in the alley, he stated, it should be determined at this time.

Mayor Marks stated that the Council accepted the fact that the work has been done satisfactorily.

The City Manager notified Mr. McConnell that a further check would be made of the alley by the city.

Mayor Marks asked if there were any oral protests. Mrs. Ruth Cox, owner of vacant lots on the corner of Pearl and Carver Road, considered that her assessment was too high. This was cleared to her satisfaction by the staff.

Mayor Marks closed the hearing at this time.

The City Attorney stated that since there were no written protests, it would not be necessary to adopt a resolution overruling protests.

RESOLUTION NO. 910-S.P.

RESOLUTION CONFIRMING ASSESSMENT

Introduced by Merrill Seconded by Hammond

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

SET DATE FOR HEARING AND INTENTION TO CALL SPECIAL ELECTION IN NORTHEAST ADDITION 4-47

Certification filed by the City Clerk on the petitions filed by property owners in the Northeast Addition for annexation to the city, was noted by the Council.

The City Attorney presented for Council consideration, a resolution of intention to hold an election and providing a time for hearing protests against the holding of the election. The time set for the hearing was November 6, at 4:30 P.M. He pointed out that the Council must decide prior to the adoption of the resolution whether the area should be included within the city school district. He pointed out the alternatives available on the matter of the school district boundaries.

Director of Planning Smeath reported on the discussions held by the Commission and staff on the question of reorganization of school boundaries. He stated that the Commission had not adopted a recommendation on this matter at the time the annexation of the area was recommended to the Council. The Commission's decision was that it be left with the school officials, he reported.

Dr. James Corson, School Superintendent, reported that the Board of Education felt very definitely that it would be a distinct advantage to the Modesto School District, other school districts, surrounding rural area, as it becomes urban, that when an area is annexed to a city, particularly those areas which are to become heavily populated, it comes into the Modesto City School District. This feeling is not shared by the Sylvan School District, County Superintendent of Schools, and County Districting Committee, in this particular annexation. So under the circumstances, Dr. Corson continued, the Board felt because the McHenry Village Area annexation was omitted from the Modesto School District, that it would create some bus transportation problems, and the Board should try in this instance to delay the transfer of this area into the City Elementary District. An attempt should be made to work it out under other annexation or unification rules and regulations which are open to both districts and the people residing in the area.

The Board of Education would appreciate it if the Council would keep this in mind in furture annexations, Dr. Corson reported.

It was the Council's decision, after considering the matter, that the area be left in the Sylvan School District.

RESOLUTION NO. 57-455

A RESOLUTION OF INTENTION TO HOLD AN ELECTION FOR ANNEXATION OF THE NORTHEAST ADDITION TO THE CITY OF MODESTO, AND PROVIDING A TIME FOR HEARING PROTESTS AGAINST THE HOLDING OF SAID ELECTION

Introduced by Robinson Seconded by Adams

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

The election was set for January 7, 1958.

FURTHER REPORT ON GREGORY GARDENS NO. 4 REQUEST FOR CITY SERVICES 5-25

The City Manager reported that he had checked with some of the county officials and the proposed subdivider. The subdivider has indicated that he would give the city additional time to check out some of the problems. The staff will confer with the school officials and representatives of the school districts, in which the land is located to resolve some matters, so that a recommendation could be submitted to the Council for its action. Dr. Corson indicated willingness on behalf of the City Board of Education to work with the city and county staffs.

HOLD OVER REPORT ON ANALYSIS OF SITE FOR FIRE STATION ON McHENRY AVENUE 5-45

This matter was held over for further checking.

SET TIME FOR CONSIDERATION OF DRAINAGE MATTERS 5-46

The City Manager reported that the city was faced with a number of matters pertaining to lack of drainage and suggested the Council set a particular time for discussion.

MOTION

That November 13, at 8:05 P.M. be set as the time for discussion of drainage matters by the Council and staff.

Moved by Anderson Seconded by Merrill Unanimously carried

TRAFFIC MATTERS 5-112

RESOLUTION NO. 57-456

A RESOLUTION ESTABLISHING A FREIGHT LOADING ZONE ON THE NORTH SIDE OF M STREET BETWEEN NINTH AND TENTH STREETS IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Robinson

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

RESOLUTION NO. 57-457

A RESOLUTION ESTABLISHING A FREIGHT LOADING ZONE ON THE NORTHEAST SIDE OF TENTH STREET BETWEEN EYE AND JAY STREETS IN THE CITY OF MODESTO, AND RESCINDING SECTION 1 (b) OF RESOLUTION NO. 54-264

Introduced by Hammond Seconded by Robinson

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

RESOLUTION NO. 57-458

A RESOLUTION ESTABLISHING A FREIGHT LOADING ZONE AND A PASSENGER AND FREIGHT LOADING ZONE ON H STREET BETWEEN NINTH AND TENTH STREETS IN THE CITY OF MODESTO, AND RESCINDING SECTION 1(b) OF RESOLUTION NO. 57-304

Introduced by Robinson Seconded by Hammond

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

RESOLUTION NO. 57-459

A RESOLUTION ESTABLISHING NO PARKING ZONE ON THE SOUTH SIDE OF J STREET BETWEEN THIRTEENTH STREET AND FOURTEENTH STREET IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Hammond

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

RESOLUTION NO. 57-460

A RESOLUTION ESTABLISHING NO PARKING ZONE ON THE WEST SIDE OF SHERWOOD AVENUE NORTH OF GRANGER AVENUE IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Robinson

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

REPORT ON ADDITIONAL TRAFFIC SIGNALS 5-48

Copies of a report from Traffic Engineer Carmody to the City Manager, dated October 15, on "Signal Installation Priority List and Interconnection of Traffic Signals", were distributed to each Council member for study.

A supplementary report listing in order of priority the intersection locations, points, cost, city's share and accumlative cost, was briefly discussed by the Council. The City Manager pointed out that the State would participate in the costs of the following signals, as approved:

Ninth Street and Kansas Avenue
14th and Grand Streets
Ninth and Tully
Yosemite and LaLoma
Tenth and D Streets
Ninth and Needham
Yosemite and Santa Cruz

Two signals on which the state would participate but which have not yet been approved, the City Manager stated, are the 10th Street and 14th and Grand Streets signals. There is money in the budget, he stated, for those signals which are already approved for state participation and for grade crossing protection, which has not yet been cleared with the state. If the Council approved, some of these funds could be used for high priority signals at intersections on which the state would not participate, since it will be a number of months before the state would clear these matters and it could be replaced later on.

November 6 was set as the date by the Council for further discussion on traffic signals, and the Clerk was directed to place it on the agenda for this Council meeting.

The City Manager suggested that the Council consider favorably the installation of signals at 14th and Grand, 10th and D, where the state would participate and at 10th and G and 7th and G.

The City Attorney stated that it would be impossible to establish an 80' freight loading zone for two buses on the west side of Tenth Street between J and K Streets, as requested by the Traffic Engineer, since Ordinance 345-N.S. (Traffic) limited the length to 50'.

MOTION

That the City Attorney be instructed to prepare for Council consideration the necessary documents to remove from Ordinance No. 345-N.S. the restriction on the length of bus zones.

Moved by Anderson Seconded by Robinson Unanimously carried

Report on new traffic ordinance

Director of Parking and Traffic Carmody reported that the new traffic ordinance was scheduled for completion by January 1, 1958.

He invited the Council members to inspect the new sign installed on the parking lot at 14th and J Streets, and to express their opinion.

REPORTS FROM PLANNING COMMISSION 6-42

The Planning Director stated that no reports were to be made at this time.

APPROVE PERMIT TO CITY ATTORNEY TO SERVE AS CHAIRMAN FOR MARCH OF DIMES CAMPAIGN 6-42

MOTION

That the City Attorney be permitted to act as Modesto Chairman for the 1958 Campaign for the March of Dimes.

Moved by Hammond Seconded by Anderson Unanimously carried

REPORT ON START OF ACQUISITION OF PROPERTY FOR McHENRY AVENUE WIDENING 6-52

The City Manager reported that this project was now underway and progressing.

REPORT ON OFFER OF ROBERT L. NICKERSON FOR SALE OF PROPERTY ON NORTHERN BOULEVARD 6-62

Pursuant to the direction of the Council, the City Manager reported on the offer of Robert L. Nickerson to sell a portion of property on Northern Boulevard, upon which he held an option, for the sum of $20,000.

Mr. Nickerson stated that the parcel under consideration was 326.16' east and west and 269' north and south, and it was his understanding that the city would need 110 feet x 326.16' for the extension of Northern Boulevard.

The City Manager stated that the city was only interested in getting a 60' right of way and not interested in the land used by the M.I.D. for Lateral No. 3. He stated that he had a "feeling that we are getting trapped here----maybe in our own trap". He pointed out that the City is confronted over and over again with situations where there is a plot of land larger than a single lot, where, if it was subdivided, the property owner would be responsible for street and other improvements. As in this case, the development is made without subdivision, the development is often made without the normal improvements being provided.

Mr. Nickerson confirmed that it was his plan to construct his home in the proposed right of way, as soon as he could get a building permit.

Easement rights of the M.I.D. were briefly discussed and Mr. Smeath stated that there was considerable difference of opinion since the owners disputed many of the rights claimed by the District. In this instance, the former owner believes the District only has 30 feet, while the District insists its rights extend for 50 feet from the center of the canal. This would have to be cleared before any arrangements could be made, he pointed out.

The City Attorney pointed out that severance damages might be involved since the right of way would run through the property.

Councilman Hammond considered that the asking price of $20,000 was too high.

The City Manager considered that the asking price was "close to the value of the entire tract and there was no basis whatsoever for the city to consider any such figure for the right of way. He suggested that in view of the fact the city was being pressed, the staff be authorized to start condemnation proceedings, if necessary, either on the portion needed by the city or on all of it, if it is in the public interest. Studies could be made and appraisals be obtained if additional time was afforded by the condemnation suit, he pointed out.

Mr. Smeath reported that Mr. Nickerson had stated he wanted to build a house on this land immediately and wanted an answer from the city at once. The staff feels strongly that there is no such need for the pressure. The staff has asked Mr. Nickerson for some time to make a study but he has insisted on an immediate answer. The City cannot give answers on this kind of procedure, he reported.

Mr. Nickerson stated when he obtained the option of the property, the owner had informed him that the city was planning on taking a portion of his property for extension of Gale and Northern Avenues. Any forcing that has been done, he stated, has merely been his intention to bring the matter before the Council before he expended funds for improvements which would increase the city's costs for these street extensions. He stated he realized it would take time to appraise the property and to study the matter; he was not forcing anyone; and would give the city all the time it needed to investigate the matter but he would like to build his home on the property and would like to have the city's decision on what it planned to do with street improvements before he built his home.

Councilman Hammond pointed out that the Council was committed to acquiring the road site along the canal so it might as well lay the ground work to acquire the property needed to extend Northern Boulevard; and condemnation proceedings should be set in motion at once.

After the City Attorney reported on the costs involved in a condemnation proceeding, the Council generally agreed that the proceedings should be started but there would still be an area for negotiations with Mr. Nickerson prior to the filing of the suit.

Councilman Hammond pointed out that it has been community knowledge for over six months that the city planned to acquire property along M.I.D. No. 3. With the filing of this suit there will be no further confusion in the minds of the general public that there will be a road along this canal.

Mr. Nickerson claimed that the reason he had taken an option instead of buying the property outright, was because he had been advised approximately a month ago that the city might condemn the property.

MOTION

That the City Attorney be instructed to bring back to the Council a resolution relating to the condemnation of this property either all or such portion as the staff may recommend.

Moved by Anderson Seconded by Adams Unanimously carried

Legal basis open to the City to let the public know that the city was committed to the construction of a road along the south of M.I.D. Canal was briefly discussed by the Council and staff.

REPORT ON CHARGES FOR WEED REMOVAL 8-10

The City Manager reported for Council information that an analysis of the costs for weed removal by the city indicated that the charges have been too low. The Street Superintendent is authorized by the Municipal Code to set the charges at the cost and the charges will have to be increased, he stated, during the next season. The Council generally concurred in the proposal for increased costs.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Hammond Seconded by Anderson Unanimously carried

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

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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, Robinson and Mayor Marks

Absent: Councilmen: Hammond and Anderson

Councilman Hammond arrived at 7:40 P.M. and

Councilman Anderson arrived at 7:35 P.M.

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

Rev. Chas. Koontz, pastor of the McHenry Avenue Grace Brethern Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of October 2 and 9, and the same being available for public inspection and there being no objections, the minutes were approved.

Due to the absence of City Manager Ross Miller from the city, Assistant City Manager George Tomsho acted in his place.

WELCOME STUDENTS FROM DOWNEY HIGH SCHOOL 1-25

Mayor Marks welcomed Ken Baldridge, instructor of the Government in Action class at Downey High School, who was present with a number of the students of the class.

REPORT ON APPLICATION OF S.P.CO. TO THE P.U.C. FOR AUTHORITY TO CONTINUE SPECIAL SERVICE CHARGES FOR COACH PASSENGERS ON SAN JOAQUIN AND SACRAMENTO DAY LIGHTS 1-42

Application No. 39417 of the Southern Pacific Company to the Public Utilities Commission was briefed by City Attorney Allen Grimes for Council information. The communication was ordered filed by Mayor Marks.

LETTER FROM FRANK ANDREWS RE: USE OF SOUND TRUCK ON CITY STREETS 1-62

A letter from Frank Andrews was read relating to the use of a sound truck which he proposed to operate "on all city streets, excluding hospitals and houses having sickness", instead of commercial streets only, as approved by the Council. He stated that the city's regulations relating to loud speakers in political elections was unconstitutional and that he should be permitted to educate the voters to vote against the bonds at the City Hall Bond Election on Nov. 12.

MOTION

That the City Attorney be instructed to write a letter to Mr. Andrews, pointing out the limitations which apply with respect to the operation of sound trucks in the city and that it is the opinion of the Council that those regulations are reasonable and constitutional and that in the event he does

not apply be them that he will be subject to arrest.

Moved by Merrill Seconded by Robinson Unanimously carried

PETITION REQUESTING INSTALLATION OF STOP SIGN OR YIELD SIGN AT THE INTERSECTION OF JEFFERSON AND PINE STREETS 1-95

A petition signed by 29 persons, filed with the City Clerk, requesting the installation of either a stop or yield sign at the intersection of Jefferson and Pine Streets, was noted.

Mayor Marks ordered the petition referred to the staff for investigation and report. He asked Acting City Manager Tomsho to notify Rev. Lawrence G. Cruzen, first signer of the petition, of the action taken by the Council.

LETTER FROM ANGELO CELLETTI RE: REMOVAL OF MASONRY FENCE ERECTED BY K. W. EVERS IN THE STREET RIGHT OF WAY ON HACKBERRY AVENUE 1-110

A letter received from Angelo Celletti requesting that the city revoke the revocable permit granted on Dec. 5, 1956 to K. W. Evers, owner of property at 1028 Hackberry, to plant a lawn and erect a masonry fence in the street right of way, was read.

Mr. Celletti claimed that he had been unable to sell his real property located at 704 West Roseburg because "it does not appear to the eye that Hackberry Avenue extends all the way north to the rear of his property from Fairmont because of the lawn and fence."

Mr. Celletti offered to dedicate a reasonable amount of his property to the City to make a turn around at the northern end of Hackberry Avenue which, he stated, would not only allow for the improvement of Hackberry Avenue but would make it available for traffic use and improve the city street system.

The City Attorney suggested that the Council view the location of the masonry fence in question before action was taken. He pointed out that it would be necessary for the city to obtain a dedication of property from George Arano if a turn around was to be considered as suggested by Mr. Celletti. Mr. Arano was uncertain at this time, the City Attorney reported, whether he would be willing to dedicate any of his land for this purpose.

Mrs. Evers, who was present, displayed a picture of the fence and lawn in question and stated they would not object to the removal of the fence but did object to the removal of the lawn as it would create a mudhole in the area.

Mr. Celletti spoke on his difficulties convincing prospective buyers that Hackberry did not end at the Evers property. The City Attorney reported that a copy of the permit and the Resolution approved by the Council setting forth the revocable conditions, had been sent to Mr. Celletti, which could be displayed to the buyers.

It was agreed that if this method proved unsatisfactory that Mr. Celletti could again request the Council to revoke the permit for the fence.

LETTER FROM TED SWINFORD CONSTRUCTION CO. RE: SEWER LINES IN MONTGOMERY VILLAGE #1 AND #2 2-60

A letter from Ted Swinford Construction Company regarding the completion of the sewer lines in Montgomery Village No. 1 and No. 2 subdivisions was read.

The Acting City Manager reported that the contract for this construction was with the Subdivider, U.Z. Brannon and not the City of Modesto.

MOTION

That the matter be referred to U. Z. Brannon, subdivider.

Moved by Adams Seconded by Robinson Unanimously carried.

LETTER FROM MODESTO CHAMBER OF COMMERCE 2-75

Unanimous consent of the Council was given to Mayor Marks to read a letter, which had arrived too late to be placed on the agenda, from the Modesto Chamber of Commerce expressing appreciation for the cooperation of the Council and city staff on the selection of a site for the Four Year College. The letter was ordered filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF PERIMETER SEWER IN GREGORY GARDEN NO. 2, UNIT B 2-86

RESOLUTION NO. 57-462

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF PERIMETER SEWER IN GREGORY GARDENS NO. 2 UNIT "B"

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

Monday, November 4 at 2 P.M., was set as the time for the opening of bids.

ACCEPT BID FOR CONSTRUCTION OF HANGAR AREA DRAINAGE AT CITY-COUNTY AIRPORT 2-90

RESOLUTION NO. 57-463

A RESOLUTION ACCEPTING THE BID OF T. R. McDONALD OF $3394 FOR THE INSTALLATION OF HANGAR AREA DRAINAGE AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Arata Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ORDINANCE REMOVING RESTRICTION OF LOADING ZONE 2-110

As directed by the Council, the City Attorney presented for consideration, an ordinance amending Ordinance No. 345-N.S. which eliminated the length of the loading zones.

ORDINANCE NO. 206-C.S. entitled

"AN ORDINANCE AMENDING SECTION 31 OF ORDINANCE 345-N.S. OF THE CITY OF MODESTO ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO"

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

Moved by Councilman Robinson Seconded by Councilman Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

APPROVE RELEASE OF PERFORMANCE BOND-GREGORY GARDENS NO. 1 SUBDIVISION 1-100

Ross Campbell, Assistant Director of Public Works, reported that all of the requirements for the development of Gregory Gardens Subdivision No. 1 had been completed by the Subdivider, Lance E. Ellis and Carol L. Ellis and recommended that the performance bond of $49,500 be released.

RESOLUTION NO. 57-464

A RESOLUTION APPROVING THE RELEASE OF THE PERFORMANCE BOND FILED BY LANCE E. ELLIS AND CARROL L. ELLIS TO GUARANTEE THE DEVELOPMENT OF GREGORY GARDENS SUBDIVISION NO. 1

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

Mr. Campbell also recommended the reduction of the performance bond filed by Mr. Ellis on Gregory Gardens No. 2 Subdivision from $97,000 to $41,000.

RESOLUTION NO. 57-465

A RESOLUTION APPROVING THE REDUCTION OF THE PERFORMANCE BOND OF $97,000 FILED BY LANCE E. ELLIS AND CAROL L. ELLIS TO GUARANTEE THE DEVELOPMENT OF GREGORY GARDENS SUBDIVISION NO. 2 BY THE SUM OF $56,000 LEAVING A REMAINDER OF $41,000 IN FORCE

Introduced by Arata Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent None

INFORMAL DISCUSSION ON INTERIM STATE HIGHWAY (RAILROAD OVERPASS)

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set by the Council for an informal discussion on the report submitted by Director of Parking and Traffic Carmody on "Interim State Highways", dated July 31, 1957.

Mr. Carmody briefed the report, copies of which had previously been distributed to the Council members and approximately 20 local and state organizations for study and recommendations. He pointed out that the report dealt essentially with the relocation of state highways in the Modesto area, exclusive of the freeway now under consideration and involved the bringing together of Maze Boulevard, Yosemite Boulevard and McHenry Avenue traffic and carrying it across the railroad to connect with the new freeway to be constructed between Fifth and Sixth Streets. The state had asked the city to desist from the use of the term "interim" since the cost of the construction would exceed one million dollars and would be used for many years to come, so highway relocations will be discussed in the future instead, he reported. Each railroad grade separation would cost approximately $1,000,000 and would be in addition to the one presently contemplated along the north bank of Tuolumne River, running from Tuolumne Boulevard over to the south end of Tenth and 11th streets, going under the railroad tressels and highway bridge. The number of grade separations has not been "nailed down" he stated and the study prepared and now under consideration relates to 3 location possibilities: 1) between F and G; 2) between K and L Streets and 3) between H and I Streets.

He reported on the advantages of constructing the grade separation between one-way street couplet; on the present traffic flow on the streets which would be involved; and the advantages and disadvantages of the three suggested locations.

He reported that the state had been requested and agreed to furnish the city with the acquisition cost for the K and L Streets location since it would be involved as well as the city. He considered that the decision on the location of the grade separation would rest on the acquisition cost, and he was reluctant to present any recommendation at this time until these costs were known. It had been determined that cost-wise, length-wise and aesthetic-wise, an underpass would be more desirable than an overpass separation.

Mayor Marks asked for comments from members of the audience on the report. Clifton Rooker, representing the Stanislaus Implement Company, located at Tenth and F Streets, expressed concern on the possible location of the grade separation between F and G Street. He asked that his company be placed on record as being vitally interested in the grade separation situation. Mayor Marks asked the City Clerk to send copies of all future reports on grade separations to Mr. Rooker, and for Mr. Carmody to check further with him on how this location would affect the company's building.

William E. Smith representing the Modesto Boiler Works, 616 Seventh Street commented that since this business would be involved if the F and G Street location was selected he was very interested in the matter. The City Clerk was asked to send copies of all reports on this matter to Mr. Smith.

Mayor Marks declared the hearing closed.

HEARING ON CLOSING OF ROSEMARY LANE 4-50

Mayor Marks announced that the hour of 8:15 P.M. had arrived, the time set for the hearing on the proposed closing of Rosemary Lane at its junction with Maria Court.

The certification filed by the City Clerk was read, that resolution No. 909 S.P. giving notice of the proposed closing of Rosemary Lane had been published in the official newspaper of the city on October 5; that notices of street vacation were posted in the area; that notices were mailed to all persons in the area who had requested notification and that no written protests had been filed.

Director of Planning George Smeath reported that the Planning Commission, after holding its public hearing on September 17, had adopted Resolution No. 416 recommending to the Council the closing to traffic of Rosemary Lane at its junction with Maria Court, that the city design and construct at city's expense, the barrier to prohibit automotive traffic from entering to or from Maria Court to implement the closing; that the city accept dedication and maintenance of Rosemary Lane provided the abutting property owners first improve the street, or agree to improve the street, to city standards.

He reported that presently there was no fire hydrant on Rosemary Lane and the Commission recommended that if there was additional fire protection needed on Rosemary Lane, it should be provided by the property owners involved or the Del Este Water Company or on a joint program by the owners and the Water Company. He displayed a map of the area for Council information, reported on the development of the residential subdivision in which Maria Court was located, the development of the Commercial area in which Rosemary Lane was located and the legality of Rosemary Lane as a private street providing access from Yosemite Boulevard to the Commercial concerns located on the street.

He pointed out that the fence which had originally been installed between Maria Court and the commercial area had been removed which permitted access of traffic from Rosemary Lane onto Maria Court. The property owners on Maria Court are protesting the use of this street as a

through street from Yosemite Blvd. to Miller Avenue and some of the commercial operators on Rosemary Lane have asked that the street be left open.

Mr. Smeath stated that the staff's recommendation on Rosemary Lane, to the Commission had been that the property owners dedicate a street 50' wide to the city with a 100' turn around, which would permit the turning movement of trucks serving the business concerns on this street. General planning technique on city street design for traffic purposes as well as property value purposes is to limit the number of local streets which enter into major streets. The planning staff and commission consider that Rosemary Lane is unnecessary and undesirable as a through street from the standpoint of taking commercial and industrial traffic into a residential area. He pointed out that the present city regulations prohibit the traveling of trucks in residential areas except when the trucks have a destination to make. The property owners along Rosemary Lane should provide adequate street facility, truck parking and service areas to service the uses they have on the property.

To questions raised by Council members whether Rosemary Lane had been dedicated as a public street, the City Attorney listed the various methods by which a city or county acquired a street, other than outright dedication. Councilman Hammond considered that it was the property owners responsibility to provide ingress and egress facility into their property on Rosemary Lane and to date they had not complied with this requirement.

The City Attorney commented in response to Councilman Hammond's statement that rights of way have been provided in view of the fact that the preliminary title insurance report shows that over the parcels involved there was right of way for road purposes that were reserved in the individual deeds------so there is private access to all these properties along Rosemary Lane.

Mayor Marks asked for comments from the audience at this time.

Lyman Flint, 1853 Maria Court, spoke on behalf of 34 adult families living on Maria Court, who had petitioned the Council that Rosemary Lane be barricaded at Maria Court junction. The basis of the request was to avoid the use of Maria Court by trucks as a matter of safety and quietness of the area.

Elliot Navon, owner of property on Rosemary Lane, opposed the barricading of the junction on the basis

1- That Rosemary Lane and the commercial area had existed prior to Maria Court development;

2- That this street had been used by the contractor developing the homes on Maria Court, and the contractor had broken down the then existing fence;

3- That the county had maintained the street although it had not been dedicated as a public street prior to its annexation to the city;

4- That the plan presented for a turn around by the planning staff was not feasible since the land would not be dedicated free as it was expensive commercial land;

5- That the warehouse constructed on the northeast end of the street opened onto Maria Court and it would be impossible to close access from Maria Court;

6- If the street was closed it would force trucks to back out onto Yosemite Boulevard;

7- That those persons who were objecting to the use of Maria Court by trucks were now using Rosemary Lane to get in and out since Miller Avenue was being improved;
8- That this disturbance on the closing of the street had been "egged onto many of the property owners of Maria Court".

He asked that the street not be closed and agreed to confer with the other property owners on Rosemary Lane and patch up the holes in the street.

In the Council discussion on the matter the following points were brought out:

1- The point to be resolved by the Council was whether it was right and proper for the trucks to come into the Maria Court area;

2- That the action of the staff in refusing to maintain the street after annexation although the county had done so, was in order since certain conditions had not been met by the property owners

Mr. Smeath stated that

1-Rosemary Lane had not been accepted and maintained by the county but it had done a small amount of work on the street but never accepted maintenance or responsibility for maintenance.

2- Rosemary Lane had never been a public street except if it had become so by right of use.

3- This area was not all zoned commercial and has never been so all zoned commercial. The north 30 feet is not now zoned commercial. Some of the buildings were constructed in non-commercial zone but were lawful non-conforming uses.

4- The importance of this matter is whether it is desirable to connect Rosemary Lane with Maria Court.

5- One of the ways to keep trucks out of residential areas is to have streets designed so that they cannot go in the wrong direction and this is one of those opportunities.

The legality of trucks travelling on Maria Court when deliveries were only being made to the commercial area on Rosemary Lane was discussed.

Mr. Smeath pointed out that there was adequate space for trucks to turn around without going onto Maria Court but the only difficulty was the property owners did not want to provide the space. He pointed out that trucks must, if they made a delivery into a residential area, use a truck route. The trucks are using Miller Avenue, which is illegal, to get to the business concerns on Rosemary Lane, when they could use Yosemite Boulevard. When they leave Rosemary Lane through Maria Court and do not have a destination in the residential area which can most closely be reached from Maria Court, they are again illegally travelling on that street. The matter of closing streets is a matter of public interest and welfare and city design is a part of this public interest and welfare. Keeping illegal traffic out of a residential area is a part of this design matter.

Bob Phillips, Manager of Howk Well and Equipment Co. opposed the barricading of the street.

Mrs. Arden Powers, reported on the reason the residents on Maria Court had circulated the petition asking that the street be barricaded--- --- the number of large trucks using the street ---and that it had not been a campaign against the business concerns.

Mr. Navon reported that he had contacted the Fire Department regarding the closing of the street and the department was opposed to closing the street.

Mr. Smeath reported that the department had since removed its objection to barricading the street.

Councilman Hammond objected to the city assuming the cost for the erection of the barricade. The City Attorney pointed out that it would be a traffic controller device, the only proper way to have it erected would be under plans and specifications prepared by the city.

Dewey Stine, property owner on Rosemary Lane, considered that if the street was barricaded it would reduce the value of his property. If it was put in, he stated, it should be not only for vehicular traffic but pedestrian as well. He contended that the trucks, cars and school busses, which had been compelled to use Rosemary Lane during the time Miller Avenue was being resurfaced, had damaged the street.

Mr. Graybill spoke on the use of public money to improve private street

Mayor Marks closed the hearing.

RESOLUTION NO. 911-S.P.

A RESOLUTION CLOSING ROSEMARY LANE TO VEHICULAR TRAFFIC AT ITS JUNCTION WITH MARIA COURT IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Adams

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: Anderson, Arata and Merrill Absent: None

MOTION

That the staff be directed to proceed with the design and construction of the barrier at city expense.

Moved by Robinson Seconded by Mayor Marks

Mayor Marks requested a roll call vote on the motion

Ayes: Adams, Robinson and Mayor Marks

Noes: Anderson, Arata, Merrill, Hammond

After the vote on the motion a lengthy Council discussion was held on whether the city should assume the cost and responsibility of installing the barricade.

MOTION

That the staff be directed to prepare the required plans and specifications for the construction of the barricade, with the estimated cost of the construction; advise the property owners of the cost of construction; and proceed to construct the barrier at such time as the money is recieved from the property owners on Maria Court.

Introduced by Hammond Seconded by Adams

Mayor Marks asked for a roll call vote on the motion

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: Anderson, Arata, Merrill Absent: None

Councilman Robinson suggested that the staff be instructed to cooperate with the property owners to work out their problem of getting trucks in and out of Rosemary Lane. The Council agreed that the recommendation of the Planning Commission in its Resolution No. 416---"that the city accept dedication and maintenance of Rosemary Lane provided the abutting property owners first improve the street, or agree to improve the street, to city standards", should be approved.

RESOLUTION NO. 57-472

A RESOLUTION APPROVING THE RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION RELATING TO ROSEMARY LANE

Introduced by Robinson Seconded by Mayor Marks

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

RECOMMENDATION FROM PLANNING COMMISSION REGARDING CHANGE IN STANDARD SPECIFICATIONS FOR IMPROVEMENTS IN SUBDIVISIONS 11-30

Resolution No. 422, adopted by the Planning Commission was read, recommending a change in the standard specifications for improvements in subdivisions regarding street lighting. The change proposed was in line with the Council's policy of requiring subdividers to furnish materials and install lights and also provides for repayment to the city for transformers furnished which benefit subdivisions.

RESOLUTION NO. 57-466

A RESOLUTION APPROVING RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION FOR AMENDMENTS TO THE "STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS"

Introduced by Adams Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

REPORT ON CONSTRUCTION OF SIDEWALKS AND DRIVEWAYS 11-40

Pursuant to the direction of the Council the City Manager submitted a report on the materials for driveway and sidewalk improvements. Acting City Manager Tomsho reminded the Council that the 30 day extension granted Welton & Co. and E. J. Lyng Company for the removal of the oil material from their sidewalk areas would expire on November 2.

MOTION

That the extension granted these companies be extended to November 6 Council meeting in order to permit the Council members to study the report.

Moved by Arata Seconded by Robinson Unanimously carried

It was agreed by the Council that copies of the report should be sent to the two companies.

ACCEPT COMFORT STATIONS IN JOHN MUIR AND PIKE PARK: AUTHORIZE PAYMENTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH COUNTY RECORDER 11-62

A report was submitted by the Director of Public Works that Wm. Mineni, contractor, had completed the construction of the comfort stations at John Muir and Pike Park and recommended the acceptance by the city.

RESOLUTION NO. 57-467

A RESOLUTION ACCEPTING THE CONSTRUCTION OF COMFORT STATIONS AT JOHN MUIR AND J. M. PIKE PARKS FROM CONTRACTOR WILLIAM M. MINENI; AUTHORIZE PAYMENT OF AMOUNT DUE AND RECORDATION OF THE NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Robinson Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ESTABLISH FREIGHT LOADING ZONE ON TENTH STREET BETWEEN J AND K STREETS 11-67

RESOLUTION NO. 57-468

A RESOLUTION ESTABLISHING A FREIGHT LOADING ZONE ON THE WEST SIDE OF TENTH STREET BETWEEN J AND K STREETS IN THE CITY OF MODESTO, AND RESCINDING SECTION 1(d) OF RESOLUTION NO. 54-264

Introduced by Arata Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

REPORT ON REMOVING ONE-WAY STREET MARKINGS 11-69

Mr. Carmody reported that the center lines which had been covered when the one-way streets were established, were coming through due to the rain and traffic and were causing some confusion to the motorists. He reported sand blasting and grinding had been tried and a program of burning the white markings off is now underway. The cost will be approximately $1400 and require 37½ days to complete.

REPORT ON RIGHT OF WAY ACQUISITION ON McHENRY AVENUE PROJECT 11-96

Mayor Marks asked if the Council members concurred in the suggestions included in a report previously distributed from the Director of Public Works, dated October 22, on the subject of Right of Way Acquisition on the McHenry Avenue project.

MOTION

That the changes in the curb radii listed in the report be approved.

Moved by Adams Seconded by Merrill Unanimously carried

SET DATE FOR HEARING ON REQUEST OF LOIS LANE FOR ADDITIONAL TAXICAB PERMIT 11-103

RESOLUTION NO. 57-471

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE APPLICATION OF LOIS LANE, DOING BUSINESS AS RED TOP TAXI COMPANY, FOR ONE ADDITIONAL PERMIT TO OPERATE A TAXICAB

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

November 6 at 5 P.M. in the Council Chamber was set as the time and place for the hearing.

DISCUSS POSSIBILITY OF PURCHASE OR LEASE OF PROPERTY ON NINTH AND I STREETS FOR PARKING FACILITY 11-109

Mayor Marks received unanimous consent of the Council to discuss a matter not on the agenda.

Mr. Carmody reported that the property located on the northwest side of I Street at Ninth Street had been placed on the market. He considered it would be advantageous to purchase the property and extend the city's parking lot on Ninth Street. He reported that he had an offer on one of the properties involved and hoped to have an offer on the remaining portion of the property on this corner shortly.

It was agreed by the Council that a special meeting would be held next week if it would be necessary to further consider the offers on the property.

APPROVE PURCHASE OF POLICE DEPARTMENT RADIO EQUIPMENT 12-34

RESOLUTION NO. 57-469

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE PURCHASE OF EIGHT PORTABLE WALKIE-TALKIES FROM THE MOTOROLA INCORPORATED, OF STOCKTON, CALIFORNIA (CIVIL DEFENSE PROJECT NO. 5 STATE NO. 57-44 CDA CAL-000-10 (57))

Introduced by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

APPROVED AGREEMENT WITH COUNTY ON CONTINUATION OF ADVANCE PLANNING PROGRAM 12-35

RESOLUTION NO. 57-470

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE CONTINUATION OF THE ADVANCE PLANNING PROGRAM

Introduced by Adams Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session adjourn

Moved by Anderson Seconded by Arata Unanimously carried

The meeting was adjourned at 10:30 P.M.

ATTEST: REX E. GAILFUS, CITY CLERK

Introduced by Robinson Seconded by Arata

Ayes: Adams, Arata, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson, Hammond

RESOLUTION NO. 57-490

A RESOLUTION DESIGNATING A BUS LOADING ZONE ON THE SOUTH SIDE OF J STREET AT ITS INTERSECTION WITH TENTH STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Robinson

Ayes: Adams, Arata, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson, Hammond

HEARING ON PROPOSED ANNEXATION OF NORTHEAST ADDITION 2-105

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the proposed annexation of the Northeast Addition to the City of Modesto.

The City Clerk's certification was noted, that the resolution of intention to hold an election for the annexation of the area had been published as required by law and that no written protests had been filed.

Mayor Marks asked if anyone wished to file a protest or make any comments. No comments were made.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 57-491

A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD ON THE 7TH DAY OF JANUARY, 1958, PERTAINING TO THE ANNEXATION OF THE NORTHEAST ADDITION TO THE CITY OF MODESTO

Introduced by Arata Seconded by Adams

Ayes: Adams, Arata, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson, Hammond

ACCEPT CONSTRUCTION OF WATER LINES IN MONTGOMERY VILLAGE NO. 1 FROM W. M. LYLES CO. 3-22

Director of Public Works Ray reported that the construction of water lines in Montgomery Village No. 1 and No. 2 had been completed on October 29 by contractor, W. M. Lyles Company. He recommended that the sum of $24.75 be deducted from monies due the company to cover the cost to the city for inspection after October 15, the completion date under the contract.

RESOLUTION NO. 57-492

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATER LINE IN MONTGOMERY VILLAGE NO. 1 AND NO. 2 FROM W. M. LYLES COMPANY; AUTHORIZING PAYMENTS DUE UNDER THE CONTRACT LESS THE SUM OF $24.75; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER

Introduced by Merrill Seconded by Robinson

Ayes: Adams, Arata, Merrill, Robinson, Mayor Marks

Noes: None Absent: Anderson, Hammond

Councilman Robinson arrived at 4:24 P.M.

RESOLUTION NO. 57-484

A RESOLUTION DESIGNATING A PASSENGER LOADING ZONE ON THE SOUTHWESTERLY SIDE OF EIGHTEENTH STREET NORTH OF H STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

Ayes: Adams, Arata, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson, Hammond

RESOLUTION NO. 57-485

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE SOUTHEASTERLY SIDE OF L STREET BETWEEN THIRTEENTH AND FOURTEENTH STREETS IN THE CITY OF MODESTO

Introduced by Mayor Marks Seconded by Merrill

Ayes: Adams, Arata, Merrill, Robinson, and Mayor Marks

Noes: None Absent: Anderson, Hammond

RESOLUTION NO. 57-486

A RESOLUTION ESTABLISHING PASSENGER LOADING ZONES ON COFFEE ROAD AT DOWNEY HIGH SCHOOL IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Arata

Ayes: Adams, Arata, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson, Hammond

RESOLUTION NO. 57-487

A RESOLUTION ESTABLISHING NO PARKING ZONES ON COFFEE ROAD AT DOWNEY HIGH SCHOOL IN THE CITY OF MODESTO

Introduced by Arata Seconded by Robinson

Ayes: Adams, Arata, Merrill, Robinson, Mayor Marks

Noes: None Absent: Anderson, Hammond

RESOLUTION NO. 57-488

A RESOLUTION ESTABLISHING TWO TWELVE MINUTE PARKING ZONES ON H STREET BETWEEN SIXTEENTH AND SEVENTEENTH STREETS IN THE CITY OF MODESTO

Introduced by Mayor Marks Seconded by Adams

Ayes: Adams, Arata, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson, Hammond

With the approval of the Council, the City Attorney was granted permission to present two resolutions for consideration relating to traffic which had not been placed on the agenda.

RESOLUTION NO. 57-489

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON SIXTEENTH, SEVENTEENTH AND EIGHTEENTH STREETS AT G STREET IN THE CITY OF MODESTO

RESOLUTION NO. 57-478

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON M STREET BETWEEN NINTH AND ELEVENTH STREETS IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

Ayes: Adams, Arata, Merrill and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

RESOLUTION NO. 57-479

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CECIL WAY AT AMHERST AVENUE IN THE CITY OF MODESTO

Introduced by Adams, Seconded by Arata

Ayes: Adams, Arata, Merrill, Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

RESOLUTION NO. 57-480

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN S TREETS INTERSECTING VIRGINIA AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Adams

Ayes: Adams, Arata, Merrill and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

RESOLUTION NO. 57-481

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CAROLYN, MAGNOLIA, AND GEER AVENUES AT GRISWOLD AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Adams

Ayes: Adams, Arata, Merrill, Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

RESOLUTION NO. 57-482

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON COLUMBIA WAY AT ITS INTERSECTION WITH PRINCETON AVENUE IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

Ayes: Adams, Arata, Merrill and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

RESOLUTION NO. 57-483

A RESOLUTION ESTABLISHING A PASSENGER LOADING ZONE ON THE EAST SIDE OF TULLY ROAD SOUTH OF STODDARD AVENUE IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

Ayes: Adams, Arata, Merrill, Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

may be necessary, after the first of the year, that a temporary transfer be made from the general fund to the parking fund.

REPORT ON OPINION OF THE PUBLIC UTILITIES COMMISSION ON APPLICATION OF THE MODESTO MOTOR BUS SERVICE FOR CHANGE OF BUS ROUTE 1-80

The opinion rendered by the Public Utilities Commission on application No. 39283 of the Modesto Motor Bus Service for changes in its bus routes due to the one way streets, was noted by the Council.

MOTION

That the staff proceed with the preparation of the necessary documents to implement the changes approved by the Commission.

Moved by Adams Seconded by Arata Unanimously carried

CONSIDERATION OF ADDITIONAL TRAFFIC SIGNALS 1-87

This matter was held over until the next Council meeting.

TRAFFIC MATTERS 1-100

Director of Parking and Traffic Carmody introduced Ken Cruse and George Eral, Engineering Aides from the department, who explained the studies which had been made by the department and the need for the traffic actions recommended.

RESOLUTION NO. 57-476

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS AT THEIR INTERSECTIONS WITH JEFFERSON STREET IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Arata

Ayes: Adams, Arata, Merrill and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

ORDINANCE NO. 208-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 199-C.S."

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

Moved by Arata Seconded by Adams

Ayes: Adams, Arata, Merrill and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

RESOLUTION NO. 57-477

A RESOLUTION APPROVING AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE INSTALLATION OF WALK-WAIT PEDESTRIAN SIGNALS AT THE INTERSECTION OF J STREET (X-Sta-109-Mod) AND 11th STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Merrill

Ayes: Adams, Arata, Merrill, Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

ACCEPT BID OF TED SWINFORD FOR CONSTRUCTION OF PERIMETER SEWER IN GREGORY GARDENS NO. 2 - UNIT B 1-34

RESOLUTION 57-474

A RESOLUTION ACCEPTING THE BID OF TED SWINFORD CONSTRUCTION COMPANY FOR THE INSTALLATION OF PERIMETER SEWER IN GREGORY GARDENS NO. 2 UNIT B

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Merrill and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE IN GREGORY GARDENS NO. 2 1-52

RESOLUTION 57-475

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER LINES IN GREGORY GARDENS NO. 2, BLOCK 6610, 6611, 6612, and 6613

Introduced by Merrill Seconded by Arata

Ayes: Adams, Arata, Merrill and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

FINAL ADOPTION OF ORDINANCE NO. 206-C.S. AMEND TRAFFIC ORDINANCE ELIMINATE LOADING ZONE RESTRICTION 1-55

ORDINANCE NO. 206-C.S. entitled

"AN ORDINANCE AMENDING SECTION 31 OF ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO'"

introduced on October 23, 1957, 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 and Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

ORDINANCE APPROVING AGREEMENT FOR PURCHASE OF RIGGS PROPERTY 1-55

ORDINANCE NO. 207-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM GEORGE S. RIGGS AND NELLIE M. RIGGS"

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

Moved by Adams Seconded by Arata

Ayes: Adams, Arata, Merrill, Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

Terms of the agreement relating to the purchase were briefed by the City Attorney for Council information. The City Manager reported that it

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, Arata, Merrill, Mayor Marks

Absent: Councilmen: Anderson, Hammond, Robinson

Councilman Anderson arrived at 5:16 P.M.
Councilman Hammond arrived at 5:45 P.M.
Councilman Robinson arrived at 4:24 P.M.

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

Rev. R. E. Segerhammer, pastor of the Emanuel Lutheran Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of October 16 and 29, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM CITIZENS COMMITTEE FOR CITY HALL 1-15

A letter was read from the Citizens Committee for City Hall asking that the City Hall be kept open and staffed on Thursday, November 7 from 7:30 to 9:30 P.M. for public inspection; that they be permitted to operate a searchlight in front of the city hall during the open house period, that sufficient curb parking space be reserved for the searchlight, that permit be granted for the displaying of a banner on the old Modesto Hotel building and on the present city hall urging a "yes" vote on the city hall bond issue.

RESOLUTION NO. 57-473

A RESOLUTION APPROVING REQUESTS OF THE CITIZENS COMMITTEE FOR CITY HALL RELATING TO THE CITY HALL BOND ELECTION BEING HELD ON NOVEMBER 12, 1957

Introduced by Merrill Seconded by Arata

Ayes: Adams, Arata, Merrill, Mayor Marks

Noes: None Absent: Anderson, Hammond, Robinson

The City Clerk was instructed to report to the committee a suggestion offered by Councilman Arata---that the police car equipped with the loud speaker be used during the hours of 7:30 and 9:30 P.M., Thursday, November 7, in the business district, inviting the Thursday night shoppers to visit the city hall during the open house program.

HOLD OVER COMMUNICATION FOR CONSIDERATION AT NEXT COUNCIL MEETING

A communication which had arrived too late to be placed on the agenda was ordered held over for Council consideration at the next meeting, due to the lengthy agenda for this meeting.

APPROVE CHANGE ORDER TO AGREEMENT WITH W. H. DARROUGH & SONS 3-30

Mr. Ray reported that in view of the fact the contract for the construction of the airport runway was less than anticipated, there would be available funds for a small extension of the northwest end of the taxiway, which had been left out of the original contract and planned for construction at a later date. He estimated the cost at $7,000, with 54% to be paid by the C.A.A. The Board of Supervisors have already approved the proposed change order to the contractor. The C.A.A. advised this afternoon, he reported, that it would be necessary to obtain an amended grant agreement before a change order could be issued. He asked the Council for authorization to proceed on the amended grant agreement and authorize the issuance of the change order after the amended agreement was executed.

MOTION

That the staff be authorized to submit a request to the C.A.A. for an amended grant agreement to cover the additional construction and after approval to issue a change order to the contractor

Moved by Arata Seconded by Merrill Unanimously carried

FURTHER REPORT ON POLICY ON OIL AND BLACKTOP SIDEWALKS AND DRIVEWAYS 3-47

The report from the Director of Public Works on "Materials for Driveway and Sidewalk Improvements", dated October 23, copies of which had previously been distributed to the Council for study, was discussed at this time. Mr. Ray pointed out that if it was the Council's decision to make no change in the present procedure, it would still be necessary to clear the two violations which were being held in abeyance, Welton Company and E. J. Lyng Company, where oiled materials had been installed in the sidewalk areas, without permits.

Councilman Adams suggested that the Municipal Code be amended to permit variances for industrial areas only, which would reduce the number of requests to be considered by the Council.

The City Attorney urged the Council that it not propose a change at the time a violation had occurred.

The City Manager suggested that it might be to the city's advantage to permit an interim type of improvement under certain conditions.

In these cases, Mr. Ray stated, he would like to study each case and recommend action to the Council. Mayor Marks stated that the Council would like to have his recommendation on all variance requests and that it would consider each case individually.

The City Manager stated that there were some cases in residential areas where a variance would be in the public interest.

Councilman Hammond arrived at this time (5:45 P.M.)

GRANT REQUEST FOR VARIANCE FROM DRIVEWAY PROVISIONS OF THE MUNICIPAL CODE - ROBERT WHITEHOUSE, 415 HARRIETT STREET 3-95

The Director of Public Works recommended that the request of Robert Whitehouse, 415 Harriett Street, for a variance from the Municipal Code driveway regulation be approved on a temporary basis since the present street grades at this location were such that it would be difficult to install curbs and gutters and a concrete driveway at this time in accordance with the standard plans of the city. He pointed out that this case was another instance where an asphaltic driveway was installed by a local contractor, without a permit. He recommended that the contractor be cited for this violation of the code.

The City Attorney pointed out the difficulty in successfully prosecuting a case if the Council granted a variance to the petitioner.

The City Manager suggested that the Council not consider the variance at this time because "if we are going to let everyone bail themselves out on this, the ordinance cannot be enforced".

Mr. Ray stated that this was not the first instance where this contractor had installed asphaltic driveways without obtaining permits and that he had been warned before by the city staff. Mr. Ray stated that he would have recommended the variance for the driveway if it had come through the regular channels.

RESOLUTION NO. 57-493

A RESOLUTION GRANTING A TEMPORARY VARIANCE FROM THE MUNICIPAL CODE TO ROBERT WHITEHOUSE TO PERMIT AN ASPHALTIC DRIVEWAY, ALREADY INSTALLED, REMAIN AT 415 HARRIETT STREET

Introduced by Merrill Seconded by Arata

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

The City Manager suggested that the City Attorney be instructed to write a letter to the contractor and point out that he had violated the code and he will be cited if a similar violation occurs.

MOTION

That the City Attorney be instructed to write a strong letter to the contractor informing him that he was in violation of the Municipal Code.

Moved by Adams Seconded by Arata Unanimously carried

The City Manager pointed out the difficulties involved for the city staff in similar violations of the code and recommended that variance not be approved until the violation is cleared. The Council expressed approval of this procedure.

The City Attorney pointed out this procedure would call for an increased city attorney staff since there were many violations in building, plumbing, etc. dogs running at large. He stated that he had tried to take a reasonable point of view of trying to eliminate the problem rather than the punishment aspect of every little violation of the code.

The City Manager considered that one way to "kill the problem" would be to prosecute a few of the violators.

Mayor Marks suggested that the Council should consider each request for a variance separately as was done in the past. The laws of this city are going to be upheld, he stated.

REQUEST FOR REVISION OF VARIANCE FROM CURB CUT REGULATIONS BY DOUGLAS OIL COMPANY 4-85

Mr. Ray presented for Council consideration, revised plans for the construction of a service station by Douglas Oil Company at the intersection of Downey, H, and Burney Streets which provided for the dedication of a small strip of land which would react to the benefit of the property user as well as to the city. The company is now requesting that a 47 foot curb cut be substituted for the 41 foot curb cut on H Street; one 30 foot driveway on Burney Street instead of two; and that the curb cut on Downey would be reduced in length. He reported that the larger curb cut on H Street would not affect the on-street parking and would provide for better ingress

and egress and less traffic confusion and recommended the revised plans on this basis. He pointed out that the total driveway curb cuts under the revised plan would be 106 feet as compared to the 131 feet previously approved by the Council in Resolution No. 57-388.

RESOLUTION NO. 57-494

A RESOLUTION GRANTING THE REQUEST OF THE DOUGLAS OIL COMPANY FOR VARIANCES FROM THE MUNICIPAL CODE FOR CURB CUTS FOR ITS SERVICE STATION BEING CONSTRUCTED AT THE INTERSECTION OF H STREET, BURNEY STREET AND DOWNEY AVENUE, IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 57-388

Introduced by Merrill Seconded by Robinson

Ayes: Adams, Arata, Merrill, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson

HEARING ON APPLICATION OF LOIS LANE FOR ONE ADDITIONAL TAXICAB 4-120

Mayor Marks announced that the hour of 5:00 P.M. had arrived, the time set for the public hearing on the application of Lois Lane for one additional taxicab.

The City Manager reported that the staff had not been able to clear all of the necessary information for the hearing and asked that the Council hold over the hearing until the next meeting. This was agreeable to the applicant.

RESOLUTION NO. 57-495

A RESOLUTION CONTINUING THE HEARING ON THE APPLICATION OF LOIS LANE FOR ONE ADDITIONAL TAXICAB UNTIL 8:15 P.M., NOVEMBER 13, 1957 IN THE COUNCIL CHAMBER

Introduced by Robinson Seconded by Adams

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

FURTHER DISCUSSION ON POLICY ON OIL AND BLACKTOP SIDEWALKS AND DRIVEWAYS 5-4

MOTION

That the Municipal Code regulations now in effect on oil and blacktop sidewalks and driveways remain as they now exist.

Moved by Merrill Seconded by Robinson Unanimously carried

ACCEPT GRANT DEED FOR WIDENING OF ROSEBURG AVENUE 5-10

RESOLUTION NO. 57-496

A RESOLUTION ACCEPTING GRANT DEEDS FOR WIDENING OF ROSEBURG AVENUE BETWEEN TULLY AND VIRGINIA AVENUES (PROJECT NO. 55-16) FROM PAUL H. SMITH, ET UX AND WILLIAM FALGER ET UX

Introduced by Hammond Seconded by Robinson

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

RESOLUTION NO. 57-497

A RESOLUTION ACCEPTING GRANT DEEDS FOR WIDENING OF ROSEBURG AVENUE BETWEEN VIRGINIA AND MCHENRY AVENUES (PROJECT NO. 54-13) FROM JOHN H. BUCK, ET UX AND BARBARA ABERNETHY

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

RESOLUTION NO. 57-498

A RESOLUTION ACCEPTING GRANT DEED FROM MERRILL C. MUNSON AND SYBOL MUNSON, AND GLADYS L. ULRICH WIDENING OF ORANGEBURG AVENUE (PROJECT 56-13)

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

FURTHER REPORT ON NORTHERN BOULEVARD RIGHT OF WAY ACQUISITION 5-20

At the recommendation of the City Manager this report was held over for one week.

AUTHORIZE REFUND OF OVERPAYMENT OF BUSINESS LICENSE FEE WELTON COMPANY 5-22

A request of Welton Company for refund of $108.72, overpayment of business license for quarters ending March 31, 1957 and June 30, 1957 was considered by the Council.

The City Manager reported that the basis of the overpayment of $25.82 for mill license fee was valid but the claim for personal property credit involved in these two quarters in the amount of $82.90 is not refundable since the credit lapses at the end of the fiscal year. He recommended that a refund of $25.82 be approved.

RESOLUTION NO. 57-499

A RESOLUTION AUTHORIZING REFUND OF $25.82 TO WELTON COMPANY FOR OVERPAYMENT OF MILL LICENSE FEE

Introduced by Robinson Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

AUTHORIZE PURCHASES OF EQUIPMENT- ADDRESSOGRAPH AND CHECK SIGNER

Director of Finance Bird reported on the investigations made by the department for the replacement of the 14 year old addressing machine with a rebuilt Class 1900 model, with triplicate impression friction feeder. He reported that the cost for the rebuilt machine, with the same guarantee as a new one, from the Addressing Machine Sales Company was $818, as compared to $2,606.83 for a new model. He stated that replacement of the machine had been scheduled for the 1958 budget but due to savings of time in office procedure, and the reasonable offer submitted by the company that he recommended that it be replaced this year. He stated that this purchase could be made within the present budget due to savings in other items.

RESOLUTION NO. 57-500

A RESOLUTION AUTHORIZING THE PURCHASE OF THE REBUILT ADDRESSOGRAPH MACHINE FROM THE ADDRESSING MACHINE SALES COMPANY FOR THE SUM OF $818.00

Introduced by Arata Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

RESOLUTION NO. 57-501

A RESOLUTION AUTHORIZING THE PURCHASE OF FACSIMILIE SIGNATURE HEAD ATTACHMENT FOR PITNEY-BOWES POSTAL METER MACHINE FOR THE SUM OF $374.82 AND APPROVING APPROPRIATION TRANSFER OF $375 FROM THE GENERAL RESERVE

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

The Director of Finance reported on the operation of the equipment and the internal control and supervision which was proposed to be set up for the proper use of the equipment. He reported to a question from Mayor Marks that he had been unable to contact the city's Certified Public Accountant prior to the meeting. It was agreed that the equipment should not be purchased until a further report was made by the staff on the control of the equipment and a recommendation by the C.P.A.

REPORT ON MEETING WITH PETITIONERS FOR CONSTRUCTION OF SWIMMING POOL AT ROOSEVELT PARK 5-90

Director of Parks and Recreation Lowrey reported on the meeting held on October 21 with the signers of a petition filed with the Council requesting the construction of a Swimming Pool in Roosevelt Park. Fifty names were chosen at random from the petitions and invitations sent to them to attend the meeting, he stated, and fourteen of those who received the invitations attended the meeting.

Problems involved in construction of swimming pools in neighborhood parks were discussed, he stated. The following points were made in the discussion:

1- The city did not have funds for construction of swimming pools in this year's budget;

2- The Forward Modesto Committee had recommended the location of swimming pools in conjunction with school facilities;

3- The advantages of having the pools located at high schools where they could be used jointly by both the city and the schools year round were discussed.

The general feeling of those attending seemed to be in agreement on the location of pools at the high schools. Mr. Lowrey pointed out to the group that if the city did build a pool at this park that it could anticipate requests for other pools throughout the city park system.

The culmination of the meeting was that one of the persons attending volunteered to contact the schools with regard to the possible construction of a pool at Roosevelt Junior High School, with schools, city and residents of the Junior High School District supporting the construction. A mineograph letter summarizing the discussion of this meeting will be sent to all petitioners. Improvement district procedure was briefly discussed at the meeting and the boundaries of the district was raised. A further report is to be made to the group by the staff on possible boundaries for a district, Mr. Lowrey reported.

MOTION

That the Director of Parks and Recreation be authorized to send a copy of the report of the meeting to all petitioners

Moved by Merrill Seconded by Hammond Unanimously carried

REPORT ON MEETING WITH MERCHANTS' ASSOCIATION RE: ORNAMENTAL STREET TREES IN DOWNTOWN MODESTO 6-10

A letter from the Modesto Retail Merchants, Downtown Division, was read regarding the possible installation of ornamental trees in can containers placed in ornamental redwood boxes near the curb in the downtown business district. It was proposed that the cost of the trees and maintenance would be assumed by the city, while the merchants would assume the cost of the redwood boxes.

Mr. Lowrey reported on the costs involved;

1- Wooden containers could be constructed for approximately $13.50 each, and could be constructed by Parks Department personnel during the winter months at a cost per unit of approximately $3.00;

2- The average cost for each tree would be $3.00;

3- The cost for the drum container would be 50¢

4- The cost to the merchants for 140 containers would be $1,890 and $490 for the city for the trees and metal drums plus the labor cost for construction of the wooden containers and planting and maintenance operation.

He reported on the types of trees proposed to be used were, small ornamental magnolia, Camphor trees, Conifers and Purple Leaf Plum. Deciduous trees would be used during the summer months and replaced with broad leaf evergreens or conifers during the winter months.

MOTION

That Mayor Marks be authorized to write a letter of commendation to the Modesto Retail Merchants Downtown Division.

Moved by Merrill Seconded by Arata Unanimously carried

MOTION

That the business area tree planting program outlined by the Director of Parks and Recreation be approved and the Merchants Association be notified of this action by the Director of Parks and Recreation.

Moved by Merrill Seconded by Arata Unanimously carried

Mr, Lowrey reported that the Association had indicated that its committee would canvass and collect the necessary funds from the merchants and the total amount to be paid by the merchants would be turned over to the city at one time.

RESOLUTION NO. 57-502

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $500 FOR THE CITY'S COST FOR THE BUSINESS AREA TREE PLANTING PROGRAM FROM THE GENERAL RESERVE TO THE PARK DEPARTMENT

Introduced by Adams Seconded by Robinson

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

REPORT ON POLICE HOLIDAY PAY CLAIM 6-72

The City Attorney reported that the city's demurrer to the complaint was sustained but the Judge had granted leave to the plaintiffs to amend

the complaint. He stated that he momentarily expected the plaintiffs in this matter to file an amended complaint with the Court.

REPORT ON EMPLOYEE GROUP HEALTH INSURANCE 6-75

The City Manager reported that the California Physicians' Service had cancelled its contract with the city for hospital and surgical insurance for city employees, as of November 1, 1957, and that the employees had made arrangements with the Connecticut General Life Insurance for a new plan of insurance. He asked for Council approval on payroll deductions from the salaries of the employees.

Councilman Anderson arrived at this time (5:16 P.M.)

RESOLUTION NO. 57-503

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO WITHHOLD GROUP INSURANCE PREMIUMS FROM THE PAYROLL CHECKS OF CERTAIN EMPLOYEES OF THE CITY OF MODESTO

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Arata, Anderson, Merrill, Hammond, Robinson and Mayor Marks

Noes: None Absent: None

REPORT ON INDUSTRIAL CONFERENCE HELD IN SAN MATEO 6-105

Councilman Hammond, member of the Council Industrial Committee, reported on the industrial conference recently held in San Mateo, which had been attended by Councilman Arata and Hal Pederson from the Chamber of Commerce.

REPORT BY CITY MANAGER ON MEETINGS ATTENDED IN WASHINGTON D. C. AND NEW YORK CITY 7-20

The City Manager reported on the International City Managers' Association conference which he had recently attended in Washington D. C. He stated that one of the high lights of the trip was his visit to the Supreme Court. He reported on the Fire Rating Committee meeting held in New York jointly with representatives of the National Board of Fire Underwriters.

He also reported on his visit to Winston-Salem, N.C. where a new system for utilization of fire and police employees was being tried.

DISCUSSION ON REQUEST FOR ADDITIONAL CLERICAL PERSONNEL IN THE POLICE DEPARTMENT 9-5

The report of Police Chief George Bowers to the City Manager, dated November 4, on the subject of "Request for Additional Clerical Personnel", copies of which were distributed to the Council members, was discussed.

Chief Bowers pointed out that there were two separate problems evident:

a- The existing need for personnel in two divisions of the Police Department to eliminate a backlog of work and to keep up with existing demand; and

b- The long range program for better utilization of personnel.

He asked for authorization to retain the two temporary typist clerks for the remainder of this fiscal year to enable the department to make some other appraisals, analyses and readjustments.

Councilman Hammond suggested, to which the Council concurred, that the City Manager arrange for members to individually inspect the procedures of the department, and the detailed report prepared by Assistant City Manager Tomsho.

It was agreed by the Council that the present temporary employees

should continue on the payroll until the matter was definitely resolved by the Council.

The City Manager asked the Council members to work out arrangements with the Police Chief on convenient hours for inspection of the Department.

REPORT ON GROUND BREAKING CEREMONY AT AIRPORT, WEDNESDAY, NOVEMBER 13 9-50

The City Manager reported that a ground breaking ceremony had been scheduled at the Modesto City-County Airport for Wednesday, November 13 at 11:00 P.M.

The City Manager reminded the Council members of the invitation from the California Art League to attend its fall show being held in the Modesto Community Service Center during the month of November.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF OCTOBER, 1957

The City Manager filed copies of the financial statement for the month of October, 1957, with the Council members.

REPORT FROM PERSONNEL COMMISSION 9-68

The City Manager reported on the recommendation of the Personnel Commission on the classification plan for the positions "Senior Planner" and "Janitor Leadman". He reported that the ranges had already been established but the specifications had not been approved.

MOTION

That the staff be authorized to prepare the necessary documents to approve the specifications for the two positions.

Moved by Adams Seconded by Hammond Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Hammond Unanimously carried

The meeting was adjourned at 6:20 P.M.

ATTEST: [signature]
REX E. GAILFUS, CITY CLERK

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

Rex E. Gailfus, City Clerk, called the roll and there were

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

Absent: Councilmen: Anderson and Robinson

Councilman Anderson arrived at 7:55 P.M.

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

Rev. Arthur B. Thurman, pastor of the First Methodist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of October 15 and 23, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM FRANK ANDREWS 1-30

A letter from Frank Andrews was read and ordered filed.

LETTER FROM REV. GLENN M. HARMON FOR THE BRET HARTE IMPROVEMENT CLUB 1-45

A copy of a letter sent to Recreation Supervisor, Ken Waltz, from Rev. Glenn M. Harmon for the Bret Harte Improvement Club regarding recreation for young people of the Junior Hi and High School age, was noted. The City Manager reported that Director of Parks and Recreation Lowrey had answered the letter and both he and Mr. Lowrey had talked to Rev. Harmon on the phone regarding the recreation program.

LETTER FROM GROUND OBSERVER CORPS 1-57

Mayor Marks obtained unanimous consent of the Council members to read a letter which had not arrived in time for the agenda from MSG Robert Jacobson, Jr., Sector Sergeant of the GOC, inviting City Manager Miller to attend the Civil Defense School in Panama City, Florida, for a two week period commencing on Dec. 9, with all expenses paid by the Corps. Mr. Jacobson stated that the San Joaquin Valley had more national publicity in connection with GOC than any area in the United States, which he attributed to the excellent support rendered by the City of Modesto.

MOTION

That Mayor Marks be authorized to write a letter to Sergeant Jacobson acknowledging the commendation of the Corps for the city's cooperation; expressing regrets that the City's busy schedule precluded the attendance of Mr. Miller to the School at this time, and advising that the city would like to have the opportunity to consider a similar invitation at some other time.

Moved by Hammond Seconded by Merrill Unanimously carried

MAYOR MARKS READS STATEMENT TO BE RELEASED TO PRESS AND RADIO ON BOND ELECTION FOR THE CITY HALL 1-105

Mayor Marks read a statement which was to be released to the press and radio, expressing appreciation to those persons who cooperated on the City Hall Bond Election. The Council members concurred in the text of the news release.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CHAIN LINK FENCE AT DRYDEN PARK MUNICIPAL GOLF COURSE 1-120

RESOLUTION NO. 57-504

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF CHAIN LINK FENCE AT DRYDEN MUNICIPAL GOLF COURSE

Moved by Arata Seconded by Merrill

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Robinson

Monday, November 25, at 2:00 P.M. was set as the time for the opening of the bids in the City Clerk's office.

FINAL ADOPTION ORDINANCE NO. 207-C.S. AUTHORIZE PURCHASE OF RIGGS PROPERTY 1-125

ORDINANCE NO. 207-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM GEORGE S. RIGGS AND NELLIE M. RIGGS"

introduced on November 6, 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 Adams

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

FINAL ADOPTION OF ORDINANCE NO. 208-C.S. ESTABLISH 25 MILE SPEED LIMIT ON JEFFERSON STREET 2-15

ORDINANCE NO. 208-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO,' AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATIONS, AND REPEALING ORDINANCE NO. 199-C.S."

introduced on November 6, 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, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

REPORT BY DIRECTOR OF FINANCE ON PROCEDURE FOR CONTROL OF FACSIMILE CHECKWRITER 2-30

As requested by the Council, Director of Finance Bird reported on his investigations on the proposed control of the facsimile signature machine. A letter from Chester D. Nattinger & Company stated that the use of facsimile signatures on the city's warrants would be no less desirable than the use of manual signature provided adequate control was maintained over the use of the plates and the review of expenditures not be reduced.

The Council members expressed their approval of the control procedures outlined by Mr. Bird.

ACCEPT CONSTRUCTION OF IMPROVEMENT ON MILLER AVENUE AND EXTENSION OF G STREET BY M. J. RUDDY & SON 2-47

Director of Public Works Ray reported that the construction of improvements on Miller Avenue and extension of G Street had been completed to his satisfaction by M. J. Ruddy & Son and that he recommended acceptance of the work by the Council; authorization of payments due, less the sum of $260.88 to cover the city's inspection costs between October 10, the completion date provided in the contract, and November 8, the actual competion date; and the recordation of Notice of Completion by the City Clerk.

RESOLUTION NO. 57-505

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENT OF MILLER AVENUE AND EXTENSION OF G STREET BY M. J. RUDDY & SON: AUTHORIZING PAYMENTS DUE UNDER THE CONTRACT, LESS THE SUM OF $260.88; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER

Introduced by Arata Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Anderson, Robinson

REVISE POSITION CLASSIFICATION PLAN FOR THE CITY CREATING JANITOR LEADMAN AND SENIOR PLANNER CLASSIFICATIONS

As directed by the Council, the City Attorney presented for Council approval a resolution which would revise the position classification plan for the city to include two new classifications, Janitor Leadman and Senior Planner.

RESOLUTION NO. 57-506

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

Introduced by Merrill Seconded by Adams

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

RESOLUTION NO. 57-507

A RESOLUTION AMENDING RESOLUTION NO. 57-282 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR CLASSES OF POSITIONS IN THE CITY SERVICE"

Introduced by Arata Seconded by Merrill

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson, Robinson

ACCEPT CONSTRUCTION OF CHAIN LINK FENCE AT PUMP STATIONS FROM ANCHOR POST PRODUCTS 2-67

The Director of Public Works reported that the chain link fence had been installed to his satisfaction by Anchor Post Products at pump stations number 19 and number 20 and recommended acceptance, payment of amounts due and recordation of notice of completion.

RESOLUTION NO. 57-508

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CHAIN LINK FENCE AT PUMP STATIONS NO. 19 AND 20 FROM ANCHOR POST PRODUCTS; AUTHORIZING PAYMENTS DUE UNDER THE CONTRACT; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Anderson and Robinson

HOLD OVER FURTHER CONSIDERATION OF TRAFFIC SIGNAL MATTER 2-70

At the request of the City Manager, this matter was held over.

FURTHER CONSIDERATION OF ACQUISITION OF RIGHT OF WAY FOR NORTHERN BOULEVARD (offer by Robert L. Nickerson) 2-72

A communication from Robert L. Nickerson setting forth his offer for the purchase by the City of the Haas property, on which he held an option, to be used in the extension of Northern Boulevard, was considered.

The City Manager briefed his reply to the letter for Council information.

The City Manager was directed by the Council, due to the confusion in ownership of the property, to prepare a report for Council consideration, giving the facts, alternatives and the staff recommendation. Consideration of a resolution authorizing condemnation proceedings, previously requested by the Council, was ordered held over.

Councilman Anderson arrived at 7:55 P.M.

AUTHORIZE ERECTION OF YIELD RIGHT OF WAY SIGNS ON JAMES STREET 2-120

RESOLUTION NO. 57-509

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON JAMES STREET AT ITS INTERSECTION WITH THE G STREET EXTENSION IN THE CITY OF MODESTO

Introduced by Arata Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

REPORT ON SOUTHERN PACIFIC LEASE PARKING LOT 3-1

Director of Parking and Traffic Carmody reported that the Southern Pacific Company had agreed to rewrite the present lease on the 8th Street parking lot, which still had 3½ years to run, for a period of 5 years,

which would permit the city to improve the lot and ammortize its costs before expiration of the lease. Rearrangement of the 96 spaces in the present lot would increase the spaces to 107, he stated. He estimated the cost for repaving of the lot to be $15,000, curbs gutters and sidewalks along the 8th Street frontage would cost $5,200, ticket vending machines would be $400, making a total expense of approximately $20,600. Expected annual revenue would be between $4,500 and $7,000, Mr. Carmody reported, on the 20¢ per day parking rate basis previously approved by the Council.

A brief Council discussion was held on the possibility of obtaining an option for an additional five year term, but no action taken.

MOTION

That the staff be directed to proceed on the improvements of the lot on the basis outlined.

Moved by Merrill Seconded by Adams Unanimously carried

The lease was referred to the City Attorney for checking and the preparation of a resolution approving it for Council action.

HEARING ON PROPOSED ANNEXATION OF MARSHALL PARK ADDITION 3-67

Mayor Marks declared that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposed annexation of the Marshall Park Addition to the City of Modesto.

The Clerk's certification that the notice had been published as required by law and that no written protests had been filed, was noted by the Council.

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

Mayor Marks closed the hearing.

ORDINANCE NO. 209-C.S. entitled:

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

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

Moved by Anderson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

INFORMAL HEARING ON DRAINAGE MATTERS 3-76

Mayor Marks announced that the hour of 8:05 P.M. had arrived, the time set by the Council for the informal discussion on drainage matters.

Director of Public Works Ray noted that the following drainage complaints had been filed with the city:

Maplewood and Kearney Avenues intersection area (petition signed by nine property owners);

Santa Barbara and Robles Avenues intersection area (complaint disposed of at this point since the owner agreed to install curbs and gutters during the winter);

Tully and Perdue Avenues intersection (letter sent to the City Manager last spring).

At the request of the City Manager, Mr. Ray reviewed the drainage problem at Fordham and Amherst Avenues, where the valley gutter constructed of blacktop road mix at the time the subdivision had been developed, created a severe maintenance problem. If this valley gutter was eliminated by raising the crown to the typical street section, he reported, it would relieve the situation at the intersection but if there was an impounding of water, there might be complaints from residents in the area.

The City Manager stated that he wanted the Council to understand the alternatives before any action was taken. The drainage problem is difficult for the property owner. Personnel from the Public Works department, he reported, spend many nights, when the rains are intensive, and many days after the rains, trying to minimize the difficulty of the drainage problem. The city has been built on a very flat area and a large part is without storn drainage of any consequence, he stated.

During the summer months the water, which people let run off their lawns, accumulates in the low corners, causing a nuisance and inconvenience, the City Manager continued. City Personnel constantly remind the people who overwater. The City now has an intensive program of correcting this situation by the giving of notices and in some cases meters have been installed on some of the people who are persistently careless about this, the City Manager reported. However, it is extremely difficult to water some of these lawns without some run-off, and particularly where the soil is tight.

When the rains are severe in the winter, he stated, or even normal, the water drains down to the lower area and just stands there. Now since 30 to 40% of the land is covered with streets, sidewalks or roofs, the run off, which was normally difficult, even under the open land conditions, is most unsatisfactory. The State Health Department has limited the depth of dry wells to 10 feet above the water table which hampers the operation of the wells. If the soil is loose, sandy or porous, the water will soak in as long as the drain itself does not fill up, which they finally do, with sediment. The utility of the wells are limited by the soil.

The City Manager reported on meetings held with the petitioners in the north area and the inspections of the area made by the city personnel. The possibility of forming an improvement district for storm drains was also discussed. These petitioners realize that this will be the ultimate permanent solution and that it will be an expensive solution and will take considerable time. What they are hoping, he continued is that something could be done in this interim period to improve the situation beyond that which has already been done by the City. The types of soil varies even from one side of the street to the other in this area.

Mr. Ray reported that there were places in the city where the soil is hardpan all the way down and no drainage is obtained. As many as six or seven wells can be drilled at one intersection with no result. In other places they work extremely well due to sand and soil conditions below the surface. The wells were dug down into a sand strata before the edict from the State in 1955. The Council should know that even these vertical holes cost an average of $100 each to drill. During the past fiscal year $6,400 was spent for these wells. The city's efforts to combat the drainage situation by this method has been extensive even though it has not succeeded in many cases. He pointed out that the area at Maplewood and Kearney Avenues covers two blocks and there is a dry well on each side of the street. An inch of rain, using the figure of 30% run off in residential area at this intersection, would result in 43,000 gallons of water. This 43,000 gallons of water is double the amount

of water in a good sized swimming pool. This represents the problem of what the city is trying to force into the ground, and obviously it isn't going to go into the ground all at once. Even with a normal rain, one-half inch or less, if the well would drain in 24 hours it is considered an exceptionally good well; if it would drain in a couple of days, it is a fair well and beyond that it gets worse and worse where it does not drain at all.

The city must, Mr. Ray continued, however, make the effort to relieve these drainage problems. One problem which must be cleared with the Council is----requests are constantly being received for the installation of dry wells in the middle of the block. These wells would do no good unless a dam was constructed in the street so that the water could get into the well. It has always been the policy of the city to refuse these requests but if the Council wishes to change this policy, now would be a good time to do it. He warned the Council of the danger of putting dams in the streets from the traffic standpoint. The distribution of water would help, he pointed out, but after a few rains the undergound strata gets saturated and refuses to take any more water. It is a generally popular misconception that if the city puts in enough wells, it will get rid of all water.

To a question from Councilman Arata, Mr. Ray replied that the costs for drainage to the residents east of Virginia would be reduced by the McHenry Avenue widening project but this project might increase the costs to the residents west of Virginia because there would not be the distribution of area to lots to which major trunk lines could be charged unless there was some other way of financing the major trunk line to the river.

Councilman Adams asked Mr. Ray what the present status was of the drainage area west of Virginia and whether it would be possible to bring the project to a point where the city could suggest an improvement district.

Mr. Ray reported that all available time of the engineering staff had been spent on revising the drainage plans due to the change of the McHenry Avenue trunk lines which would eliminate the area east of Virginia from the original drainage plans and include it in the McHenry Avenue widening project. At the present time, he stated that the city is not in a position to devote engineering time to the other drainage plans. He stated that the staff would like to see what happens east of Virginia first, but if the Council would like a more rapid pace on the development of storm drainage projects that he would recommend outside engineering help be acquired or additional help in the city's engineering department.

Mr. Ray pointed out that the storm trunk line plans for the McHenry Avenue were ready for checking and submission to the state and final plans for inclusion in the state construction contract will be prepared by the state. Until all the rights of way are obtained on McHenry Avenue, there is no assurance of the project. He pointed out that the staff had been operating on Council instructions---"that we don't spend too much time on the rest of that area until we know how this trunk line is going to go because we would then have the time to get our finished drawings out and work concurrently with that construction." He stated that the city staff was equipped to do the engineering work on the improvement district for drainage east of Virginia but not equipped to do the same scale for the whole city at this time. He stated, to a question from the Council, that he considered the way to initiate a storm drainage project was by Council action, rather than by petition.

Councilman Hammond considered that it would be best to work toward a permanent solution which would call for the formation of an improvement district. He asked if those people in the areas having problems had indicated their willingness to go along with a district and whether the staff had laid out a program to work with these people to develop some enthusiasm for a permanent solution.

The City Manager stated that the Council had authorized the staff to proceed on the "number one" project---McHenry Avenue storm drainage area and to proceed on the basis of the city itself initiating the district. If the Council wishes the staff to proceed concurrently on any other area, it would be necessary to have additional engineering assistance, He pointed out that previous improvement districts had been initiated by the Council after a post card poll had indicated the property owners interest. However, he continued, before such a poll could be conducted the engineering preliminary work would have to be done to determine the estimated cost per lot before any interest would be determined.

Councilman Adams stated that the Council had talked about storm drainage being "just around the corner" for many years and that he considered it was high time that "we get busy and get Mr. Ray some more help so he can take care of it, or farm it out. If we don't do it now, we are not going to have storm drains for some time to come".

Councilman Hammond considered that "we can't do it all at once. We are now full speed ahead working on the McHenry Avenue project, that has priority and then when this is done we move onto the others".

Mayor Marks asked if there were any comments from the audience.

Mrs. Stanley Jacobsen, representing the petitioners from the Maplewood and Kearney Avenues intersection area, pointed out the drainage difficulties under which the area was operating and asked for immediate temporary relief before the winter rain season commenced.

The City Manager reported that the city had already agreed that it would try to furnish some immediate relief, if possible, at this intersection. He pointed out that if the present number of dry wells were doubled throughout the city in an effort to solve the drainage problem it would be costly and would only afford temporary relief.

Mrs. Charles C. Fishel, 1541 Cherrywood Drive, urged the Council to solve the drainage problem by starting "the ball rolling" on a permanent improvement district basis.

Mayor Marks pointed out that the "ball had been stopped rolling" back in 1953 when the Director of Public Works had presented a report on drainage matters which indicated the costs to be approximately $2,500,000.

To a question from Mrs. Fishel, the City Attorney stated that capital improvement funds could be legally used in the construction of storm drainage projects. Whether the city does do it or not, is a policy matter of the Council, he stated.

Mayor Marks pointed out that the Council had not indicated it wished to spend capital improvement funds for special districts because fundamentally there was no difference between a drainage project or a sewer project. He reviewed the Council's present policy on 20% participation in cost for street paving. The Council might, he continued, consider formulating a policy of participation on drainage also.

The City Manager suggested that 1) the petitioners arrange to meet with the staff to review the previous report prepared by the Department of Public Works on drainage; 2) the Director of Public Works revise his 1953 report, taking into account the changes which the McHenry Avenue project makes, for submission to the Council so that the nature of the problem could be considered along with the estimated time and cost engineering wise which might be involved in getting a preliminary estimate of costs per lot for the property owners.

Mayor Marks asked that the City Clerk note that Mrs. Fishel and Mrs. Jacobsen would work on the citizens committee for drainage at the time the program was started.

Mayor Marks noted at this time that the staff had already signified that it would do whatever it could to temporarily relieve the drainage situation at the Maplewood and Kearney intersection if investigations warranted the expenditure. He asked for Council determination on the recommendation of Councilman Adams that the preliminary drainage report be revised by the staff so that the approximate cost and time for an improvement district could be estimated.

In the Council discussion on the recommendation the following points were considered:

1- The sending of postcards for a poll in the area west of Virginia could be premature and would infer that there would be some action quicker than it would be taken;

2- The people in this area should reconcile themselves to the fact that drainage is at least three to four years away;

3- The city is already committed to the McHenry Avenue project and it should be completed before another project was undertaken;

4- The Council should realize that extra help will be needed for this project and keep that fact in mind when planning drainage matters;

5- The estimated time for completion of the revised report of the area west of Virginia was figured at 60/90 days by the city's engineering staff.

Mr. Ray reported that the same kind of study had been prepared by the staff on the Yosemite Avenue area as had been prepared for the McHenry Avenue area. The estimated cost for drainage in this area would be $440,000 because it is much simpler due to the fact the river is closer on one side and Dry Creek on the other side.

MOTION

That the staff proceed with the revision of the preliminary plans for drainage system west of Virginia Avenue in the north part of the city so that a Council policy could be determined and enough data could be obtained for a postcard poll of the area to determine the property owner interest

Moved by Adams Seconded by Hammond Unanimously carried

Mayor Marks declared the hearing closed. The City Clerk was instructed to send reports on the development of the drainage project to persons who had attended this meeting and indicated their interest.

HEARING ON APPLICATION OF LOIS LANE FOR ONE ADDITIONAL TAXICAB PERMIT 7-52

Mayor Marks announced that the hour of 8:15 P.M. had arrived, the time set by the Council for the public hearing on the application of Lois L. Lane, operating the Red Top Taxi, for one additional certificate of public convenience and necessity to cover the operation of a taxicab.

The City Manager noted that copies of the report from Traffic Engineer Carmody on this matter entitled "Red Top Taxi Application for Cab No. 4" dated November 12, 1957, had been made available to the members previous to this meeting, and that a copy was placed on file with the records of this hearing. Mr. Carmody recommended in this report that the application be approved and the Red Top Taxi be permitted to add a fourth cab to its fleet, listing his reasons for the recommendation, as provided by the Municipal Code. He reported that the other taxi companies

would not oppose the granting of the additional permit----"on the basis that the extra cab would be more of a burden on the company, if it is a burden, than any other company, and if it is needed, it will be justified".

Mayor Marks asked if anyone wished to made any comments on the matter. No comments were made.

MOTION

That the City Attorney be instructed to prepare the necessary documents to grant the additional certificate as recommended by Director of Parking and Traffic Carmody.

Moved by Anderson Seconded by Hammond Unanimously carried

ACCEPT GRANT DEEDS FOR WIDENING OF ROSEBURG AVENUE FROM RALPH M. BROWN AND WILMA McFARLAND 7-92

RESOLUTION NO. 57-510

A RESOLUTION ACCEPTING GRANT DEED FROM RALPH M. BROWN AND LILLIAN BROWN, AND WILMA McFARLAND FOR WIDENING OF ROSEBURG AVENUE BETWEEN TULLY AND VIRGINIA AVENUES (PROJECT No. 55-16)

Introduced by Anderson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

SET DATE FOR PUBLIC HEARING ON REQUEST FOR UNCLASSIFIED USE PERMIT TO EXPAND MASONIC CEMETERY 7-97

Resolution No. 423, adopted by the Modesto City Planning Commission, recommending that the Council approve the granting of an unclassified use permit to the Masonic Cemetery Association to expand its existing cemetery into the north 560 feet of Block 595 subject to certain conditions, was noted by the Council.

The City Manager suggested that the date of Dec. 11 at 8:00 P.M. be set as the time for the public hearing before the Council on the matter.

RESOLUTION NO. 57-511

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON THE APPLICATION OF THE MASONIC CEMETERY ASSOCIATION TO EXPAND ITS EXISTING CEMETERY

Introduced by Adams Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

SET DATE FOR PUBLIC HEARING ON REQUEST OF MAUD BRIDGE FOR AMENDMENT TO SECTION 6 OF THE ZONING MAP 7-109

Resolution No. 424, adopted by the Modesto City Planning Commission, was noted, recommending that the Council approve an amendment to Section 6 of the zoning map to reclassify from R-1 to C-1 a portion of lots 1-9 inc. of Block 3071, located on the west side of Sutter Avenue between Rose Avenue and the alley south of Kazmir Court.

The date of Dec. 11 at 8:30 P.M. was suggested as the date for the public hearing on the request before the Council.

RESOLUTION NO. 57-512

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

Introduced by Anderson Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

REPORT ON RESULT OF CITY HALL BOND ELECTION 7-110

The City Clerk reported that the election held on November 12 for the City Hall Bonds had been successful and the measure had secured the necessary two thirds votes majority. He stated that 6,219 votes had been cast at the polling places, 4,295 approved the measure and 1,923 opposed the measure, and that 30 absentee ballots remained to be canvassed.

He pointed out that it would be necessary for the Council to meet in special session on Tuesday, November 19, at 4:00 P.M. to canvass the ballots.

REPORT ON RECEIPT OF STUDY ON CITY-COUNTY FISCAL RELATIONS 7-123

Councilman Hammond reported that copies of the report had been made available to all members of the city-county committee and it was the general consensus of opinion that no one knew enough about the report to discuss it intelligently. The report was tabled until a later meeting, to be called by the Committee Chairman.

MOTION

That the staff make a study of the city-county fiscal relation report and report its findings back to the Council.

Moved by Hammond Seconded by Arata Unanimously carried

REPORT ON COUNTY ACTION ON PROPOSED AIRPORT ANNEXATION 8-5

The City Manager reported that the County Board of Supervisors had considered the proposed annexation to the city of the airport property and indicated its approval at a meeting held November 12.

MOTION

That the staff be directed to proceed with the preparation of the necessary documents for the annexation of the airport property to the City of Modesto.

Moved by Anderson Seconded by Arata Unanimously carried

ADJOURNMENT

MOTION

That this meeting now in session be adjourned

Moved by Anderson Seconded by Hammond Unanimously carried

The meeting was adjourned at 9:15 P.M.

ATTEST: [signature] City Clerk

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Muncicipal Code and Section 9918 of the Election Code of the State of California, to canvass the returns and results of the Special Municipal Bond Election held on November 12, 1957, for the purpose of voting upon a measure for the construction of a new city hall.

The City Clerk called the roll and there were

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

Absent: Adams, Anderson, Robinson

The returns of said election, made out and signed by the election officers and the absentee ballots, were canvassed by the Council.

RESOLUTION NO. 57-513

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DECLARING CANVASS OF THE SPECIAL MUNICIPAL BOND ELECTION HELD ON NOVEMBER 12, 1957

Introduced by Merrill Seconded by Hammond

Ayes: Councilmen: Arata, Hammond, Merrill and Mayor Marks

Noes: None

Absent: Adams, Anderson, Robinson

A copy of this resolution is hereby marked "Exhibit A" and made a part of these minutes.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Hammond Unanimously carried

ATTEST: _____
City Clerk

RESOLUTION NO. 57-513

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DECLARING CANVASS OF THE SPECIAL MUNICIPAL BOND ELECTION HELD ON NOVEMBER 12, 1957

WHEREAS, the Council of the City of Modesto duly called and ordered held in said City a special municipal bond election on the 12th day of November, 1957, for the purpose of submitting to the qualified electors thereof the measure hereinafter set forth; and

WHEREAS, said special municipal bond election was held on Tuesday, November 12, 1957, in accordance with law, 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 is hereby instructed to enter this resolution on the minutes of this Council as a statement of the result of said election.

2. That the whole number of votes cast in said City at said special municipal bond election was 6251 votes. That 5 ballots were spoiled and not counted.

3. That at said election the following measure for incurring bonded indebtedness was submitted to the electors of said City and that the number of votes given in said City for and against said measure (including absentee votes) was as follows:

		Total Vote "Yes"	Total Vote "No"	Total Ballots Spoiled and not Counted
MEASURE: (New City Hall)	Shall the City of Modesto incur a bonded indebtedness in the principal amount of $950,000 for the acquisition, construction and completion of the following municipal improvement, to wit: Construction of a new City Hall on land now owned by said City, together with fixtures, furniture and equipment therefor, surface and underground off-street parking facilities in connection therewith, and other works, property or structures necessary or convenient for a new City Hall for the City of Modesto? "Exhibit A"	4321	1925	5

the purposes set forth in said measure, and that said measure carried.

PASSED AND ADOPTED this 19th day of November, 1957, by the following vote:

Ayes: Councilmen: Arata, Hammond, Merrill and Mayor Marks

Noes: None

Absent: Adams, Anderson, Robinson

Harry Marks per am
Mayor of the City of Modesto
California

Attest:

City Clerk

4. That by Ordinance No. 205-C.S., duly passed and adopted on October 9, 1957, calling said special municipal bond election said City of Modesto was divided into forty (40) special election precincts for the purposes of said election, designated and numbered consecutively as Consolidated Election Precincts 1 to 40, both inclusive, and that the number of votes cast in each of said precincts for and against said measure was as follows:

Consolidated Precincts No.	Votes for Proposition	Votes Against Proposition	Ballots Spoiled and not Counted
1	144	42	
2	109	61	
3	103	41	
4	91	62	1
5	137	40	
6	112	54	
7	101	49	
8	120	65	
9	90	26	
10	90	38	
11	76	55	
12	81	49	
13	83	52	
14	88	43	
15	128	40	1
16	98	51	
17	67	35	
18	100	29	
19	87	49	1
20	104	57	
21	121	52	
22	101	47	
23	83	48	
24	82	66	
25	119	48	
26	108	70	

Consolidated Precincts No.	Votes for Proposition	Votes Against Proposition	Ballots Spoiled Not Counted
27	178	54	
28	186	52	
29	121	31	
30	127	36	
31	140	74	
32	80	36	
33	175	62	
34	55	35	
35	99	73	
36	120	61	
37	136	45	
38	102	40	1
39	89	29	
40	64	26	
TOTAL	4,295	1,923	4

5. That all absent voters ballots have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said measure submitted at said special municipal bond election is as follows:

ABSENTEE VOTE

Absentee applications filed	30
Ballots returned (total vote cast)	29
Votes rejected (incligilbe)	0
Spoiled ballots	1
Ballots counted (regular)	28
Absentee votes "YES"	26
Absentee votes "NO"	2
Total Absentee Vote	28

6. That more than two-thirds of all of the votes cast at said special municipal bond election on said measure were in favor of said measure and authorized the incurring of a bonded indebtedness for

CLERK'S CERTIFICATE

I, Rex E. Gailfus, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a special meeting of the Council of said City duly and regularly and legally held at the regular meeting place thereof on the 19th day of November, 1957, of which meeting all of the members of said Council had due notice and at which a majority thereof was present; that at said meeting said resolution was introduced by Councilman Merrill and read in full, and was thereupon, upon motion of Councilman Merrill, seconded by Councilman Hammond, adopted by the following vote:

AYES: Councilmen: Arata, Hammond, Merrill and Mayor Marks

NOES: None

ABSENT: Adams, Anderson, Robinson

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of the City of Modesto this 19th day of November, 1957.

Rex E. Gailfus
City Clerk of the City of
Modesto, California

Council Meeting

November 20, 1957

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, Anderson, Arata, Hammond, Merrill and Mayor Marks

Absent: Councilman Robinson

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

Rev. Kieth Korstzens, pastor of the First Baptist Church, gave the invocation.

LETTERS FROM FRANK ANDREWS 1-20

A letter received from Frank Andrews, "asking that the agreement between the City and Architect M. T. Pflueger by terminated", was read.

A second letter received from Frank Andrews was read, stating:

1- That he demanded the Council see that the cost of preparation and mailing of the brochure "Report to the property owners of Modesto", be returned to the city treasury;

2- That he wished to call the Council's attention to the City Manager's violation of trust and unethical use of the free radio time granted to the city by the 3 local radio stations, in his political tape records of October 9 and 10.

The City Manager stated that the brochure mentioned was the tax statement sent out annually and that it included reference to the City Hall Bond Issue. The radio program referred to by Mr. Andrews was the regular city radio program with some of the members of the Citizens Committee for the City Hall, raising questions on the city hall bond issue.

Mayor Marks pointed out that these programs were done as a public service and at the request of the radio stations.

MOTION

That the letters be filed.

Moved by Hammond Seconded by Merrill Unanimously carried

LETTERS FROM FORMER COUNCILMAN CLIFF ANNAN 1-45

A letter from former Councilman Cliff Annan was read, commending the Council on the successful city hall bond election.

A letter from Mr. Annan was read suggesting a plan for landscaping the new freeway entrance to the city.

MOTION

That the letter be referred to the staff for investigation and report

Moved by Adams Seconded by Mayor Marks Unanimously carried

LETTER FROM MODESTO MOTOR BUS SERVICE RE: APPLICATION FOR BUS ZONES 1-100

A letter from the Modesto Motor Bus Service, together with an application, requesting certain bus stop zones for the exclusive use of the company buses, was read. Copies of the letter and application had also been mailed to the Council members by the company, Mayor Marks pointed out, but they had not yet had an opportunity to study the documents. The City Clerk was asked to place the matter on the agenda at the next Council meeting.

CONSIDER APPROVAL OF PROPOSED ELECTRICAL CODE 1-110

The City Manager reported that three items in the proposed revised electrical code were still not cleared, 1) amount of fees; 2) provisions in the ordinance for the licensing of electricians; 3) examining board.

The City Attorney reported on the meetings held with interested parties and advised that copies of the final draft had been sent to all parties. Comments and suggestions were requested from them, he stated.

Dan Chaddock, representing the electrical contractors, asked that Council consideration of the ordinance be delayed for two weeks until they had a further opportunity to study codes of other cities. Certain questions in regard to "who takes out a permit" have been raised by the contractors, he stated. He reported on the difficulties involved in the question of "authorized agents" and soliciting of work by persons who were not qualified electricians.

MOTION

That the consideration of the revised electrical ordinance be delayed for two weeks or more as requested by Mr. Chaddock.
Moved by Merrill Seconded by Arata Unanimously carried
Councilman Adams was appointed Council representative by Mayor Marks, to attend the conferences on the revised ordinance.

The City Manager stated that the Council members would be sent a report and copy of a letter received from Virgil Hodges relating to problems of buildings developed outside the city prior to annexation.

REJECT ALL BIDS RECEIVED FOR CONSTRUCTION OF WATER LINE IN GREGORY GARDENS NO. 2 2-67

A tabulation of the bids received on November 18 for the construction of water lines in Gregory Gardens, was distributed to the Council. The low bid of $2,644.10, submitted by W. M. Lyles Co., exceeded the engineer's estimate of $2,001.85 by 32.08%, the Director of Public Works reported.

RESOLUTION NO. 57-515

A RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF WATER LINES IN GREGORY GARDENS NO. 2 BLOCKS 6610, 6611, 6612, 6613 AND ORDERING THE WORK TO BE DONE BY CITY FORCES.

Introduced by Adams Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

HOLD OVER CONSIDERATION OF PROPOSED ORDINANCE ON CITATION PROCEDURE 2-73

At the request of the City Attorney, this matter was ordered held over by the Council.

APPROVE AGREEMENT WITH COUNTY FOR RECREATION ALLOCATION FOR FISCAL YEAR 1957-58 2-75

The City Manager briefed the terms of an agreement with Stanislaus County for recreation allocation of $14,486.83 for the fiscal year 1957-1958, somewhat less than last years amount.

RESOLUTION NO. 57-516

A RESOLUTION APPROVING AGREEMENT WITH STANISLAUS COUNTY FOR RECREATION PROGRAM FOR THE FISCAL YEAR 1957-58

Introduced by Hammond Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

APPROPRIATION TRANSFER OF $2000 FROM GENERAL RESERVE TO CITY CLERK FOR REPRINTING OF MUNICIPAL CODE SHEETS 2-80

RESOLUTION NO. 57-517

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2000 FROM GENERAL RESERVE TO CITY CLERK AND AUDITOR, COST OF REVISING MUNICIPAL CODE

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

APPROPRIATION TRANSFER OF $70,170 FROM PARKING FUND RESERVE TO TRAFFIC ENGINEER-PARKING FUND FOR PURCHASE OF RIGGS PROPERTY 2-103

RESOLUTION NO. 57-518

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $70,170 FROM PARKING FUND RESERVE TO TRAFFIC ENGINEER-PARKING FUND FOR PURCHASE OF RIGGS PROPERTY

Introduced by Hammond Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

A RESOLUTION ACCEPTING THE CONSTRUCTION OF HANGAR AREA DRAINAGE AT MODESTO CITY-COUNTY AIRPORT 1-115

The Director of Public Works reported that the contract of T. R. McDonald, to install a drain line for storm drainage at the Modesto City-County Airport, had been completed to his satisfaction, that he recommended acceptance by the Council, authorization of payment due under the contract and recordation of Notice of Completion.

RESOLUTION NO. 57-519

A RESOLUTION ACCEPTING THE CONSTRUCTION OF DRAIN LINE FOR STORM DRAINAGE OF THE HANGAR AREA AT THE MODESTO CITY COUNTY AIRPORT FROM T. R. MCDONALD; AUTHORIZING PAYMENT DUE UNDER THE CONTRACT; AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER OF STANISLAUS COUNTY

Introduced by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

ACCEPTING THE INSTALLATION OF DEEP WELL PUMPS FROM BYRON JACKSON COMPANY 2-120

The Director of Public Works reported that the installation of the two deep well pumps at stations No. 19 and No. 20 had been completed by Byron Jackson Company and recommended acceptance by the Council, authorization of payments due and recordation of notice of completion.

RESOLUTION NO. 57-520

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TWO DEEP WELL PUMPS WITH ELECTRICAL EQUIPMENT AND ONE AUXILIARY GAS ENGINE BY THE BYRON JACKSON COMPANY, AUTHORIZE PAYMENTS DUE UNDER THE CONTRACT: AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER

Introduced by Adams Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF ALLEY IN CAMPUS HEIGHTS SUBDIVISION 2-125

As directed by the Council, the City Attorney presented for Council consideration a resolution of intention to vacate and abandon a portion of the alley in Campus Heights Subdivision.

RESOLUTION NO. 912-S.P.
RESOLUTION OF INTENTION NO. 261

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF THE ALLEY IN CAMPUS HEIGHTS SUBDIVISION IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

The time set for the hearing before the Council was 7:45 P.M. December 11, 1957.

APPROVE ACCEPTANCE OF AMENDMENT NO. 1 TO GRANT AGREEMENT WITH CAA FOR AIRPORT 3-26

RESOLUTION NO. 57-521

A RESOLUTION RELATING TO MODESTO CITY-COUNTY AIRPORT, ACCEPTANCE OF AMENDMENT NO. 1 TO GRANT AGREEMENT

Introduced by Arata Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

FURTHER REPORT ON EXTENSION OF NORTHERN BOULEVARD (NICKERSON OPTION OF HAAS PROPERTY) 3-27

The City Manager reported that further discussions had been held with Attorney Robert Nickerson relating to his option on the Haas property, to be used in the extension of Northern Boulevard. The city's appraiser has been asked for additional information, but in the meantime, he stated, it would be desirable for the Council to authorize the filing of the

condemnation suit, so that this could be done, as indicated.

RESOLUTION NO. 57-522

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE A CERTAIN PARCEL OF REAL PROPERTY WITH IMPROVEMENTS THEREON IN THE CITY OF MODESTO TO BE USED FOR STREET PURPOSES

Introduced by Merrill Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

GRANT REQUEST OF LOIS L. LANE - RED TOP TAXI - FOR ADDITIONAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE ONE ADDITIONAL TAXICAB IN THE CITY OF MODESTO 3-37

RESOLUTION NO. 57-523

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 Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

APPROVE SUPPLEMENTAL AGREEMENT CALLING FOR EXTENSION OF LEASE WITH SOUTHERN PACIFIC COMPANY ON 8th STREET PARKING LOT 3-40

As directed by the Council, the City Attorney presented for Council approval, an ordinance approving a supplemental agreement with the Southern Pacific Company relating to the leasing of the Parking Lot on Eighth Street

ORDINANCE NO. 210-C.S. entitled

"AN ORDINANCE APPROVING THE SUPPLEMENTAL AGREEMENT WITH THE SOUTHERN PACIFIC COMPANY RELATING TO THE TERMS OF THE LEASE ON PROPERTY FOR PARKING PURPOSES IN THE CITY OF MODESTO"

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

Moved by Hammond Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

CONSIDER REMOVING STOP SIGNS ON MORRIS AVENUE AT HIGH STREET 3-43

The Council discussed the proposal of Director of Parking and Traffic Carmody that the stop signs on Morris Avenue at High Street be removed, on the basis that a study indicates four way stops are not warranted. His report indicated that during a 24 hour period, the traffic volume on Morris was 3500 cars, and on High Street, 1400 cars.

MOTION

That the Traffic Engineer prepare a comparative report of the traffic on both Morris Avenue and High Streets, during the morning and evening peak periods.

Moved by Mayor Marks Seconded by Merrill Unanimously carried

APPROVE INSTALLATION OF STOP AND YIELD SIGNS ON SYCAMORE 3-80

RESOLUTION NO. 57-525

A RESOLUTION ESTABLISHING STOP SIGNS ON SMITH AVENUE AT ITS INTERSECTION WITH SYCAMORE AVENUE IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

RESOLUTION NO. 57-526

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS AT THEIR INTERSECTIONS WITH SYCAMORE AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

AUTHORIZE INCREASE OF PURCHASING REVOLVING FUND FROM $3500 TO $4500 3-83

The City Manager reported that the city's purchasing revolving fund of $3500, used for purchase of supplies, etc, would not permit the purchase of supplies in quantities which would be most economical and asked that it be increased $1000, making a total fund of $4500.

RESOLUTION NO. 57-527

A RESOLUTION INCREASING THE PURCHASING REVOLVING FUND OF THE CITY OF MODESTO FROM A FUND OF $3500 TO A FUND OF $4500 AND AUTHORIZING THE TRANSFER OF THE ADDITIONAL $1000 FROM THE GENERAL FUND OF THE CITY

Introduced by Merrill Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

APPROVE REQUEST TO PAINT HOUSE NUMBERS ON CURBS OF CITY 3-107

The City Manager reported receipt of two requests for permission to paint house numbers on public curbs in the city. He suggested that if the Council approved in general principle, procedure for granting these requests could be prepared.

The City Attorney questioned if it would be necessary to regulate this field. He suggested that Council consent for the operation would only be required.

Director of Finance Bird pointed out that at the present time it was legally impossible to license the applicants without Council consent. It was agreed by the Council that no regulations be required but it would be necessary for the applicant to secure a city license.

MOTION

That the Council consent to the painting of house numbers on the public curbs in the city, by persons who have secured the necessary business license.

Moved by Hammond Seconded by Merrill Unanimously carried

REPORT ON PLANNING CONSULTING PROGRAM 4-15

Director of Planning Smeath reported that agreement had been reached with the consultants and the State Local Planning office as to the specific program which would be presented to the H.H.F.A. on the city's application for federal funds for the three studies, a) Study and plan for the central business district and related adjacent commercial and industrial areas; b) relocation of the Tidewater Southern railroad tracks from 9th St.; and c) precise plan of neighborhoods.

He reported on the two minor changes between the original and amended statements for the project:

1. That there would be precise plans for at least two neighborhoods;

2. That the precise plan of the central business district and adjacent related industrial area be one study and not include a general industrial district study.

MOTION

That the staff be authorized to advise the representative of the State Local Planning Committee (Mr. Andrews) to present this to the State as the city's application for funds.

Moved by Adams Seconded by Hammond Unanimously carried.

REPORT FROM PLANNING COMMISSION ON PROPOSED GREGORY GARDENS NO. 4 SUBDIVISION 4-67

Director of Planning Smeath reported that it was planned to proceed with the annexation of Gregory Gardens No. 3 Subdivision and to consider No. 4 Subdivision at a later date..

The City Manager reported on the recent meeting held with County and school representatives at which time No. 4 Subdivision had been discussed.

REPORT ON CANVASS OF BALLOTS OF CITY HALL BOND ELECTION 4-75

Copies of a report on the results of the City Hall Bond Election held on November 12, were distributed to the Council members.

REPORT ON AMERICAN MUNICIPAL ASSOCIATION MEETING BEING HELD IN SAN FRANCISCO ON NOVEMBER 30 TO DECEMBER 4 4-77

The City Manager called attention to the meeting and urged the Council members to attend some of the special sessions. The City Manager was asked to send the usual reminder to the Council that he would be absent from the city during the convention.

REPORT ON INVITATION TO TRAFFIC ENGINEER FROM THE PRESIDENT'S COMMITTEE FOR TRAFFIC SAFETY TO ATTEND MEETING IN WASHINGTON D. C. 4-86

The City Manager reported that the meeting was being held on December 9-10, and that Mr. Carmody had been asked by the League of California Cities and President's Committee, to be present as a representative.

The Council concurred with the City Manager's statement that although it was quite an honor for the city and Mr. Carmody, the city's work load at present would preclude the acceptance of the invitation.

FURTHER CONSIDERATION OF CITY HALL MATTERS 4-95

The City Manager suggested that Mayor Marks be authorized to write a letter to the Western Union requesting cooperation with the city in making arrangements to vacate the Hotel Modesto building at the earliest possible moment with the understanding settlement on finances would be made

subsequently on any basis that is finally determined, by negotiation or by the Court.

MOTION

That Mayor Marks be authorized to write a letter to the Western Union as suggested by the City Manager

Moved by Arata Seconded by Merrill Unanimously carried

FILING ON PROPERTY CONTROL INVENTORY FOR YEAR ENDING JUNE 30, 1957 4-107

The City Manager noted that the Property Control Inventory for year ending June 30, 1957 had been prepared by the Finance Department. The report was ordered filed with the City Clerk and Auditor.

COUNCIL MEETING ON THANKSGIVING EVE, NOVEMBER 27

The City Manager reminded the Council members that the next regular Council meeting was scheduled for November 27, Thanksgiving Eve. It was agreed that all matters would be considered at the next regular meeting if a quorum was not present at this time.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was adjourned at 5:20 P.M.

ATTEST: Rex E. Gailfus, City Clerk

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 Marks presiding.

The City Clerk called the roll and there were

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

Absent: Councilman: Robinson

Mayor Marks stated that the meeting was being held for the purpose of considering the basic concept of the new city hall which had been approved by the citizens of the city at the special election held on November 12, 1957.

He welcomed the members of the Citizens Committee for the City Hall, who were present, and expressed the Council's gratitude for the able assistance given by the Committee in the recent campaign.

Architect Milton Pflueger displayed preliminary drawings of the proposed city hall and pointed out that the problem to be resolved at this time was----the location of the building and its parking facilities on the site and to determine basically the type of city hall to be built.

The preliminary sketch provided for the construction of a four story building, facing Eleventh Street, where the main city departments would be placed; a tower to house the stairs and elevators; and a two story structure facing H Street to house the Council Chamber on the main street level, with multi-purpose rooms on the lower floor. He pointed out the advantages to be gained by not filling the present excavated area and constructing the building on the present level.

He stated that the preliminary sketch called for a two level parking facility with the on-grade parking entered from Eleventh Street and the secondary level from a ramp off of H Street. A capacity of approximately 117 to 121 cars would be developed in the plan, he reported. It is proposed to place the building on the most important part of the site, corner of Eleventh and H Streets, which will afford easier access.

The use of the excavated area for garden courts would be a great advantage in every way to the project, he stated. It would permit natural light to the entire lower floor and would be an architectural feature that would add much to the beauty of the building and surroundings, Mr. Pflueger pointed out.

Placing the Council Chamber in a two story building outside the main administrative office building has many advantages----it can be used as a little auditorium at all times and would be accessible to the public without going through the city hall. Since it will be a large room, it will require higher ceilings than the normal office areas and divorcing it from the main building permits this without penalizing the floor to floor height of the entire floor of the administrative building on which it might be placed.

Questions raised by the Council members and answered by Mr. Pflueger were:

1- The exterior proposed for the city hall as compared to the County Courts building;

2- The accepted concept of city hall planning was to divorce the Council Chamber from the Administrative area;

3- There is no basic difference in cost of a building of the type proposed and the "warehouse" type;

4 - The double decking plan for parking would provide more parking than possible on the on-grade basis both for public parking and for city hall use.

Councilman Merrill contended that the Council had promised the electorate a "functional type of office building" and that the type proposed by Mr. Pflueger would not meet this requirement.

Mayor Marks quoted from his letter to the Citizens Committee, which had been approved by the Council,

"Modesto needs a city hall, not just one that will do, but one that is inspiring and embodies the finest traditions of civic culture. The dignity and beauty of such public buildings contributes much to community spirit. Indeed they are often considered the measure of a community's respect for its institutions of government."

He contended that it would not cost any more to build the type of building proposed by Mr. Pflueger than it would the conventional warehouse type. He pointed out that the Council was the elected representatives of the people and that it would be up to the Council to make the decision on behalf of the people of the city. The promise made on "adequate parking" would be carried out with the plan proposed for double decking.

The various set back measurements shown for the proposed building were explained by Mr. Pflueger. (4-35) Areas where future expansion could be carried out were outlined also.

Councilman Hammond suggested plans for placing the Council Chamber building on the lot which would prevent the encroachment of 15 feet on the present parking area and do away with double decking, which were generally discussed.

Mr. Pflueger answered questions raised by Councilman Hammond relating to the value of set backs, the encroachment of the building on the parking area, that the maintenance cost of the garden courts would not be any more than at street level. He considered that there would be less refuse going into the garden courts as it would be protected by a low wall at the property line. He outlined the advantages of having the first floor open into the garden court.

John Bomberger, local architect associated with Mr. Pflueger, pointed out that by leaving the underground area open it created another story. If the area was covered over, an additional story would have to be built or employees be forced to work in a dark basemen. area.

The Council discussed the question---parking funds had been used to purchase portion of the property and should be used for this purpose or parking facilities arranged elsewhere on the property.

Councilman Arata suggested that the leasing of the M.I.D. building to the County might delay the city hall project. (5-100).

The City Manager questioned whether a city hall could be built at this site with as much parking as is being discussed without double decking arrangements. He pointed out that the 15' overlap of the administrative building was on the top floors only, and that 15' on the bottom deck would not be any advantage to the number of parking spaces. The plans will provide for a maximum of 116 or 121 cars while a total space allocable to parking would provide only 69 spaces on a one floor level, including the M.I.D. building.

Bob Carter, Dr. Robert Moon, Paul Birmingham, Howard Clarke, Dan Chaddock, George Hansen, Charles Tocalino, Dr. Tom Spaulding, Henry G. Anderson, members of the Committee spoke in favor of the proposed concept and location of the building on the site.

Richard Penney, member of the committee, considered that the costs for heating, lighting and cooling the building as proposed, would be costly. Maintenance costs for janitors would also be too high. He was opposed to too high a building because the people would not use the top floor, as it was more difficult to get people upstairs than downstairs.

Mr. Pflueger answered some of the questions raised on the proposed garden courts; drainage lines would be provided for either street or sunken level maintenance costs would be no more for the sunken area than street level, leaves have to be cleaned at either level. The most important fact is----the excavation is already present.

To a question from Councilman Arata, Mr. Pflueger pointed out that the drive-in arrangements for payment of bills had proven impractical from the basis of personnel costs and service afforded. He described the method by which the building could be expanded in future years. (9-60) He pointed out that the actual measurements of the building were not in final form and some of them may vary when the final plans are made.

RESOLUTION NO. 57-514

A RESOLUTION APPROVING THE PRELIMINARY SKETCH DRAWINGS AND CONCEPT OF THE CITY HALL BUILDING AS OUTLINED

Introduced by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

ADJOURNMENT

MOTION

That this special meeting now in session be adjourned.

Moved by Arata Seconded by Merrill Unanimously carried

ATTEST: Rex E. Gailfus

Rex E. Gailfus, City Clerk

Council Meeting

November 27, 1957

This being Thanksgiving Eve, a quorum of the Council members were not present and a meeting was not held.

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: Anderson, Arata, Merrill, Mayor Marks

Absent: Councilmen: Adams, Hammond and Robinson

Councilman Adams arrived at 4:12 P.M.

Councilman Hammond arrived at 4:09 P.M.

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

Rev. Charles Foley, Jr., pastor of the Calvary Baptist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of November 6, 13, 19 and 20, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM FRANK ANDREWS 1-25

A letter received from Frank Andrews was read, suggesting that sacks be placed over the city's street meters during the month of December to encourage shoppers to trade with the downtown merchants.

Mayor Marks pointed out that the real purpose of parking meters was to help the merchants by a turn-over of parkers in the parking spaces. The letter was ordered filed.

LETTER FROM BOARD OF SUPERVISORS REQUESTING TEMPORARY RESERVED PARKING SPACES IN THE CITY'S PARKING LOT AT TWELFTH AND I STREETS 1-28

A letter from County Administrator E. W. Hane requesting temporary parking privileges for the Board of Supervisors in the city's 12th and I Street parking lot, for a period of ninety days due to the construction program at the Courthouse was read.

MOTION

That the staff be directed to prepare the necessary documents to carry out this request.

Moved by Merrill Seconded by Hammond Unanimously carried

LETTER FROM DIVISION OF HIGHWAYS RELATING TO SENATE CONCURRENT RESOLUTION NO. 26 1-52

The City Manager read the letter received from the Division of Highways office in Stockton advising that in order to comply with the Senate Concurrent Resolution No. 26 deadline of September 1, 1958 for the submission of the study data for an overall plan of freeways and express ways to the appropriate committees, the Headquarters office requested that all material be in its hands not later than April 1, 1958. This would

require that the cities and counties submit their reports to the District Office by March 1, 1958, the letter advised.

The City Manager reported that Mr. Hatch and Mr. Greenberg from the Division of Highways district office in Stockton had discussed this subject with the staff this morning. Director of Planning Smeath has been delegated as the city's representative to work with the state on this matter, the City Manager stated.

ACCEPT BID OF COLORADO FUEL & IRON CORPORATION FOR THE CONSTRUCTION OF CHAIN LINK FENCE AT DRYDEN MUNICIPAL GOLF COURSE 1-75

RESOLUTION NO. 57-528

A RESOLUTION ACCEPTING THE BID OF COLORADO FUEL & IRON CORPORATION FOR THE CONSTRUCTION OF CHAIN LINK FENCE AT DRYDEN MUNICIPAL GOLF COURSE

Introduced by Arata Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

The bid submitted was the sum of $2,726.00.

INFORMAL HEARING ON APPLICATION OF MODESTO MOTOR BUS SERVICE FOR EXCLUSIVE BUS ZONES 1-80

Mayor Marks declared the informal hearing open at 4:15 P.M. on the application of Modesto Motor Bus Service for exclusive bus loading and unloading zones located as follows:

10th and I Streets, N.W. corner on I and on 10th

10th and J Streets, S.W. corner on J and on 10th

11th and J Streets, S.W. corner on J

12th and I Streets, N.W. corner on 12th Street

11th and I Streets, N.E. corner on I Street

The City Manager read a letter from the Merchants Association requesting that the present practice of using the zones, jointly for commercial and bus zones, be continued.

The City Manager reviewed the problems involved in the joint use of the loading zones, i.e. enforcement and double parking for the loading and unloading of bus passengers. The City Manager pointed out that under the present Council policy a person driving a passenger or commercial type car would be permitted to pull into these zones for the loading and/or unloading of passengers or merchandise. While multiple use means greater utilization of the space, from the standpoint of enforcement, he pointed out, it would be simpler if the zones were reserved for exclusive bus use.

The City Attorney reported that it was possible some of these zones had been established as "bus loading zones" and that the definition of this type of zone would limit it for that use only.

Mayor Marks pointed out that it had always been the policy of the Council to deny requests for loading zones in the downtown area because most of the stores had access from the alleys.

Councilman Merrill pointed out that the city had done everything possible to assist the bus company to continue its operation as a private

enterprise. He considered that the request for the exclusive zones should be granted.

W. R. Tomson, representing the Bus Company, noted the 8 reasons, listed in the application, why the company should have exclusive bus zones, painted red, on the five corners consisting of 14 parking spaces in the downtown area. He stated, "we feel that we need these red zones for the successful operation of the bus line".

Councilman Arata considered that the request should be approved but it should be possible for persons to unload their passengers in these zones, as long as they would not hold up the bus. Enforcement of this by the police should be on a lenient basis.

Mr. Tomson answered a question voiced by Councilman Adams on the number of conflicts between the busses and other vehicles----a detailed count had not been made of the number but the conflict was not between trucks as much as it was between passenger cars. The average commercial vehicle does not use these zones but double parks and unloads, because the zones are too small. The zone would have to be twice as big for a tractor, trailer type of commercial vehicle to pull in and unload, he stated. The drivers of passenger cars only have respect for a red painted curb loading zone. It should also be signed as a bus loading zone between the hours of 6:15 A.M. to 6:15 P.M. Sundays and holidays excepted.

The City Manager reported receipt of a letter from five of the principle common carriers in the city, stating that if the bus zones, now jointly used by the busses and trucks, were allocated exclusively for busses, they would be brought to the position of having to ask the city for new yellow zones to replace those that would be lost.

Graham May, representing the Retail Merchants Association, stated that they did not oppose the granting of the exclusive bus zones but they did oppose losing any more parking spaces in the downtown business district for loading and unloading zones. He considered that police enforcement could solve the conflicts between the passenger type cars and busses.

Mayor Marks outlined the Council's position on opposing the granting of loading zones in the business district, since the alleys could be used for this purpose.

Mr. Carmody gave a brief resume of the establishment of bus loading zones which had started in 1954 to assist the bus operations and pointed out that prior to that time the busses were double parking while loading and unloading passengers. He stated there were a great number of passenger cars without commercial licenses which were being used in commercial business, loading and unloading merchandise.

Mr Carmody pointed out that with the Council's approval, the curb painting of loading zones had been discontinued so that they could be used for night parking. The city recouped approximately 27 to 50 parking spaces in this manner, he pointed out. He reminded the Council that loading zones had been approved during the past 3 years for concerns who did not have alley access to their stores.

The City Attorney pointed out that there were 4 types of loading and unloading zones: "passenger", "freight", "bus", and "loading zones".

Councilman Hammond contended that the loading zones should continue to be used jointly by the commercial cars and busses.

Mr. Tomson considered that the enforcement problem would made it unworkable.

Police Chief Bowers pointed out that the difficulty arose from the definition of "commercial vehicle". Many private passenger cars or

smaller, such as the Volkswagon, are used for commercial purposes for delivery of goods from store, etc. The police department has difficulty in the enforcement field because of this fact, he stated. If an ordinance was adopted, defining a commercial vehicle as one---i.e. in excess of 3000 pounds--- and permits were issued to commercial vehicles, the matter could be more clearly defined. Not the private passenger car doing shopping, but the passenger car operating commercially is the problem. He reported that a recent change in the law prohibited the issuance by the state of commercial licenses for passenger vehicles. A car must be over 3000# before it can carry the state commercial vehicle license plates. Some cities have licensed cars under 3000# as commercial vehicles and required persons to place stickers on the cars if they were used for commercial purposes.

Mayor Marks approved the granting of the request for the exclusive bus zones but considered they should be limited to the time the busses were actually in operation. He considered that the enforcement of the present regulations were not only a physical impossibility, but also a legal impossibility.

Police Chief Bowers reported on the methods which had been used to enforce the present regulations which had proved inadequate. He considered that if the busses were important in the whole problem of mass transportation, traffic congestion, and the city wants the busses to park properly against the curb and not extend out into the pedestrian zones, exclusive zones should be considered. The matter of commercial vehicles should also be explored since it has application in other areas, he considered.

MOTION

That the staff be directed to prepare the necessary papers to establish the five locations as indicated in the Bus Company's application to the city, as exclusive bus zones from the period of 6:15 A.M. to 6:15 P.M., Sundays and holidays excepted.

Moved by Arata Seconded by Merrill

Mayor Marks declared that the motion had carried.

The City Attorney pointed out that the curbs could not be painted red as requested by the company since it would interfere with the nighttime parking.

Mr. Carmody stated that the wording on the sign to be erected at the bus zone would read "bus loading zone 6:15 A.M. to 6:15 P.M." and the curbs could not be painted red because a driver could not legally park in a red zone at any time of day or night.

Councilman Hammond considered that the problem was not solved but would be up before the Council again since he was convinced that both commercial and bus loading should be permitted.

Councilman Arata pointed out the difficulty of defining commercial loading.

When questioned about the enforcement of the new bus zones, Police Chief Bowers stated that 1) the department will not have to determine whether the car is or is not commercial and 2) will not have to determine whether it is there legally or not and a tag will be placed on the car. He considered that it would be an enforcement policy not to tag a car which is loading or unloading passengers in the zone, if the driver remains in the car and someone is getting into or out of the car and then drives on.

Mayor Marks assured Mr. Kleinenbroich that the city would do everything possible to keep the busses operating. He suggested a program of validating bus tokens by the merchants be explored to increase the use of the busses and eliminating traffic congestion.

Mr. Tomson reported that the company was working on this type of program and it would be presented to the Merchants Association soon.

Mr. May stated that the Retail Merchants did not want to see any more parking spaces taken away for commercial vehicle uses.

Mayor Marks pointed out that the official records of the city would indicate that constant requests were being made to the Council for loading zones in the downtown area but so far they have been turned down in most cases.

Mayor Marks declared the informal hearing closed.

ORDINANCE ESTABLISH 35 MPH SPEED LIMIT ON SUTTER AVENUE AND 25 MPH ON BOWEN FROM GENEVA DRIVE TO EAST CITY LIMITS 4-105

ORDINANCE NO. 211-C.S. entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO,' AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATIONS, AND REPEALING ORDINANCE NO. 208-C.S.

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

Moved by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

FINAL ADOPTION OF ORDINANCE NO. 210-C.S. APPROVE AGREEMENT WITH SOUTHERN PACIFIC COMPANY ON LEASE OF PARKING LOT ON EIGHTH STREET 4-110

ORDINANCE NO. 210-C.S. entitled

"AN ORDINANCE APPROVING THE SUPPLEMENTAL AGREEMENT WITH THE SOUTHERN PACIFIC COMPANY RELATING TO THE TERMS OF THE LEASE ON PROPERTY FOR PARKING PURPOSES IN THE CITY OF MODESTO",

introduced on November 20, 1957, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Hammond Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

APPROVE RIGHT OF WAY CONTRACTS BETWEEN THE CITY AND PROPERTY OWNERS ALONG McHENRY AVENUE 4-115

The City Manager reported that contracts had been prepared for execution on 36 parcels of property along McHenry Avenue by the American Right of Way and Appraisal Contractors providing for transfer of rights of way for the widening of the street. It will be necessary for the city to assume the cost of minor damages in approximately 10 of these parcels, totalling approximately $515, he reported. The provisions of the contracts were briefed by the City Manager.

The City Attorney listed the contracts by document number and grantor name for the records.

RESOLUTION NO. 57-529

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 Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

REPORT ON COST OF RECONSTRUCTION OF GRAND STAND AT DEL WEBB FIELD 5-45

Councilman Arata reported for the Council committee on the investigations on the reconstruction of the grandstand at Del Webb Field which had been destroyed by fire. The committee, he stated, is recommending the rebuilding of the present concession stand which could be stuccoed later. If and when it is placed under the grandstand, it would cost approximately $12,000. This could be done at a later date. He personally considered that the grandstand would be rebuilt with concrete instead of wood.

The staff also agrees on these recommendations, the City Manager reported. It is also recommended that the storage rooms built under the stand be either concrete blocks or some type of non-combustible material. He estimated this cost to be approximately $2,000. The approximate difference in cost between a frame and concrete structure would be of the order of $10,000.

The Director of Public Works reported that the department was still collecting information on the possibility of reconstructing with pre-cast materials, and a report would be submitted shortly. As soon as the data is assembled, he stated, it will be checked out with the committee.

MOTION

That the staff be authorized to proceed on the precise plans for concrete construction.

Moved by Merrill Seconded by Adams Unanimously carried

Councilman Arata pointed out that about 120 seats would be gained under the new plans and it may be possible that some of the existing wooden bleachers will not have to be replaced.

The City Manager pointed out that the maintenance cost would be less for a concrete structure.

FURTHER CONSIDERATION OF PROPOSED REVISED ELECTRICAL ORDINANCE 5-75

The City Manager reported that conferences had been held with interested persons on problems in the proposed revised electrical ordinance and general agreement had been reached. Special items under consideration were:

1- Licensing of persons permitted to do electrical work. It is now proposed to provide in the code, an examination process where a certificate of proficiency is granted upon completion of the examination. A Board of Electrical Examiners will be established similar to the present Board of Plumbing Examiners. This would not prohibit a home owner from doing his own work, providing it will pass city inspection.
2- Fees Some changes were made which had been approved by the contractors and the city.

MOTION

That the staff be authorized to draft an ordinance for Council consideration including the licensing and fee schedule.

Moved by Arata Seconded by Anderson Unanimously carried

Both Dan Chaddick and Art Sullivan, representing the electrical contractors, expressed approval of the provisions proposed relating to the fees and licensing.

The City Manager reported that it was proposed to eliminate the double permit fees provision in order to assist in the enforcement of the code. Enforcement and administration of the double permit fee has proved unsatisfactory and it is now proposed that if a person does not get the permit within the required time (24 hours), he is in violation of the code and will be handled in the normal manner when the city code is violated. There is, however, a provision for emergencies, he stated. The reason for the proposal is to take care of the persistent violator who considers it is cheaper to do the work, and if caught by the city, to pay the double fee.

Councilman Adams pointed out that the double permit fee regulation could be removed from other ordinances at a later time, after this ordinance has been observed for awhile.

MOTION

That the provision for a double permit fee charge be eliminated from the ordinance.

Moved by Arata Seconded by Hammond Unanimously carried

The City Attorney stated that he was unwilling to ascribe, without specific direction from the Council, that automatically a complaint be filed anytime a person does not get a permit. In every legal action, he stated, facts and circumstances of the individual case, the previous record of the violator and the other things that warrant it must be taken into consideration. He questioned if a strict policy of---no permit, a complaint is going to be filed---could be followed.

The City Manager considered that there was no basic disagreement, except on the degree of the word "strictness". The city does not file a complaint everytime anybody violates an ordinance. He stated that he was "fed up with the monkey business which has been going on in this field and every responsible contractor who follows these procedures feels exactly the same way." Reason and justice will be used in the enforcement, as is true of all other city ordinances, he pointed out. The Council indicated its approval of this promise.

The City Manager considered that if the flagrant violators of the electrical code were prosecuted for violation that 99% of the problems of work being done without city permit and inspection would be eliminated.

The City Attorney pointed out that many of the violators of the city code relating to permits, zoning violations, etc. were not prosecuted. The city attempts to work out the problem with the citizens involved, he stated. It this was not done the legal staff would have to be increased.

The City Manager pointed out that he had been responsible for the enforcement of the city ordinances in three cities and he had found out that if the people know "you mean it" 90% of the problems are eliminated. He cited examples of this problem.

Art Sullivan, representing the independent electrical contractors, stated that whenever a man does not take out a permit, he purposely does not because he wants to violate the ordinance. He cited instances of installations where infractions had occured.

The City Manager noted a letter from Mr, Virgil Hodges, who had filed a complaint on electrical installations in buildings outside the city and later annexed.

ACCEPT PERIMETER SEWER IN GREGORY GARDEN NO. 2 UNIT B FROM TED SWINFORD 6-12

RESOLUTION NO. 57-530

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PERIMETER SEWER IN GREGORY GARDENS NO. 2 (UNIT B) FROM CONTRACTOR TED SWINFORD; AUTHORIZING PAYMENT OF AMOUNTS DUE AND RECORDATION OF NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

ACCEPT DEEDS AND AUTHORIZE RECORDATION WITH COUNTY RECORDER 7-1

RESOLUTION NO. 57-531

A RESOLUTION ACCEPTING GRANT DEED FROM ANDREW W. LEPAPE AND DORENE LEPAPE, HUSBAND AND WIFE, FOR WIDENING OF SANTA BARBARA AVENUE (PROJECT NO. 57-12)

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

RESOLUTION NO. 57-532

A RESOLUTION ACCEPTING DEED OF EASEMENT FROM S. M. TRIMBUR AND HAZEL TRIMBUR, HUSBAND AND WIFE, FOR WIDENING OF COLLEGE BETWEEN PEARL AND BRIGGSMORE (PROJECT NO. 56-23)

Introduced by Merrill Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

RESOLUTION NO. 57-533

A RESOLUTION ACCEPTING DEED OF EASEMENT FROM KENNETH C. ASHER AND KENNETH L. SCHROEDER, PARTNERS, FOR DRAINAGE EASEMENT ON TULLY ROAD BETWEEN STODDARD AND COLDWELL AVENUES (PROJECT NO. 57-17)

Introduced by Arata Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

RESOLUTION NO. 57-534

A RESOLUTION ACCEPTING GRANT DEED FROM CATHERINE I. RAWLINS FOR RIGHT OF WAY FOR STREET AND UTILITIES PURPOSES (RELOCATION OF IRRIGATION LINE IN LUNDQUIST SUBDIVISION)

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

APPROVE PAYMENT OF ANNUAL BUDGET ALLOCATION TO MERCHANTS ASSOCIATION 7-6

MOTION

That the payment of the annual budget allocation of $3,000 be authorized to the Modesto Merchants Association

Moved by Merrill Seconded by Anderson Unanimously carried

RESOLUTION REQUESTING COUNTY TO CANCEL TAXES ON CITY HALL SITE AND MARSHALL PARK SITE 7-12

RESOLUTION NO. 57-535

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 Adams Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

APPROPRIATION TRANSFER FOR TAXES ON MCBRIDE PROPERTY 7-15

RESOLUTION NO. 57-536

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM GENERAL RESERVE OF $231 TO MISCELLANEOUS UNCLASSIFIED FOR PAYMENT OF TAXES ON THE MCBRIDE PROPERTY

Introduced by Merrill Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

ESTABLISH YIELD SIGNS ON BOWEN AVENUE 7-20

RESOLUTION NO. 57-537

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS INTERSECTING BOWEN AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Robinson

CONSIDERATION OF OVERHEAD SIGNS ON DOWNEY AVENUE AND I STREET 7-30

Director of Parking and Traffic Carmody reported on traffic difficulties caused by drivers making left hand turns from the center and north lanes on Downey Avenue into I Street. He suggested that an illuminated sign be placed over Downey Avenue, just east of I Street with arrows pointing to the direction turns could be made. He displayed three sketches of proposed signs, (a) costing $1400; (b) $1700 and (c) $1150, and suggested that sign (c) would be satisfactory. After a general Council discussion on the advantage and disadvantages of each sign, it was agreed that the (a) sign would be most satisfactory.

MOTION

That the staff be authorizing to proceed on alternative (a) sign basis.

Moved by Adams Seconded by Anderson Unanimously carried

The appropriation of funds, the City Manager stated, would be presented at a later date for Council action.

FURTHER CONSIDERATION OF COLLECTION DEVICE FOR 8TH STREET PARKING LOT 7-105

Mr. Carmody reported on alternate methods to be used in collecting the 20¢ per day parking fees on the 8th Street parking lot; parking meters; parking gates or ticket vending machines.

Further investigation, he stated, indicates that parking meters would be better than the ticket vending machines, as previously suggested.

MOTION

That the staff be authorized to proceed on the basis of using meters.

Moved by Merrill Seconded by Hammond Unanimously carried

Funds for this project the City Manager reported, could be appropriated at a later date.

AUTHORIZE REMOVAL OF STOP SIGNS ON MORRIS AVENUE AT HIGH STREET 8-08

Pursuant to the instructions of the Council, Mr. Carmody presented additional information on his proposal that the stop signs on Morris Avenue at High Street be removed. Copies of the report had been previously distributed to the Council for study.

Councilman Anderson considered that the further study did not take into consideration the number of older pedestrians crossing the intersection and the fact that Morris Avenue was a main street leading to Downey High School and used by many students travelling to and from school in their cars.

Councilman Adams cited College Avenue at Stoddard Avenue as an example where stop signs had been satisfactorily removed from a main arterial street.

Councilman Merrill objected to the removal of the stop signs on the basis that it slowed the traffic and permitted pedestrians to cross the streets.

Mr. Carmody pointed out that the same objections had been advanced at the time the stop signs had been removed from the northern section of College Avenue. He pointed out that stop signs did not effectively control speed since cars can go from zero to 60 miles an hour in 10 seconds and in one block. The effective reduction on speed is limited to an area of 200 feet on each side.

Councilman Hammond pointed out that the Council should be alert to the fact that the traffic problems are increasing constantly, the changing needs must be met to facilitate the flow of traffic through the city.

The City Manager pointed out that if the volumes of traffic and relationships which exist at this intersection were used as a standard for installation of 4 way stops there were at least ten or fifteen other intersections where they would be justified. He pointed out that the signs had originally been installed on standards which the city would not use now.

RESOLUTION NO. 57-538

A RESOLUTION AUTHORIZING THE REMOVAL OF STOP SIGNS LOCATED ON MORRIS AVENUE AT ITS INTERSECTION WITH HIGH STREET IN THE CITY OF MODESTO

Introduced by Adams Seconded by Mayor Marks

Ayes: Adams, Arata, Hammond, Mayor Marks

Noes: Anderson, Merrill Absent: Robinson

ESTABLISH NO PARKING ZONE SOUTH SIDE OF NEEDHAM AVENUE 8-106

RESOLUTION NO. 57-539

A RESOLUTION ESTABLISHING NO PARKING ZONE ON SOUTH SIDE OF NEEDHAM AVENUE AT ITS INTERSECTION WITH THE SOUTHWESTERLY CURB LINE OF TENTH STREET IN THE CITY OF MODESTO

Introcuded by Merrill Seconded by Anderson

Ayes: Adams, Arata, Hammond, Anderson, Merrill, and Mayor Marks

Noes: None Absent: Robinson

Mr. Carmody displayed a type of illuminated green arrow sign which is proposed for installation in conjunction with the next one-way street project, to remind the motorist that they cannot make left turns.

Councilman Arata suggested that a black panel be installed in back of some of the traffic signal lights to increase visibility. Mr. Carmody estimated the cost on all of the older signals for this installation to be $1170. He reported that all new signals installed had the reflector.

The City Manager stated that a further report would be made to determine if funds would be available for the work.

ESTABLISH BUS LOADING ZONES AND NO PARKING ZONE NEAR WELFARE OFFICE 9-20

RESOLUTION NO. 57-540

A RESOLUTION DESIGNATING BUS LOADING ZONES ON SCENIC DRIVE EAST OF ITS INTERSECTION WITH BODEM STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

RESOLUTION NO. 57-541

A RESOLUTION ESTABLISHING NO PARKING ZONE ON THE SOUTH SIDE OF SCENIC DRIVE JUST WEST OF THE DRIVEWAY TO THE WELFARE OFFICE IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

ACCEPT STREETS AND ALLEYS AND EASEMENTS IN HUDELSON TRACT 9-25

The City Attorney reported that the Hudelson Subdivision had been approved outside the city, and the Board of Supervisors did not accept the streets dedication. In order to clear the status of the streets, alleys, and easements in the subdivision, he reported, both the original subdivider and the city staff consider that the streets should be accepted as public streets for public use in the city. (Timothy Lane and Judith Lane)

RESOLUTION NO. 57-542

A RESOLUTION ACCEPTING THE STREETS AND ALLEYS AND EASEMENTS AS SHOWN ON THE FINAL MAP OF THE HUDELSON TRACT ON BEHALF OF THE PUBLIC USE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Mayor Marks

Ayes: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

CHANGE WORDING OF RESOLUTION NO. 55-35 NAMING THE BALL PARK AS DEL WEBB FIELD 9-33

The City Attorney reported receipt of a suggestion that a change in the wording of Resolution No. 55-35 naming the municipal ball park the "Del Webb Field" to show that Mr. Webb had actually played ball in the park and had lived in the city.

RESOLUTION NO. 57-543

A RESOLUTION DESIGNATING CERTAIN CITY PROPERTY AS DEL WEBB FIELD

Introduced by Arata Seconded by Mayor Marks

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

REFER APPLICATION FOR ANNEXATION OF GREGORY GARDENS SUBDIVISION NO. 3 TO PLANNING COMMISSION 9-42

RESOLUTION NO. 57-544

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO, KNOWN AS GREGORY GARDENS NO. 3 ADDITION

Introduced by Hammond Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

APPROVE FIRST SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURES OF FUNDS ALLOCATED UNDER SECTION 2107.5 OF THE STREETS AND HIGHWAYS CODE 9-50

RESOLUTION NO. 57-545

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING BUDGET AND APPROVING FIRST SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF FUNDS ALLOCATED UNDER SECTION 2107.5 OF THE STREETS AND HIGHWAYS CODE

Introduced by Anderson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

APPROVE APPROPRIATION TRANSFER OF $300 FOR NORTHEAST ADDITION ANNEXATION9-58

RESOLUTION NO. 57-546

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $300 FROM THE GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED (ELECTIONS) TO PROVIDE FUNDS TO COVER COST OF NORTHEAST ADDITION ANNEXATION ELECTION

Introduced by Adams Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Robinson

EXTEND PROVISIONAL APPOINTMENT OF CHARLES O. PHILLIPS--JANITOR 9-49

MOTION

That the provisional appointment of Charles O. Phillips be extended for a period of 60 days from December 3, 1957 to March 3, 1958.

Moved by Anderson Seconded by Adams Unanimously carried

MAYOR REPORTS NEW ADDRESS 9-62

Mayor Marks reported that he had sold his home and purchased and moved to a new one, located at 1215 Fordham Avenue.

CHAMBER OF COMMERCE ACTIVITY REPORT FILED 9-85

The Chamber of Commerce activity report for months of July, August and September, 1957, was ordered filed.

REPORT ON STATUS OF ADVANCE PLANNING PROGRAM 9-87

The City Manager reported receipt of a letter from E. W. Hane, Chief Administrative Officer of the County advising that the City-County Committee approved in principle the plan to finance the activities of the Advance Planning staff during the interim period between January 1, 1958 and the date on which federal funds become available on a matching basis.

The estimated monthly cost for the operation would be $4,000, with Modesto's share about one-third. He reported that the County was checking with each city and wished Council approval from each one.

MOTION

That the plan for the continuance of the Advance Planning staff, during the interim period, as outlined in the letter be approved.

Moved by Adams Seconded by Hammond Unanimously carried

REPORT ON MEETING ON LOCAL FISCAL RELATIONS 9-97

Councilman Hammond reported on the meeting held by the Committee on local fiscal relations. The feeling of cities within the county, he stated, was that the report prepared by the Pacific Planning Research was not definitive or conclusive enough to provide any basis for discussion of a change in the percentage ratio of the sales tax between the cities and the County. The Committee considered that its activities should cease. A vote to disband the committee carried and the percentage basis for sales tax will continue on the present basis.

The Council notified the City Manager that this would relieve the staff from its assignment to make a detailed analysis of the report submitted by the Company.

The City Manager stated that copies of a brief statement on the report prepared by the Director of Finance had been sent to Vice Mayor Hammond and Councilman Arata, who were members of the committee, and copies are to be sent to the others members of the Council and a copy filed with the City Clerk.

ADJOURNMENT

MOTION

That this Council meeting now in session be adjourned

Moved by Anderson · Seconded by Arata Unanimously carried

ATTEST: Rex E. Gailfus
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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: Councilman: Anderson

Councilman Anderson arrived at 7:55 P.M.

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

Rev. Dale Sherwood, pastor of the First Christian Church, gave the invocation.

APPROVAL OF MINUTES

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

CITATION FOR MERITORIOUS SERVICE TO SAFETY ACCEPTED BY MAYOR MARKS 2-18

Mayor Marks accepted a citation, presented by Henry Laws of the Stanislaus County Board of Insurance Agents, for "Meritorious Service to Safety in the City of Modesto". The period covered in the contest was from Memorial Day to Labor Day, 1957. Sergeant Brink of the California Highway Patrol spoke briefly.

LETTER FROM FRANK ANDREWS 1-76

A letter from Frank Andrews was read, calling attention to the "dirty and deplorable condition of the sidewalks and entrances around the city hall site", and referred to the staff.

ESTABLISH STOP SIGNS AT 15th AND K STREETS 1-83

City Manager Miller reported receipt of letters from the San Joaquin Mortgage Company and Wolverine Building Service Inc. requesting that some special consideration be given to the traffic situation at 15th and K Streets. This intersection has been checked by the Traffic Engineer and it is recommended that a stop sign be installed.

RESOLUTION NO. 57-547

A RESOLUTION ESTABLISHING STOP SIGNS ON FIFTEENTH STREET AT ITS INTERSECTION WITH K STREET IN THE CITY OF MODESTO AND RESCINDING A PORTION OF RESOLUTION NO. 56-194

Introduced by Arata Seconded by Adams

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR GASOLINE FOR YEAR ENDING JANUARY 15, 1959 1-95

RESOLUTION NO. 57-548

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR GASOLINE FOR YEAR ENDING JANUARY 15, 1959

Introduced by Hammond Seconded by Robinson

Ayes: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Anderson

The time set for the opening of the bids was 2:00 P.M., January 6, 1958, in the office of the City Clerk.

FINAL ADOPTION OF ORDINANCE NO. 211-C.S. SPEED LIMIT ON CERTAIN STREETS-AMEND TRAFFIC ORDINANCE NO. 345-N.S. 1-98

ORDINANCE NO. 211-C.S.
entitled

"AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO,' AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATIONS, AND REPEALING ORDINANCE NO. 208-C.S."

introduced on December 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 and Mayor Marks

Noes: None Absent: Anderson

ORDINANCE APPROPRIATING ADDITIONAL REVENUE AND UNAPPROPRIATED RESERVE - IN PARKING FUND 1-100

ORDINANCE NO. 212-C.S.

"AN ORDINANCE APPROPRIATING ADDITIONAL REVENUE AND UNAPPROPRIATED RESERVE IN THE PARKING FUND FOR EXPENDITURE DURING THE 1957-58 FISCAL YEAR AND ALLOCATING THEM FOR THE PARKING RESERVE"

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

Moved by Robinson Seconded by Hammond

Ayes: Adams, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: Anderson

HEARING ON PROPOSED VACATION AND ABANDONMENT OF PORTION OF ALLEY IN CAMPUS HEIGHTS SUBDIVISION 1-115

Mayor Marks announced that the hour of 7:45 P.M. had arrived, the time set for the hearing on the proposed vacation and abandonment of a portion of the alley in Campus Heights Subdivision.

The City Manager asked that the hearing be recessed until the Director of Public Works could confer with Art Wylie, petitioner, to clear certain matters.

Mayor Marks ordered the hearing recessed at 7:50 P.M. until later in the meeting so that these matters could be cleared before Council consideration.

Councilman Anderson arrived at this time.

ORDINANCE AMENDING MUNICIPAL CODE RELATING TO PROPERTY TAXES 1-120

ORDINANCE NO. 213-C.S.

"AN ORDINANCE AMENDING SECTION 8-2.301 OF ARTICLE 3 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO PROPERTY TAXES"

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

Moved by Hammond Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

DISCUSS CITATION PROCEDURE ORDINANCE 2-1

The City Attorney explained the proposed ordinance stating that at the last State legislative session, legislation was adopted authorizing a citation procedure for processing of violation of all city ordinances, similar to that presently employed in connection with the Vehicle Code.

Mayor Marks suggested that additional study be made by the Council members before action was taken.

Councilman Hammond suggested that before a Council discussion was held on the matter that the members be furnished with information for study. It was agreed that a copy of the citation procedure be sent to the members along with an explanation prepared by the staff.

AUTHORIZE CHANGE IN PAYROLL PROCEDURE 2-60

RESOLUTION NO. 57-549

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 SIXTEENTH OF EACH MONTH TO AND INCLUDING THE LAST DAY THEREOF, AND RESCINDING RESOLUTION NO. 6743-N.S.

Introduced by Hammond Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks

Noes: None Absent: None

HEARING ON APPLICATION OF MASONIC CEMETERY ASSOCIATION FOR AN UNCLASSIFIED USE PERMIT TO EXPAND ITS CEMETERY FACILITY TO BODEM STREET 2-100

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the application of the Masonic Cemetery Association, 801 Scenic Drive, for an unclassified use permit to expand the existing cemetery into the north 560 feet in Block 595, being located on the east side of Bodem Street, between Scenic Drive and Cedar Avenue.

The City Clerk certified that the notice of the hearing had been published in the city's official newspaper, as provided by law; notices had been mailed to the property owners in the area on November 29 as provided by the Municipal Code; and no written protests had been filed against the proposed change.

The City Manager noted that since the above report had been prepared, a written protest had been filed by Mrs. E. F. Terrell.

Director of Planning Smeath reviewed the history of the Association's efforts to obtain permission to expand its facility during the past years and displayed sketches of the area. He reported that the Planning Commission had adopted Resolution No. 423 on Nov. 5 recommending to the Council the granting of the unclassified use permit on the following conditions:

"1- That development be in accordance with the plan submitted by the Masonic Cemetery Association, dated November, 1957;

2- That the Cemetery Association permanently maintain the fence, vine planting, shrubs and lawn;

3- That there be no openings in the fence facing either Bodem or Cedar Streets

Failure to comply with the above conditions will constitute grounds for revocation of the permit."

The findings of the Commission, he stated, were that the granting of the permit was required by public necessity, convenience and general welfare for the following reasons:

"1- The expansion of the cemetery will not be detrimental to surrounding residential property;

2- Cemetery development of the area in question is a proper use of the land;

3- Expansion is necessary in order that sufficient funds be obtained to allow for permanent endowment care of the cemetery."

He stated that the plan proposed calls for the construction of a wall or fence, 15 feet back from the front property line, along Cedar and Bodem Streets, with vines planted on the fence, and with shrubs planted in the first 5 feet of that 15 foot distance out to the property line, grass in the balance of the area and that the cemetery maintain the 15 foot landscaping. He pointed out that the basis of the Association's request was to obtain additional funds, which now are obtained through the sale of lots for perpetual maintenance. He reported that a petition had been filed by those protesting the permit on the basis that it would be detrimental to property values to expand the cemetery, and that it would only be a temporary solution due to the size of the area and it would be better to locate and expand elsewhere. There was one new factor which was not as well known in the past as now--this is a possible suggestion by the Division of Highways and included in the preliminary general plan, for a major street relocation for McHenry Avenue through this property. If this was done, there would be the question of any construction in the area, being a complicating factor.

Mayor Marks pointed out that those opposing a cemetery might be more opposed to the locating of a major street in their area.

The City Manager stated that under the new policy of the state, on the location of freeways, the state is asking cities now to advise them of the routes which they wish to have given special consideration and which they prefer for freeways. He pointed out that the Council would have the preliminary general plan filed later in the meeting, out of which should come some recommendation which should be presented to the state, within 60 to 90 days. He pointed out that in fairness to all concerned everyone should know what the proposals are now and that reports will be made on them within 90 days, if the city meets the state's schedule.

The City Attorney stated that this was a risk to be assumed by the applicants and proponents.

The City Manager considered that it was the city's problem too, since the state had asked the city to help determine freeway routes.

Mr. Smeath stated that the plans for the development of the area indicated that either a wire or masonry fence would be built. The Association indicated it would build either type the staff recommended, if the permit was granted that the wall be of cement block construction. The Commission indicated in its original decision a year ago that it considered a wire fence with vines on it would be better. The Commission's resolution adopted at the last hearing, set the condition that the fence and development "be in accordance with the plans submitted by the Association, dated November 1957", so the fence could be either wire or masonry.

Jack Haugen, representing the Association, brought up the following arguments in favor of the expansion and displayed pictures to demonstrate his arguments:

1- The basic reason for the request was the urgent need for additional income to insure endowment care;

2- The proposed improvement would beautify the area, rather than detract.

He reported on the recent audit of the State Cemetery Board, which indicated the need for additional income.

Opposing the expansion were:

Carroll Fulkerth, 506 Castle, who claimed it would only afford temporary relief. He recommended that the Council appoint a committee composed of Council members, Masonic Association members, citizens and others, to work on a long range expansion plan for the cemetery. He claimed that the Association could not guarantee permanent care if a freeway would go through this area.

May Reeves, 712 Scenic Drive, objected on the basis that it would depreciate the property value of the surrounding area.

Ben Jansen, 318 Bodem Street, stated it would depreciate the property values, but not the taxes, and buyers would object to purchasing the properties because they looked out onto the cemetery.

Mrs. McGhee, 302 Bodem Street, objected to the continual effort of the Association to expand its facilities which caused the property owners to keep appearing in protest to the expansion. She pointed out that her opposition was not to be construed as lack of respect for the dead. The size of the area would not be a long benefit to the Association.

Mr. Blair, 609 Cedar Avenue, who contended that proximity of cemetery does jeopardize the value of properties. From the standpoint of the Association this expansion would only be a stop gap. The state might select another freeway route which might not be as feasible as this one, if the expansion permit was approved by the Council. No matter how a cemetery was "dressed up" it was still a cemetery and a wall and landscaping would not hide this fact.

Mrs. Beechem, 619 Cedar Avenue, stated the expansion would not only reduce the value of the surrounding area, but would create a traffic hazard on Cedar and Bodem Avenues. The expansion would create a psychological problem.

Mr. R. Gelder, 246 Melrose, objected to the Association being permitted to bring up the expansion question time after time. He considered that it should be decided once and for all by the Council to assure the property owners that their property would not be jeopardized by the expansion.

Clint Atwood, 221 San Juan Drive, owner of rental property on Bodem Street, objected to the expansion on the grounds it created a rental problem.

Mrs. Glen Wooley, 410 Bodem contended that most of the people in the area owned their own property and the expansion would discourage them from keeping up their properties.

Howard Wilbourne, 227 McHenry Avenue, C. B. Lindsay, 140 E Francis Street and Roy Garrison, spoke in favor of the expansion on the basis that 1) it would be easier to sell property if the wall and landscaping was constructed; 2) that the number of dead were increasing as the population increased and it was necessary to create additional cemetery facilities.

Mayor Marks contended that conditions had not changed in the area during the period since the previous application and unclassified use permit had been requested by the Association, and denied by the Council, The possibility of construction of a freeway through the area should be cleared before a permit was granted. The city has no right to tell the Association that they should expand elsewhere.

The City Attorney reviewed the legal situation for the Council and pointed out the alternatives available in making its decision on the application.

Councilman Hammond suggested that some other type wall be constructed, instead of a masonry barrier type, which would be more pleasing to the eye.

Mr. Smeath reported on methods used by other organizations in the construction of barrier walls. He suggested a brick or some other type of good ornamental wall with planting in front to break the harshness.

Mayor Marks suggested, as a compromise solution, that small, attractive houses be constructed on the front of the property facing both Cedar and Bodem Streets on 80-90 foot deep lots, and the wall be built back of the houses, leaving an area 116' deep for expansion.

Mr. Wilbourne contended that this plan would not be practical because very few people would consider purchasing a house near a cemetery and contractors would not buy the lots for construction.

Mr. Smeath reported that the Planning staff had recommended to the Planning Commission that the permit be denied on the basis of land use relationships. The staff considers in its study when an application is made for an unclassified use permit: 1) does the use fit into the area; 2) should the use be expanded.

Councilman Robinson pointed out that some of the opposition to the permit was based on the possibility of even further expansion. He asked if a condition could be established, in any consideration of granting the permit, that no further expansion would be permitted.

Mr, Smeath considered that this would not be legally possible.

Councilman Hammond considered that the construction of a proper type of wall would enhance the value of the property. He recommended that the unclassified use permit be granted on the condition that the Masonic Association work out a proper landscape plan and proper type of wall barrier with a landscape architect and present it to the Council or Commission for approval, and that the people in the area be assured before any lots were sold for burial that this wall and landscaping would be installed first. He considered that this use was the logical use for the land.

Councilman Anderson considered that the height of the wall and adequate landscaping should also be set as conditions.

After general Council discussion the following conditions on the expansion of the cemetery facility were established:

1- That the development of said expansion shall be in accordance with a plan to be submitted to the City by the Masonic Cemetery Association and approved by the City Council, specifying a concrete block or masonry wall;

2- That the Masonic Cemetery Association permanently maintain fence or wall, vine planting, shrubs and lawn;

3- That there be no openings in fence or wall facing either Bodem or Cedar Streets; and

4- No burial shall be made in the expansion area until the development plan referred to in paragraph 2 above is approved by the City Council and the development of the area is completed in accordance with the approved plan.

Art Wylie, real estate operator, 624 Scenic Drive, spoke in opposition to the expansion and suggested that the Association sell the front 80 foot portion of the lots and have houses constructed before they were granted any expansion permit.

Mayor Marks stated that "when some future Council is sitting here in the middle of a freeway hearing in some other location, if this permit is granted, they will rue the day".

The findings to be set forth in the resolution, were summed up by the City Attorney:

1- Expansion of the cemetery will not be detrimental to surrounding residential property;

2- Cemetery development of the area in question is a proper use of the land; and

3- Expansion is necessary in order that sufficient funds be obtained to allow for permanent endowment care of the cemetery.

The hearing was declared closed by Mayor Marks

RESOLUTION NO. 57-550

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO THE MASONIC CEMETERY ASSOCIATION FOR EXPANSION OF EXISTING CEMETERY

Introduced by Hammond Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson

Noes: Mayor Marks Absent: None

CONTINUE RECESSED HEARING ON PROPOSED VACATION AND ABANDONMENT OF PORTION OF ALLEY IN CAMPUS HEIGHTS SUBDIVISION 10-90

Mayor Marks declared the recessed hearing on the proposed vacation of a portion of the alley in Campus Heights Subdivision, open at 9:57 P.M.

The City Clerk certified that the resolution had been published as provided by law, that notice was posted in the area, and that no written protests to the proposed vacation had been filed in his office at this time.

The Director of Public Works reviewed the background of the vacation which was being proposed due to an error in the platting of the subdivision, where an alley had been shown on ground which was not owned by the subdivider. The subdivider, Art Wylie, he stated, has been notified by the City Attorney that it would be necessary to pay all costs in connection with the vacation and the fact that this alley would not be available for utilities, particularly city water system. These costs were estimated at $2000, payable before the vacation proceedings would be completed.

Since the hearing was set, the Public Works Director stated, Mr. Wylie has proposed a modification where he would provide an easement for utility purposes, 3 feet in width, along the east side of the remaining portion of the alley (2') for utility purposes, in which the city could install a temporary water main. He also agrees to pay all costs of installing this main. He has presented to the City Attorney, tonight, easements covering the lots involved along the east side of the alley, which is located on the west side of the Subdivision. The estimated cost of the temporary line would be approximately $1,000. He recommended approval of the modified plan since it would do away with installation of a water main in a paved street and place the service line in position for connection to a permanent larger line when the balance of the alley was dedicated through subdivision of the adjoining property.

If the adjoining area was annexed, the subdivider would be required to dedicate an 18 foot alley, at which time a permanent main could be constructed.

Mr. Smeath reported that the planning staff had cleared with the Commission, the fact when the adjoining area is subdivided, the whole alley, except the 2', would be required. The present property owner has also been notified of this fact.

MOTION

That the Council indicate its general approval of the recommendation of the staff and that formal action vacating and abandoning the alley be held over until the next meeting.

Moved by Anderson Seconded by Mayor Marks Unanimously carried

Mayor Marks declared the hearing closed.

HEARING ON REZONING OF SECTION 6, ZONING MAP (SUTTER STREET) 11-70

Mayor Marks declared that the hour of 8:30 P.M. had arrived, the time set for the public hearing on the application of Maud Bridge for an amendment to Section 6 of the Zoning Map to reclassify from R-1 to C-1, lots 1-9 inclusive in Block 3071, located on west side of Sutter Avenue between Rouse Avenue and the alley south of Kazmir Court.

The City Clerk certified that the notice of the proposed rezoning had been published as required by law; notices were mailed to the required property owners; and notices were posted in the area, as required by the Municipal Code and that no written protests had been filed.

Mr. Smeath reported on the area involved and the action taken by the Commission recommending to the Council the amendment to Section 6 of the zoning map to reclassify from R-1 to C-1, the north 308 feet, only, of these lots.

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

ORDINANCE NO. 214-C.S.
entitled

"AN ORDINANCE AMENDING SECTION 6 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.

Moved by Arata Seconded by Anderson

Ayes: Adams, Arata, Anderson, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None 12-11-57 Page 8

FURTHER CONSIDERATION OF EXCLUSIVE BUS ZONES 11-110

Letters received from Southern California Freight Lines and Valley Motor Lines Inc. were read opposing the proposal to limit the use of five loading zones in the downtown area, for busses only.

The City Attorney reported that the traffic ordinance authorized the establishment of bus zones, provided that the zones were exclusively for busses, and that the signs posted in the zones were not in accordance with the provisions of the law.

The City Manager pointed out that it was necessary to clear the matter due to the confusion existing in the use of the zones by other vehicles and busses.

The City Attorney reported receipt of a telephone call from Graham May, representing the Merchants Association, requesting that the Council be advised of the Association's desire that no additional loading zones be established in the downtown area which would require the removal of on-street parking spaces.

Director of Parking and Traffic Carmody suggested that the existing resolutions creating bus zones be re-examined to determine that the time limit was from 6:00 A.M. to 6:00 P.M. thereby permitting parking use during the hours of 6:00 P.M. to 6:00 A.M. He pointed out that it had been his understanding in 1954 when many of the zones had been created, that they were to be jointly used by Commercial vehicles and busses. If this is not true, the yellow zones should be eliminated, and made bus zones. He asked for Council direction on the bus zones, other than the five in the downtown area now under discussion, if they should be used for bus zones only or for joint bus and commercial zones.

The City Manager suggested that the resolutions be checked and if changes were needed they be presented for Council consideration.

Mayor Marks asked that the staff discussion be held over until the resolutions could be checked.

Mr. Tomson, representing the Bus Company, asked if the five zones approved for bus zones by the Council previously would be painted or posted.

Mr. Carmody pointed out if the spaces were to be used by other vehicles when not needed by the Bus Company, they could not be painted red.

Councilman Hammond asked that the staff make a research study to determine what other cities were doing on joint use by commercial vehicles and busses of loading zones.

MOTION

That the staff present a report to the Council, as requested by Councilman Hammond, at the same time the report was presented on the existing resolutions.

Moved by Hammond Seconded by Robinson Unanimously carried

Mr. Willis Kleinenbroich, owner of the Bus Company, pointed out that the truckers had never appeared in protest to any previous request for the bus zones and that they did not have yellow zones until Mr. Carmody worked with him and established these zones. He pointed out that most of the stores were served from the alley instead of the loading zones. He noted that all but the five zones in the downtown area were to remain joint use zones.

CLEAR MATTER OF CLERICAL PERSONNEL IN POLICE DEPARTMENT 12-126

The City Manager requested Council approval to proceed with the present presonnel in Police Department.

The City Manager asked if the Council members' inspection of the personnel procedures in the Police Department indicated approval of the retention of present clerical personnel, as long as needed, to carry the clerical work. If and when the help is not needed, he stated, the personnel will be reduced.

Councilman Hammond reported on his personal inspection of the clerical procedures and recommended that the Council make a decision in the near future, as to how long the present police department facilities would be used. One of the things which hampers the efficient operation and flow of activity of the department is the present building facilities. If a target date is set for the change of facilities, funds should be considered in the next budget, for major building revisions. He considered that it might require the services of an architect to prepare plans for the remodeling of the building.

The City Manager stated that if the Council wished to add this item to the work list, a report could be submitted on the subject.

Councilman Hammond stated that he discussed procedures with Chief Bowers and considered the extra clerical help was needed but he would like to think, in line of the discussion on procedures, that some of this clerical help could be cut down by the end of the year. The recommendation at the present time, however, is to continue with the present number.

The City Manager stated that if it was determined that some of the extra help could be discharged later, it would be done.

MOTION

That the staff be authorized to continue with the present clerical personnel in the Police Department.

Moved by Arata Seconded by Hammond Unanimously carried

The Council discussed the proposal on the study of remodeling the present police building and the following points were brought out:

1- That the study on the remodeling of the building should be made along with the study of a proposed new building so that the time element could be determined in order to prevent an excess expenditure for remodeling;

2- If a study was to be made, the present city hall building should be included in the study to determine if this could be used for a police building;

3- It might be difficult to finance another bond issue for a police building;

4- That a minimum amount of money should be expended in remodeling to "tide the city over" until a decision is made on where the new police building would be constructed;

5- That there were partitions in the present police building which could be removed to create more efficiency.

MOTION

That the staff have a qualified man inspect the present police building from the standpoint of remodeling to make the property more useable, giving an estimate of the cost so that it can be determined if it would be feasible to remodel the building for a certain number of years until the new quarters are constructed, so that it could be considered in the next year's budget.

Moved by Hammond Seconded by Adams Unanimously carried

The City Manager pointed out that the staff was now in process of revision of the capital improvement program for the next six years and in this report recommendations will be included relating to the police building.

WITHDRAW RACQUET ADDITION FROM THE MCHENRY DRY-CREEK FIRE DISTRICT 13-75

RESOLUTION NO. 57-551

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (RACQUET CLUB ADDITION)

Introduced by Hammond Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

ESTABLISH TEMPORARY LOADING ZONE, ADJOINING WESTSIDE POST OFFICE 13-90

RESOLUTION NO. 57-552

A RESOLUTION REGULATING PARKING ON I STREET BETWEEN THIRD STREET AND FOURTH STREET IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

AUTHORIZE APPROPRIATION TRANSFER FOR OVERHEAD SIGN AT DOWNEY AND I STREET13-80

RESOLUTION NO. 57-553

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1400 FROM SPECIAL CAPITAL OUTLAY RESERVE TO SPECIAL CAPITAL OUTLAY (OVERHEAD SIGN AT DOWNEY AND I STREETS)

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

APPROPRIATION TRANSFER OF $1050 FOR PARKING METERS AT EIGHTH STREET LOT 13-82

RESOLUTION NO. 57-554

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1050 FOR PARTS TO CONVERT METERS AND PURCHASE METER POSTS FOR EIGHTH STREET PARKING LOT

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

REPORT ON REQUEST FOR RESERVED PARKING SPACES FOR BOARD OF SUPERVISORS IN TWELFTH AND I STREET PARKING LOT 13-87

The City Attorney reported that the Director of Parking and Traffic had issued bags to the members of the County Board of Supervisors to permit the use of parking spaces in the city's 12th and I Street parking lot, during the county's temporary construction program, and it would not be necessary to adopt a resolution designating certain spaces for their use.

MOTION

That the use of five parking spaces on the city's 12th and I Street Parking Lot by the members of the County Board of Supervisors be authorized.

Moved by Anderson Seconded by Arata Unanimously carried

AUTHORIZE FINAL PAYMENT FOR CONSTRUCTION OF THIRTEENTH STREET LOT 13-92

RESOLUTION NO. 57-555

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THIRTEENTH STREET PARKING LOT BY M. J. RUDDY & SON: AUTHORIZING PAYMENTS DUE UNDER THE CONTRACT: AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY

Introduced by Merrill Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

Mr. Carmody reported that the driveway had a hairline crack but the company was guaranteeing that it would not become worse for one year, and if so it would be repaired.

DISCUSS MATTER OF LEASE OF WESTERN UNION 13-100

Mayor Marks obtained the unanimous consent of the Council to raise a matter not on the agenda----lease of the Western Union in the Hotel Modesto building.

He appointed Councilman Hammond, Arata, Adams as a Council committee to discuss negotiations with the Western Union, as soon as possible.

The City Manager reported that Mayor Marks had written the company a letter, as directed by the Council, asking them to move out of the building as soon as possible. The Company replied that the matter had been referred to their attorney. The urgency of the problem was brought to the attention of the company's attorney, he reported.

To a question from the City Attorney---what is the Council's present policy---the Council indicated that the company should move out as soon as possible in the interest of the whole community.

CONSIDER THE POLICY ON MAINTENANCE OF CERTAIN SUBSTANDARD CURBS AND GUTTERS 13-120

The City Manager reported that there were certain curbs in the city, particularly in newly annexed areas, which do not meet city standards. The city's policy has been, he continued, that it will not accept for maintenance curbs which do not meet those standards. However there are some curbs in some areas which come so close that the staff considers the city should assume the responsibility for maintenance. He suggested a policy that

"Where in the City curbs and gutters have been installed to a lower standard than those required by the City, if in the opinion of the Director of Public Works, they are sufficiently in conformance to allow them to remain in place, the City will maintain them. All other curbs must be maintained by the property owners until such time as new curbs and gutters are installed to City standards."

RESOLUTION NO. 57-556

A RESOLUTION ESTABLISHING A POLICY FOR MAINTENANCE OF SUBSTANDARD CURBS AND GUTTERS

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

CONSIDER PROCEDURE IN RESPECT TO REPAIRS ON SIDEWALKS 14-30

The City Manager reported for Council information that the staff had been informally notifying property owners when sidewalks in front of their property needed repairs and in many cases repairs had been made without going through the legal complicated notice procedure. It is planned to continue on this basis, he stated, unless the Council wishes to made any change in this procedure. No change was indicated by the Council.

Sometimes small breaks are found in sidewalk areas which need repairs promptly,,and while the city is not responsible for sidewalk repairs, these repairs could be done easier than actually contacting the owners. He asked if there was no objections, that the staff do these minor repairs with city personnel and materials.

The Councilmen agreed that "when it made sense to the staff" that these minor repairs should be made by the city without assuming any responsibility for maintenance of sidewalks.

PRESENTATION OF PRELIMINARY GENERAL PLAN-STANISLAUS URBAN REGION 14-49

Copies of the Preliminary General Plan-Stanislaus Urban Region prepared by the Advance Planning Department, were distributed to the Council members.

The City Manager reported that there would be a 60 days period on which the Advisory Committee would be working on the report. During this period the Planning Commission and Council can also be considering the plan but the formal public hearings are not held until after the 60 days.

ACCEPTANCE OF DEEDS FOR WIDENING OF ROSEBURG AVENUE, COLLEGE AVENUE AND SANTA BARBARA AVENUE 14-52

Deeds from Walter E. Hall, et ux for the widening of Roseburg between Tully and Virginia Avenues; Howard Davlin, et ux for widening of College Avenue between Roseburg to Ulrich; and Howard E. Olds, et ux for widening of Santa Barbara Avenue and deeds of easement from Reed M. Marks, et ux for widening of College between Pearl and Briggsmore and John B. Beard for widening of Santa Barbara, were presented by the City Attorney for Council consideration, who recommended their acceptance and recordation with the County Recorder.

RESOLUTION NO. 57-557

A RESOLUTION ACCEPTING GRANT DEEDS AND DEEDS OF EASEMENT FOR STREET AND ALLEY PURPOSES

Introduced by Merrill Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

CONSIDER APPLICATION TO PUBLIC UTILITIES COMMISSION FOR WIDENING OF TIDEWATER SOUTHERN CROSSING AT BRIGGSMORE AND ROSEBURG AVENUES 13-62

MOTION

That Mayor Marks be authorized to sign on behalf of the city and the City Clerk, applications attesting to the Public Utilities Commission for widening of Tidewater Southern Crossings at Briggsmore and Roseburg Avenues.

Moved by Anderson Seconded by Arata Unanimously carried.

CONSIDER POLICY REGARDING NEW CURB AND GUTTER INSTALLATION DURING WINTER MONTHS 14-75

The Director of Public Works reported on the problems incurred by the installation of new curbs and gutters where the streets must be graded and oiled by the city at city expense, during the 6 months period beginning October 1. Since it is not possible to mix the native materials in place during these months, he stated, it is necessary to transport from the city pre-mixed stock pile at the airport. This use of the material accounts in major part for depletion of stock piled materials to be used for street patching, he reported.

He suggested that some Council policy should be established on 1) prohibiting the installation of curbs and gutters during these months on streets where the city must carry on the activity or 2) that permits be issued with the express understanding that the city would not be obligated to provide for surfacing until summer.

The Council agreed that recommendation number 2----"permits be issued for curbs and gutters during the period beginning October 1 and ending April 1, of each year with the understanding the city would not be obligated to provide for surfacing until the summer season", should be established as a policy.

RESOLUTION NO. 57-558

A RESOLUTION ESTABLISHING COUNCIL POLICY ON NEW CURB AND GUTTER INSTALLATIONS DURING SIX MONTH PERIOD BEGINNING OCTOBER 1 AND ENDING APRIL 1

Introduced by Arata Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

APPROVE AGREEMENT WITH COUNTY FOR WIDENING OF CROSSING OF M.I.D. LATERAL NO. 3 ON TULLY ROAD 14-105

As directed by the Council, the City Attorney presented for Council consideration, an agreement between the city and county for the widening of the crossing of Modesto Irrigation District Lateral No. 3 at Tully Road, providing for the sharing of the costs on a 50/50% basis.

RESOLUTION NO. 57-559

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS RELATING TO RECONSTRUCTION AND WIDENING OF VEHICLAR CROSSING OF M.I.D. LATERAL NO. 3 AT ITS INTERSECTION WITH TULLY ROAD

Introduced by Arata Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

REPORT ON APPLICATION OF P.G.&E. COMPANY TO P.U.C. FOR RATE INCREASE 14-110

The City Manager reported receipt of a notice from the Public Utilities Commission advising that a hearing would be held in San Francisco, January 2, 1958, on application No. 38668, filed by the Pacific Gas and Electric Company, to increase annual gas rates by approximately 7.7%. No action was taken by the Council.

LETTER FROM GEORGE BUMGARDNER WATER COMPANY 14-115

A letter from George Bumgardner Water Company relating to a city

franchise was ordered referred to the staff for processing.

MOTION

That the letter be referred to the staff for processing.

Moved by Anderson Seconded by Adams Unanimously carried.

A communication notifying that the George Bumgardner Water Company had filed an application with the Public Utilities Commission for an increase in its water rates was noted. The communication was ordered filed.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF NOVEMBER, 1957 14-120

The City Manager distributed copies of the financial report for the month of November, 1957 to the Council members.

REPORT ON PROPOSED LOCATION OF DEPARTMENTS IN THE NEW CITY HALL 14-127

The City Manager presented for Council inspection layouts of the four floors of the new city hall building indicating the proposed location of the various city departments. He asked that the Council clear the general proposed location of the departments for the guidance of the architect in drawing the preliminary plans.

Councilman Hammond asked if the architect was giving consideration to the construction of interior structures and walls to permit a certain degree of flexibility in modification of the various departments in the future, to meet changing conditions. The City Manager stated that this had been considered and the architect would proceed with the design on the basis of whether, in his best judgment, necessary future flexibility could be provided more economically with movable partitions or some other way.

The City Manager stated that there were two basic purposes in arranging the departments in a city hall: 1) convenience of and service to the public, and 2) econony and efficiency of operation. It is proposed, he stated, that the departments with high direct public contact be placed on the street level floor.

STREET LEVEL FLOOR (First)

Finance Department, where people will pay bills.

City Clerk Department, the City Clerk is also the City Auditor, and there is a constant flow of material back and forth between the Finance and City Clerk offices.

Building Inspection Department, and Zoning Permits, etc., this would permit persons who want to construct a building or driveway, or put in sidewalks, to get the necessary information and permits at one location instead of going to several different places, and to pay any required fees right across the hall.

Vault, this could be next to the City Clerk's office or possibly some other location on this floor.

The City Manager pointed out that the proposed arrangement seemed to be the most desirable from the public contact viewpoint, but there might be changes indicated after detailed analysis by the architect.

COURT FLOOR (One floor below street level)

Personnel Department, which is a high public contact office.

Parks and Recreation, where public contact is not so high but where there is a fairly large flow of people working on the various programs.

Service Section of the Finance Department, to be placed against the back wall.

General Storage area.

SECOND FLOOR (1st floor above street level)

Public Works Department, except for inspection. There would also be some leeway for conference and work rooms.

Parking and Traffic Department.

THIRD FLOOR (2nd floor above street level)

City Attorney and City Manager, which have relatively low public contact.

Central files and reference rooms, it is possible that consideration should be given to placing these near the City Clerk if space permits.

Planning Department, minus the zoning administration branch.

Councilman Anderson expressed approval of the proposal to place zoning administration together with building inspection, as was done by other cities.

One other suggestion which has been offered, but which may not work out, the City Manager stated, was the location of the rest rooms on the back instead of the front of the building.

MOTION

That the general arrangement of the departments, as shown on the sketch, is satisfactory and the staff is authorized to proceed on this basis.

Moved by Adams Seconded by Anderson Unanimously carried.

ADJOURNMENT 15-60

MOTION

That the Council meeting now in session be adjourned.

Moved by Anderson Seconded by Arata Unanimously carried.

The meeting was adjourned at 11:15 P.M.

ATTEST: Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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, Anderson, Robinson and Mayor Marks

Absent: Councilmen: Arata, Hammond, Merrill

Councilmen Arata and Merrill arrived at 4:07 P.M. Councilman Hammond arrived at 4:10 P.M.

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

Rev. A. P. Gregory, pastor of the First Church of God, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of December 4, 1957, and the same being available for public inspection and there being no objections, the minutes were approved.

GRANT PERMIT TO CALIFORNIA FRYER FESTIVAL COMMITTEE, INC. 1-25

Jack Haugen, representing the California Fryer Festival Committee, Inc., expressed appreciation to the Council and staff for the cooperation given the committee on its annual festival during the past years.

He requested permission to use Legion Park on June 14 for the festival. An anticipated crowd of 12,000 is expected this year, he reported.

City Attorney Grimes recommended that all such permits, granted by the Council for the use of city facilities, be done by resolution, and subject to the following conditions:

1- Permittee, its successors and assigns, during the term of this permit, shall indemnify and save the city harmless of, and all damages, costs, and charges of any kind or character arising out of or relating thereto or in any way connected with the exercise of the right granted by the permit;

2- That the permittee, its successors and assigns, shall comply with all laws of the city;

3- That the permittee, its successors and assigns, shall, at its own cost and expense, defend any and all lawsuits, if any, arising out of or in any way connected with the exercise of the rights granted by this permit;

4- That permittee shall take out and maintain during the life of this permit such public liability and property damage insurance and shall protect it and any person performing work under the permit from claims for damages for personal injury, including accidental death, as well as from claims for property damage which may arise out of the exercise of the rights granted by this permit, whether by itself or by any sub-contractor or anyone directly or indirectly employed by either of them, and the amounts of the insurance shall be as follows:

Public liability insurance in amount of not less than $100,000 for injuries including accidental death to any one person and subject to

the same limit for each person in amount not less than $200,000 on account of one occurence and property damage in the amount of not less than $25,000. That the permittee shall furnish the city with satisfactory proof of the insurance required and that such insurance shall be absolutely non-cancellable for a period of not less than five days after notice to city and that the City Clerk be required to furnish the permittee with a copy of the resolution granting the permit, and the permittee to have 20 days after the adoption of the resolution in which to file written acceptance of the permit and certificate of insurance required by the resolution with the City Clerk; and that no rights shall be conferred by the resolution until acceptance in writing is filed and certificate is filed with it.

Council discussion on the recommendation included the following points:

1- That although the city's insurance policy protected the city against claims, all claims filed and awards made influenced the claim record, the number of bids received each year for the insurance, and it would also increase the city's rate experience.

2- That it had always been the policy of the Council in the past, whenever an organization asked for permission to use city property for special purposes they should carry insurance to hold the city harmless, but some of the permits had been granted, after Council approval, administratively and the filing of insurance certificates had not been required:

3- Should conditions outlined by the City Attorney be standard regulations for all such use of city facilities by organizations where the public is invited and permitted to attend, but not for small picnics or meetings in the parks of organizations where those attending are guests or members.

4- Should each request for use of city parks, etc, be considered by the Council, where large groups will be in attendance and the activity would be of a promotion type, where the general public is invited.

RESOLUTION NO. 57-560

A RESOLUTION GRANTING PERMIT TO THE CALIFORNIA FRYER FESTIVAL COMMITTEE, INC. FOR THE USE OF LEGION PARK ON JUNE 14, 1958 TO HOLD ITS ANNUAL FESTIVAL UNDER CERTAIN CONDITIONS

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

APPROVE PLANS FOR EXPANSION OF MASONIC CEMETERY 1-120

Jack Haugen, representing the Masonic Cemetery Association, presented plans, as provided by Resolution No. 57-550, for Council approval on the expansion of the cemetery to Bodem Street.

Director of Parks and Recreation Lowrey offered to assist the Association on the type of proposed planting in the 15 foot area between the wall and the sidewalk area, which was accepted by Mr. Haugen, and approved by the Council.

The City Manager and Director of Planning suggested that the wall would be less obvious if it was made all one color instead of two, as indicated by the plans.

RESOLUTION NO. 57-561

A RESOLUTION APPROVING THE PLANS, BOTH STRUCTURAL AND ELEVATION, SUBMITTED BY THE MASONIC CEMETERY ASSOCIATION, DATED DECEMBER 13, 1957, FOR THE EXPANSION OF THE CEMETERY, AND AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO WORK WITH THE ASSOCIATION IN THE DEVELOPMENT OF THE PLAN.

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

APPROVE PLANS AND AUTHORIZE CALL FOR BIDS FOR IMPROVEMENT OF 8TH STREET PARKING LOT 2-60

Plans for the improvement of the Eighth Street parking lot, leased from the Southern Pacific Company, were explained by Director of Parking and Traffic Carmody. He estimated the cost to be approximately $20,500.

RESOLUTION NO. 57-562

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR REMODELING OF THE EXISTING OFF-STREET VEHICULAR PARKING LOT ON THE WESTERLY 55 FEET OF THE NORTHERLY 736 FEET OF BLOCK 143, 8TH STREET, IN AND FOR THE CITY OF MODESTO.

Introduced by Merrill Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks

Noes: None Absent: None

The date set for the opening of the bids was Tuesday, January 14, 1958 at 2:00 P.M.

FURTHER CONSIDERATION OF THE PROPOSED VACATION OF ALLEY IN CAMPUS HEIGHTS SUBDIVISION 2-76

Provisions of a resolution which would close and abandon a portion of alley in Campus Heights subdivision were outlined by the City Attorney for Council information.

The Director of Public Works reported that all matters had been cleared with Art Wylie, Subdivider, on the payments due to the city.

RESOLUTION NO. 913-S.P.

A RESOLUTION CLOSING AND ABANDONING A PORTION OF THE ALLEY IN CAMPUS HEIGHTS SUBDIVISION IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Hammond

Ayes: Adams, Anderson, Arata, Hammond, Robinson, Mayor Marks

Noes: None Absent: None

RESOLUTION NO. 57-567

A RESOLUTION ACCEPTING GRANT DEEDS FROM G. W. FORCE, ET UX; AUTHUR J. WYLIE, ET UX; AND JOE NUNES JR., ET UX FOR ALLEY FOR UTILITY PURPOSES IN CAMPUS HEIGHTS ADDITION

Introduced by Robinson Seconded by Adams

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

FINAL ADOPTION OF ORDINANCES 2-93

ORDINANCE NO. 213-C.S. entitled

"AN ORDINANCE AMENDING SECTION 8-2.301 OF ARTICLE 3 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO PROPERTY TAXES"

introduced on December 11, 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 Hammond

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

ORDINANCE NO. 214-C.S. entitled

"AN ORDINANCE AMENDING SECTION 6 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced on December 11, 1957 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 Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

INTRODUCTION OF ORDINANCE RELATING TO ELECTRICAL REGULATIONS 2-100

The City Attorney reported that the Electrical ordinance had been revised, in accordance with Council direction, duplicated, and copies distributed to all interested parties in the industry, and to the Council and staff, asking for comments on suggested changes. No comments had been made except by N. F. Winter, who suggested that one of the Journeyman members of the Examining Board be non-union and the other union, so that both points of view could be presented on the examining process.

The Council considered that it would be up to the City Council to make the selection of examining board members but the suggestion would be kept in mind.

Dan Chaddock, representing the Electrical Workers, stated that the proposed ordinance met with the approval of the contractors and they were "very happy with the ordinance".

ORDINANCE NO. 215-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE INSTALLATION, REPAIR, OPERATION AND MAINTENANCE OF ELECTRICAL WIRING AND EQUIPMENT WITHIN THE CITY OF MODESTO, PROVIDING FOR LICENSES, REGISTRATIONS, PERMITS, INSPECTIONS AND APPROVAL OF ELECTRICAL WORK, THE PAYMENT OF FEES THEREFOR AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF"

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

Moved by Arata Seconded by Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

The City Manager expressed appreciation to the representatives of the industry, Dan Chaddock, particularly, and the Modesto Irrigation District, who had worked with the city on the preparation of the ordinance.

MAYOR MARKS REPORTS ON VACANCIES ON BOARDS AND COMMISSIONS AS OF JANUARY 1, 1958 3-42

Mayor Marks reminded the Council of the vacancies which would occur on January 1, on the various Boards and Commissions and asked that the members be considering candidates not only for the vacancies but for the new Board of Electrician Examiners.

The City Attorney stated that the Council had adopted an amendment to the Municipal Code, which would permit the consideration of the appointments at a regular Council meeting in executive session.

AUTHORIZE CITY MANAGER TO SIGN ADDITIONAL RIGHTS OF WAY AGREEMENTS FOR WIDENING OF McHENRY AVENUE 3-56

Seventeen additional right of way contracts for widening of McHenry Avenue, secured by the American Right of Way and Appraisal Contractors, listed by number and name of grantor, were presented for Council approval.

RESOLUTION NO. 57-563

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 Anderson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

FURTHER CONSIDERATION OF EXCLUSIVE BUS ZONES FOR MODESTO BUS HELD OVER 3-70

The City Manager reported that Mr. Kleinenbroich of the Modesto Motor Bus Company could not be present and had asked that the matter be held over if anything other than the granting of the exclusive zones was considered.

MOTION

That the matter be held over until the Council meeting of January 8, 1958

Moved by Anderson Seconded by Mayor Marks Unanimously carried

Opposition to the granting of the exclusive bus zones was expressed by a member of the audience and the City Manager asked that he check with the staff prior to the next Council meeting.

The City Attorney filed with the City Clerk a report indicating a complete inventory of bus zones now effective and also indicating the bus zones which were no longer effective.

AUTHORIZE RELEASE OF SUBDIVISION BOND FILED BY ANTHONY G. F. LUNDQUIST ON LUNDQUIST SUBDIVISION 3-95

The Director of Public Works reported that all of the improvements in the Lundquist Subdivision had been completed to his satisfaction by the subdivider, Anthony Lundquist, except the easterly alley, and that he would recommend the release of the $38,000 subdivision bond filed on the condition

that Mr. Lundquist file a check with the City Clerk, in the sum of $200 to insure the completion of the remaining work.

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

CONSIDERATION OF SURVEY OF LOADING ZONES IN OTHER CITIES 3-100

Councilman Hammond stated that Traffic Engineer Carmody had cleared his questions on the joint use of loading zones by commercial and bus vehicles and it would not be necessary to prepare a report as requested at the last Council meeting, showing what other cities were doing.

MOTION

That the staff be relieved from the assignment of making a study on this matter.

Moved by Hammond Seconded by Robinson Unanimously carried

REQUEST COUNTY CANCEL TAXES ON PROPERTY PURCHASED BY CITY FROM GEORGE S. RIGGS (PARKING LOT EXTENSION ON NINTH STREET) 3-120

RESOLUTION NO. 57-565

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 Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

AUTHORIZE CITY CLERK ACCEPT AND CONSENT TO DEEDS OR GRANTS TO THE CITY 4-05

The City Attorney reported that new state legislation would permit the City Clerk to accept deeds, or grants to the city by the adoption of a general resolution by the Council. He presented a resolution for Council consideration which provided for the Clerk to accept and consent, with the written consent of the City Manager and City Attorney, to all deeds or grants conveying any interest in or easement upon real estate to the city for public purposes and empower him to affix a certificate of acceptance on behalf of the city and record the documents with the County Recorder.

RESOLUTION NO. 57-566

A RESOLUTION AUTHORIZING THE CITY CLERK TO ACCEPT AND CONSENT TO DEEDS OR GRANTS TO THE CITY OF MODESTO

Introduced by Adams Seconded by Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

Noes: None Absent: None

HOLD OVER ESTABLISHMENT OF SUGGESTION PLAN FOR CITY EMPLOYEES 4-15

The City Manager reported that procedures for the establishment of a suggestion plan for city employees, previously approved by the Council, had been completed.

Council Merrill suggested additional time for Council consideration of the procedures.

CITY MANAGER REQUEST COUNCIL TO DELAY ACTION ON MATTERS ON WHICH THEY ARE NOT CLEAR 4-25

The City Manager stated that the Council members should feel free whenever an item on the agenda is not clear, to raise questions, objections and ask for time or additional reports from the staff.

Mayor Marks expressed appreciation for the cooperation of the staff members and city employees in supplying reports and information to the Council.

CITY MANAGER TO BE ABSENT 4-50

With the unanimous consent of the Council, the City Manager raised a matter which had not been placed on the agenda----permission for him to be absent for two days, during the next two or three weeks, as work permitted.

MOTION

That the City Manager be permitted to be absent for a period of two days during the next two weeks

Moved by Arata Seconded by Merrill Unanimously carried.

REPORT ON STUDIES ON SENATE CONCURRENT BILL NO. 26 4-60

Mayor Marks stated that Senate Concurrent Bill No. 26, adopted at the last State Legislative session, proposed a means by which cities could work jointly with the state in selecting routes for the construction of freeways and expressways through their own local communities. A report is to be submitted by each city to its District Division of Highway office by March 1, 1958, which will be included in an overall district report to the State Highway Commission by April 1. This bill is the State's answer to the protests filed by the cities, that they did not have any voice in the selection of the freeway routes. The report must include all of the routes, such as Route 109 and 110, and major city streets which will tie into the freeway, so that the state can determine if there would be a justification for the construction of grade separations.

The City Manager reported that the bill also provided for a 20 year long range study for a comprehensive planning of highways, expressways and connections in the state. Local agencies have been asked by the state to assist, suggest and recommend, and in many cases local agencies have to determine the local routes which must tie in with state highways. He suggested that it might be helpful to the Council members if they were furnished with a copy of the letter received by the city from the State Department of Highways on November 27, 1957, together with some of the information which accompanied the letter even though he had previously reviewed it with the Council.

The City Manager reminded the Council that the State had asked the city to work with the Highway department on the tieing in of the State highways from Oakdale and Waterford with the proposed freeway, first on an interim arrangement, such as the McHenry Avenue project, pending the final relocation of both of these routes. He pointed out that the approval by the state of the McHenry Avenue project was on the basis that it could only be justified as an interim improvement, pending a final relocation of the highway. This would also be true of Yosemite Avenue, which will be proposed at a later date.

The plan by the state and federal government for freeways and expressways, the City Manager stated, includes all major highways and the city is being asked, in addition to the interim plan, to assist in selecting permanent locations for these two freeways and all major connecting streets. These determinations will help both the city and state to determine not only where the railroad grade separation is to be, but also help get them built.

Mayor Marks suggested that the Council meet with the Planning Commission and Advance Planning staff for discussions on the long range street and highway plans so that the city would not pass up its opportunity to express its wishes to the state, by March 1.

REPORT ON RECEIPT OF TELEGRAM FROM CONGRESSMAN McFALL

The City Manager reported receipt of a telegram from Congressman McFall notifying that $26,200 federal urban planning grant had been approved by the federal government for Stanislaus County. Mayor Marks was authorized to write a letter on behalf of the city, expressing appreciation to McFall for his untiring efforts in supporting the application for federal funds.

REPORT ON PROCEDURE FOR CONSIDERATION OF PRELIMINARY GENERAL PLAN 5-55

A letter from the Planning Commission was read, requesting the Council to set a date for a Council-Commission meeting to discuss the proposed procedure for the review of the Preliminary Plan.

Councilman Hammond reported on the Advance Planning meeting which Councilman Anderson and he had attended at Patterson recently where it had been agreed that the selection of a permanent director for the Advance Planning staff should proceed as rapidly as possible and that the Advance Planning program would go forward as planned upon receipt of the money from the federal government.

The City Manager read in full his report to the Council, dated December 16, 1957, on the subject: "Proposed Procedure-Preliminary Plan Review and Approval", a copy of which is on file with the records of this meeting.

The report pointed out that early action was needed because of the urgency of determinations concerned with major items of community development including:

1- City's recommendations to the state for a long-range plan of freeways and expressways and connecting major local streets, which must be submitted to the Division of Highways by March 1, 1958;

2- Land use determinations;

3- Public facilities in process of locations--fire stations, schools, state college and many others.

The City Manager stated that procedurally, the staff recommended that:

1- Area Advisory Planning Committee Review. Three or four representatives, each of Ceres, Empire, Modesto and Stanislaus County, now members or authorized to be members of the Committee meet in a series of discussions of the area factors of the plan and take back recommendations to their official agencies.

2- Council and Planning Commission Review. Concurrently with No. 1 above, the Commission and Council meet individually and jointly for the review of the plan and work of the area committee and to receive and consider reports from staff and citizens previous to holding official public hearings.

3- Citizens Committee. The Mayor and chairman of the Commission jointly appoint a representative citizens committee to review the plan and make recommendations.

4- Public Distribution. The widest possible public distribution of information on the plan be carried out.

5- Staff Study and Assistance. All city personnel be authorized to provide technical information and other assistance to all interested groups and individuals.

6- Public Hearings. When the Advisory Planning Committee has had an opportunity to review the plan and a period of at least 60 days has elapsed from the time of submission of the plan to the Committee, Commission and Council and the public has had an opportunity to review the plan and make recommendations, official public hearings, as required by law be held by the Commission and Council.

The City Manager pointed out that the Council had already started on one of the most urgent levels---streets and roads, but these are tied in with the other elements of the plan. The staff is already working with the county on some of the other things, he reported. He urged that the Council meet with the Commission as soon as possible.

MOTION

That the Council meet with the Commission and other interested parties on Friday, December 20, at a luncheon meeting at 12:00 noon to discuss the preliminary plan.

Moved by Hammond Seconded by Robinson Unanimously carried

Mr. Smeath recommended and the Council agreed that representatives from Ceres, County Board of Supervisors and County Planning Commission would also be asked to attend the meeting.

REPORT ON MEETING WITH MUNICIPAL COURT JUDGES ON TRAFFIC MATTERS AND PROCEDURES 6-35

As previously discussed with the Council, the City Manager reported, a meeting was held with the Municipal Court Judges to discuss mutual traffic problems and procedures.

Police Chief Bowers reported on the meeting held on December 6, which was attended by Municipal Judges Hansen and Floyd, Court Clerk Marie Rohrer, District Attorney Pierson, City Manager Miller, Traffic Engineer Carmody, Captain Meier of the Modesto Police Department and himself. Several important subjects of mutual interest were discussed and procedures for improving some of the inter-relationships were set forth. A plan for a series of future meetings and a closer liason between the two branches of the enforcement agencies--police and courts, was arranged. Mutual problems will be worked out at these meetings, he reported.

The City Manager pointed out that speeding fines levied by the courts varied with the seriousness of the offense and fines for "repeaters" were stiffer.

REPORT ON STREET RECONDITIONING PROGRAM FOR 1957 6-56

Copies of a report to the City Manager by the Director of Public Works, dated December 13, 1957 on the subject--"Street Reconditioning Program-1957" were distributed to the Council members for study.

The report indicated that a total of 5.22 miles of streets were reconditioned by reworking and 5.86 miles were reconditioned by seal coating-a total of 11.08 miles, at a total cost of $29,128.97. Mr. Ray pointed out in his report that it was his personal observation that the light oils streets were now in the best conditions insofar as traveling surface was concerned than for a period of many years and showed the results of the program over the past three years on reconditioning. He stated---"I would like to repeat, however, that the surfacing obtained by this method of maintenance does not replace properly paved streets with a higher type of surfacing".

DISCUSSION ON HOLDING COUNCIL MEETINGS WHEN DATE FALLS ON HOLIDAYS 6-60

The City Attorney suggested that the Council follow the practice of other cities and eliminate the Council consideration which arises each time a meeting date falls on a holiday, by amending the code provisions to provide that whenever a holiday occurs, that the meeting will automatically be held at the same time on the next day.

The City Manager pointed out the problems created for the public, press and staff when the meeting date was uncertain as was the case when the date falls on a holiday.

MOTION

That the City Attorney be instructed to prepare for Council consideration an amendment to the Municipal Code which would provide whenever a Council meeting date falls on a holiday, that the meeting automatically will be held at the same hour on the following day.

Moved by Anderson Seconded by Robinson Unanimously carried.

GOLF COURSE TO BE KEPT OPEN ON CHRISTMAS 7-10

The City Manager asked for unanimous consent to consider a report by Director of Parks and Recreation Lowrey on a request of the Golf Professional Silva that due to the low rate of play on Christmas Day the course be closed on this day.

Councilman Anderson objected to the consideration of the request.

ADJOURN MEETING UNTIL THURSDAY, DECEMBER 26

MOTION

That the meeting be adjourned until 7:30 P.M., December 26, 1957.

Moved by Arata Seconded by Merrill Unanimously carried.

ATTEST: _____
Rex E. Gailfus, City Clerk

Adjourned Council Meeting

December 26, 1957

The Council of the City of Modesto met in adjourned regular session, having adjourned from the Council meeting of December 18, 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, Anderson, Merrill, Robinson and Mayor Pro Tempore Hammond

Absent: Councilman Arata and Mayor Marks

Councilman Arata arrived at 7:43 P.M.

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

Rev. Clifton Keene, pastor of the American SS Union Church, gave the invocation.

COUNCIL CONSENTS TO CONSIDER ITEMS ON AGENDA

Mayor Pro Tempore Hammond asked for unanimous consent of the Council to consider items listed on the agenda, since the meeting had been adjourned from December 18.

MOTION

That the Council consider the items listed on the agenda for the adjourned meeting of December 26, 1957.

Moved by Merrill Seconded by Arata Unanimously carried

APPROVAL OF COUNCIL MINUTES

Council members having received copies of the minutes of the regular meeting of December 11, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM CITY-COUNTY RECORD RE: CALIFORNIA MAYORS' GOODWILL TOUR OF EUROPE 1-20

A letter to Mayor Marks from Milo Johnson, Chairman of Tour Committee for the California Mayors' Goodwill Tour of Europe during the months of July and August of 1958 was read. The letter was ordered referred to Mayor Marks for answering.

LETTER FROM J. G. MEYER, DISTRICT ENGINEER DIVISION OF HIGHWAYS 1-35

A letter was read from J. G. Meyer, District Engineer of District X, Division of Highways, relating to the suggestion offered by former Councilman Annan regarding installation of fountains at the entrances to Modesto on the new freeway, a copy of which had been forwarded by the City Manager.

Mr. Meyer stated that the fountain development might be beyond the public concept of landscaping responsibility of the state but it might be possible to provide on a city-state cooperative basis.

The City Manager stated that the staff would check and work with the state on this matter. The letter was ordered filed by Mayor Pro Tempore Hammond.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON AUTOMOBILES 1-46

The City Manager presented for Council approval specifications calling for the purchase of automotive equipment budgeted for fiscal year 1957-58 and recommended that the date of Monday, January 13 at 2 P.M., be set as the time for the opening of the bids.

RESOLUTION NO. 57-568

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING VARIOUS TYPES OF TRUCKS AND PASSENGER VEHICLES

Introduced by Adams Seconded by Anderson

Ayes: Adams, Anderson, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks and Councilman Arata

FINAL ADOPTION OF ORDINANCE NO. 215-C.S. ELECTRICAL REGULATIONS 1-50

ORDINANCE NO. 215-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE INSTALLATION, REPAIR, OPERATION AND MAINTENANCE OF ELECTRICAL WIRING AND EQUIPMENT, WITHIN THE CITY OF MODESTO, PROVIDING FOR LICENSES, REGISTRATION, PERMITS, INSPECTIONS AND APPROVAL OF ELECTRICAL WORK, THE PAYMENT OF FEES THEREFOR AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF"

introduced on December 18, 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, Anderson, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Councilman Arata and Mayor Marks

INTRODUCTION OF ORDINANCE NO. 216-C.S. RELATING TO DATE FOR COUNCIL MEETINGS WHEN MEETING FALLS ON HOLIDAYS 1-55

As directed by the Council, the City Attorney presented an ordinance for consideration which would provide that "whenever the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday".

ORDINANCE NO. 216-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER 1 OF TITLE 11 OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL MEETINGS"

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

Moved by Robinson Seconded by Anderson

Ayes: Adams, Anderson, Merrill, Robinson, and Mayor Pro Tempore Hammond

Noes: None Absent: Councilman Arata and Mayor Marks

REPORT ON FIRE GRADING MEETING HELD IN SAN FRANCISCO ON NOV. 30. 1-60

The City Manager distributed to the Council, copies of the draft of the minutes of the fire grading meeting held in San Francisco on Nov. 30,

He pointed out that one of the major concerns at the meeting was the increased cost of man power, especially since the fireman's hours are generally being reduced. The Board representatives agreed to work with the cities, on the problem, which would include an analysis of the proper amount of credit to be gained---- 1) where firemen are assigned to duties other than fire fighting and 2) for other personnel which may be assigned to fire fighting duties.

Copies of the report on the procedures being tried out in Winston-Salem, North Carolina will be made available to the Council shortly, the City Manager reported.

REPORT ON TIME SPENT BY FIREMEN ON DUTIES OUTSIDE STATION AND INTENSITY OF FIRES 1-80

As directed by the Council at the budget hearing for the fiscal year, the City Manager presented Part 1 of an analysis of duties performed by firemen in the Modesto Fire Department. The phase covered by the report is "duties performed outside stations" by company and man hours, for a period of one year. The time spent at alarms, fire inspection, drill tower and other miscellaneous duties is shown for both night and day shifts. In-station duties will be shown in a separate report to be submitted shortly after further study which will include "clean-up after the fire", "general maintenance around the station" and "care of hose and equipment".

The report also includes, the City Manager continued, a table on the intensity of the fire as shown by 1) type and duration of fire, 2) equipment used to extinguish fire and 3) company and equipment used.

At the suggestion of the Board of Fire Underwriters, he stated, the report separated out "structural fires". Out of the 442 alarms, 202 involved structures, 195 other and 45 false. The Board has expressed considerable interest in this study and is concerned particularly with the big fires. One of the things being done now by the Chief is review of the larger fires to see "why a big fire". The Board indicates that major causes of big fires are 1) structural conditions, 2) delay in alarms.

The Chief will, in his study of the city's big fires, find out what could have been done to have kept the fire from becoming "big", and whether or not additional man power or equipment or different methods would have minimized the fire.

After all the reports are submitted, the staff believes it will be able to show the Council and the public that the city "can give better service get more for our money and still give the firemen shorter hours", the City Manager stated.

APPROVE APPROPRIATION TRANSFER OF $3000 FOR PAYMENT OF OVERTIME SALARIES AND WAGES FOR FIRE DEPARTMENT PERSONNEL 2-20

The City Manager reported that due to several large fires, the payment of overtime wages to firemen who are called back, was higher than anticipated and additional funds were needed. The Chief is now trying out a different procedure in call back. Men will not be called back until it has been determined there is a fire and their services are actually needed.

The City Manager stated that in his judgment the shorter hours for firemen was not only inevitable but the requirement for a greater productivity during the hours on duty is a "must". He stated that he believed the ultimate will be a "productive 40 hour week" for firemen.

RESOLUTION NO. 57-569

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3000 FROM GENERAL RESERVE TO FIRE DEPARTMENT (SALARIES AND WAGES, OVERTIME)

Introduced by Merrill Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

FURTHER CONSIDERATION ON THE ANNEXATION OF GREGORY GARDEN NO. 4 SUBDIVISION 2-40

A letter from the Modesto City Planning Commission asking that the Council give serious consideration to the authorization of annexation of Gregory Gardens No. 4 Subdivision to the City, was read.

The City Manager noted that when the high school was erected, east of this subdivision, it was proposed that sewage disposal facilities will be furnished by the city and some adjustment in the size of the line will be made which will require a pumping station. If this station is constructed, this subdivision probably could be served. A further check will be made by the staff, he stated, before a recommendation is made to the Council.

The City Manager answered a question from the Council---that whoever would be involved in the sewer service would be required to pay the costs for the pumping plant. The possibility of constructing an additional trunk sewer to connect up with the present trunk line was also to be checked out and included in the report, at the request of Councilman Arata.

The Director of Planning reported on the plans for the development of that portion of the subdivision involved in the Cavil drain, which runs through the center of the area. This information was also to be included in the report by the staff.

CONSIDER FURTHER PROPOSED SUGGESTION PLAN 2-85

Further discussion was held on the proposed suggestion plan procedure, a copy of which had been distributed to the Council for study and held over from the last meeting.

The City Manager stated that the purpose of outlining the procedure in precise detail was that it involved expenditure of public monies. He suggested that if the plan was approved by the Council that it be on a trial basis.

Councilman Anderson questioned whether an employee should be compensated for suggestions and considered it was part of his job to offer suggestions as an incentive for advancing in his position.

Mayor Pro Tempore Hammond stated that a suggestion plan provided the "climate where an employee achieved the proper recognition".

The City Manager pointed out the plan provided an independent route by which an employee could present his ideas to an agency where it could be judged on its own merits. This plan is commonly used by private industries where it has paid rich dividends, he stated.

The Council generally agreed that the suggestion plan was commendable and should be instituted but the procedure should be simplified. The City Manager was asked to prepare a report in brief form for Council consideration at a later meeting.

REQUEST OF TUBERCULOSIS ASSOCIATION FOR PARKING OF MOBILE UNIT ON CITY STREETS 3-120

The City Manager reported that the request filed by the Stanislaus County Tuberculosis and Health Association for permission to park the mobile chest x-ray unit on the streets had been withdrawn.

APPROVE AMENDED AGREEMENT WITH STATE OF CALIFORNIA FOR WALK-WAIT SIGNALS AT ELEVENTH AND J STREET 3-125

The City Attorney presented for Council consideration revised agreement with the state for the installation of walk-wait signals at 11th and J Streets.

RESOLUTION NO. 57-570

A RESOLUTION APPROVING AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE INSTALLATION OF WALK-WAIT PEDESTRIAN SIGNALS AT THE INTERSECTION OF J STREET (X-Sta-109-Mod) AND 11TH STREET IN THE CITY OF MODESTO

Introduced by Arata Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson, Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

FURTHER CONSIDERATION OF ACQUISITION OF PROPERTY FROM OLAF F. HANSON FOR GARRISON PARK 4-05

The City Attorney reported that at the pre-trial conference on the city's condemnation suit against Olaf F. Hanson for the acquisition of property for the Garrison Park site, it was brought out that the description of the property set forth in the complaint did not include a 21' strip of land at the top of the parcel, the ownership of which is in controversy. The reason this strip had not been included was that the city had previously been given a deed from the original subdivider for street purposes and the city has record title. Mr. Hanson, however, claims title by adverse possession by reason of the fact he paid taxes for more than five years and his fence is located on the northern portion of the 21' strip of land. He recommended that the city amend its condemnation proceedings to include the disputed 21' strip of land.

RESOLUTION NO. 57-571

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE A CERTAIN PARCEL OF REAL PROPERTY WITH IMPROVEMENTS THEREON IN THE CITY OF MODESTO TO BE USED FOR PARK PURPOSES

Introcuded by Merrill Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

At the request of Councilman Anderson, the City Attorney explained the city's procedure on obtaining deeds for rights of way without obtaining a policy of title from the Title companies.

FURTHER CONSIDERATION OF THE PROCEDURE FOR CONSIDERING THE PRELIMINARY GENERAL PLAN 4-35

MOTION

That the Council does indicate its approval of the procedure

for considering the preliminary general plan filed by the Advance Planning Department.

Moved by Robinson Seconded by Adams Unanimously carried

Councilman Robinson reported that Dr. Shearn had been named chairman of the committee in the Modesto-Ceres-Empire Area and that Step No. 1 outlined in the proposed procedure report had been carried out.

REPORT ON PROPOSAL FOR INSTALLATION OF ADDITIONAL TRAFFIC SIGNALS 4-46

Copies of a report, dated December 20 from the Traffic Engineer to the City Manager on the subject: "Traffic Signals--New Installation", were distributed to the Council for study. The staff's recommendations on the signals and background shields on old existing signals to be installed this year with funds now available were listed in the report.

The City Manager asked that if there were any questions to be cleared prior to Council consideration, the members contact him.

CONSIDER PURCHASE OF STREET SWEEPER 4-63

The Director of Public Works reported on the investigations made by the staff on the various types of street sweepers and asked for permission to purchase a mobil sweeper without going through the formal bid procedure since the funds had been budgeted and the special type of equipment most suitable to the city's needs could be purchased from one supplier for approximately $10,236.

MOTION

That the staff be authorized to proceed with the purchase of the sweeper as outlined by the Director of Public Works

Moved by Merrill Seconded by Adams Unanimously carried

APPROPRIATION TRANSFER OF FUNDS FOR CONSTRUCTION OF BRIDGE ON TULLY ROAD AT MID LATERAL NO. 3 4-103

The City's share of the estimated cost for the construction of the bridge on Tully Road at the M.I.D. Lateral No. 3, the City Manager reported, would be $7,000.

RESOLUTION NO. 57-572

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $7,000 FROM SPECIAL CAPITAL OUTLAY RESERVE TO SPECIAL CAPITAL OUTLAY

Introduced by Arata Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill, Robinson, Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

ESTABLISH 24 MINUTE PARKING ZONE AT 11th AND NEEDHAM AVENUE 4-114

RESOLUTION NO. 57-573

A RESOLUTION ESTABLISHING A TWENTY-FOUR MINUTE PARKING ZONE ON THE SOUTH SIDE OF NEEDHAM AVENUE BETWEEN ELEVENTH AND TWELFTH STREETS IN THE CITY OF MODESTO.

Introduced by Robinson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill, Robinson, Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

APPROVE AGREEMENT WITH COUNTY FOR REMOVAL OF FILL DIRT FROM MODESTO CITY-COUNTY AIRPORT PROPERTY 4-120

The City Attorney presented for Council approval an agreement between the County and City for the removal by the County of fill dirt from a small triangular parcel of land located on the northeast corner of the Bowen-Hagedorn property purchased for airport purposes, between Finch Road and the new Snowden Avenue.

Approval of the agreement was recommended by the Director of Public Works.

RESOLUTION NO. 57-574

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR REMOVAL OF FILL DIRT FROM MODESTO CITY-COUNTY AIRPORT

Introduced by Arata Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson, Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

REPORT ON LEASE INTEREST OF THE WESTERN UNION COMPANY IN THE OLD MODESTO HOTEL BUILDING 5-10

Councilman Arata, member of the Council Committee, reported on negotiations with the Western Union Company for its removal from the old Hotel Modesto Building. There is a little closer understanding now, he reported. He hoped that a final agreement would be forthcoming.

ADJOURN MEETING TO JANUARY 2 AT 4:00 P.M.

MOTION

That the Council meeting be adjourned until January 2 at 4:00 P.M.

Moved by Anderson Seconded by Merrill Unanimously carried

ATTEST: Rex E. Gailey-aua
REX E. GAILEY, CITY CLERK